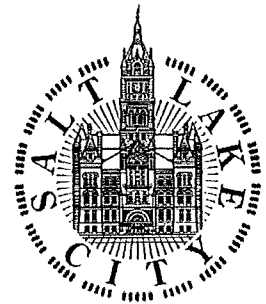


## PLANNING COMMISSION STAFF REPORT

### USE TABLE AMENDMENTS SUSTAINABILITY REGULATIONS

Case #PLNPCM2009-01337

June 23, 2010



Planning and Zoning Division  
Department of Community and  
Economic Development

#### **Applicant**

Mayor Ralph Becker

#### **Staff**

Ray Milliner

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(801)535-7645

#### **Current Zone:**

N/A

#### **Master Plan Designation:**

City Wide

#### **Council District:**

City Wide

#### **Review Standards**

21A.50.050 Standards for General  
Amendments

#### **Affected Text Sections**

- 21A.62 Definitions
- Land Use Tables
- 21A.36 Home Occupations

#### **Notification**

- Notice mailed on June 10, 2010
- Published in Deseret News June 10, 2010
- Posted on City & State Websites June 10, 2010

#### **Attachments**

- A. Proposed Text Amendments
- B. Petition Initiation Request
- C. Public Comment

### ***REQUEST***

On November 18, 2009, Mayor Becker initiated a petition to amend the Salt Lake City Zoning Ordinance to create a series of regulations promoting sustainability throughout the City. Included in this staff report are draft amendments relating to the use tables for the regulation of urban agriculture and large renewable energy sites. The proposed uses associated therein, would be allowed, in some form, throughout the City. Amendments for consideration include

- A. Urban Farms
- B. Community Gardens
- C. Seasonal Farm Stands
- D. Solar Arrays
- E. Large Wind Energy Systems

### ***STAFF RECOMMENDATION***

Staff recommends that the Planning Commission review the proposed modifications to The Land Use Tables, Chapters 21A.36.030, 21A.62, and 21A.40 of the Salt Lake City Zoning Ordinance, and based on the findings in this staff report forward a positive recommendation to the City Council.

## ***Background***

This petition is part of the Sustainable Code Amendment project initiated by Mayor Becker on November 18, 2009; the purpose of the project is to amend the Salt Lake City Zoning Ordinance to create a series of regulations promoting sustainability throughout the City. The initial petition established 10 key components of sustainability including:

- Recycling and waste reduction
- Climate change and air quality
- Energy conservation and renewable energy
- Mobility and transportation
- Open space, parks and trails
- Urban forestry
- Water Quality and conservation
- Food production and nutrition
- Community health and safety
- Housing accessibility and diversity

The City hired Clarion Associates as a consultant on the project, with the goal of creating appropriate zoning, subdivision and site development regulations that will make Salt Lake City one of the most sustainable communities in the Country. Ordinance amendments for each of the above components will be prepared and presented to the Planning Commission and City Council in phases over the next months. The proposals discussed herein are part of the first phase of the project.

Included in this staff report are draft amendments relating to the use tables for the regulation of urban agriculture, and large renewable energy systems. The proposed uses may be allowed, in some form, in most zoning districts throughout the City.

## ***Public Participation***

The proposed amendments were reviewed at an open house on December 17, 2010 and again on April 15, 2010. Public comments received are attached as exhibit C.

Between January and May of 2010, staff met with representatives from Wasatch Community Gardens, the Federal Department of Agriculture, the Business Advisory Board (BAB), the County Health Department and the Historic Landmark Commission to discuss the amendments. They have provided technical input regarding appropriate practice to regulate these uses while mitigating any undesired impacts on residents and local businesses.

Staff has received numerous verbal comments from citizens who are interested in these amendments. Comments have been nearly unanimously in favor of the proposal. Written comments are included in attachment C of this report.

## ***Issue Analysis***

If adopted, the proposed changes would be located in various sections of the Zoning Ordinance. A definition for each use is being proposed, along with qualifying provisions and an amendment to the

table of permitted and conditional uses in the various chapters of the Ordinance. Below is a summary of the changes proposed along with analysis and rationale for the amendments.

## **URBAN FARM**

### **Definition:**

“An Urban Farm” is a farm where food is cultivated, processed and distributed food in or around a residential or commercial area. Urban farming is generally practiced for income earning or food producing activities.”

Urban farms are proposed as a permitted use in most zones including residential and commercial zones. The size of these farms ranges from being located in large rear yards of single family homes, or on vacant lots to large multi-acre operations. Owners grow vegetables, herbs, and flowers that are then sold to consumers. The most common type of urban farm is Community Supported Agriculture, wherein individuals purchase shares of the farm produce prior to the growing season, then receive allotments of the harvest throughout the summer. Produce from urban farms may also be sold at farm stands and farmers markets.

**Issue:** As proposed, these urban farms would be allowed within both commercial and residential zoning Districts. Concerns raised with regard to this use generally revolve around the commercial aspect of the farm in residential zones. Although commercial in nature, urban farms can be very small in size. It is not uncommon to see an urban farm operated in the rear yard of a single family residence. Though small, this use can be a significant source of revenue for an individual selling her produce to restaurants or other people. Hence, the staff recommendation is to allow this use in all residential zones.

Nonetheless, the potential impacts of these farms could be significant. Concerns raised center on employees on site, parking, sensory impacts such as noise and smell, and water usage. The Commission may consider adding qualifying provisions for these or other issues:

- Limit the size of the parcel on which the farm is placed
- Limit the zones where the use is allowed
- In some zones, make the use conditional
- Further limit the hours of operation

### **Affected Code Sections:**

Section 21A.36 Qualifying Provisions; Section 21A.62 Definitions; Section 21A.36.030 amendment to home occupation requirements; and all permitted and conditional use tables.

### **Permitted Zones:**

#### **Residential**

Foothill Residential (FR-1), Foothill Residential (FR-2), Foothill Residential (FR-3), Residential (R-1/12,000), Residential (R-1/7,000), Residential (R-1/5,000), Special Development Pattern Residential (SR-1), Special Development Pattern Residential (SR-3), Single and Two Family Residential (R-2), Low Density Residential (RMF-30), Moderate Density Residential (RMF -35), Moderate/High Density Residential (RMF-45), High Density (RMF-75), Residential/Business (RB), Residential Mixed Use (RMU-35), Residential Mixed Use (RMU-45), Residential Mixed Use (RMU), Residential Office (RO).

## **Commercial**

Neighborhood Commercial (CN), Community Business (CB), Community Shopping (CS), Corridor Commercial (CC), Sugar House Business District (CSHBD), General Commercial (CG), Light Manufacturing (M-1), Heavy Manufacturing (M-2), Central Business (D-1), Downtown Support (D-2), Downtown Warehouse (D-3), Downtown Secondary Central Business (D-4), Gateway Mixed Use (GMU), Research Park (RP), Business Park (BP), Transit Stop Transit Station Area (TSA)

## **Special Purpose**

Agricultural (AG), Agricultural (AG-2), Agricultural (AG-5), Agricultural (AG-20), Open Space (OS), Public Lands (PL), Public Lands (PL-2), Institutional (I), Urban Institute (UI), Mobile Home Park (MH), Mixed Use (MU), Foothills Protection (FP)

## **Qualifying provisions:**

1. **Accessory Buildings:** Storage and tool sheds, greenhouses, and hoop houses associated with urban farms are subject to the standards in Chapter 21A.40, Accessory Uses, Buildings and Structures and the requirements of the International Building Code. Structures, such as coops and pens, associated with the keeping and raising of animals, livestock, and poultry must meet the requirements of Chapter 8.08 of the Salt Lake City Municipal Code, Keeping Animals, Livestock, and Poultry and are subject to the requirements of the adopted Building Code, when applicable.
2. **Riparian Corridor:** Urban farms proposed in a riparian corridor, as defined in Section 21A.34.130 of the Zoning Ordinance shall be subject to all rules and regulations therein.
3. **Storage Requirements:** All flammables, pesticides and fertilizers shall be stored in accordance with the regulations of the Uniform Fire Code and Utah State Department of Agriculture or successor agency. At a minimum, any area where such materials are stored shall have a continuous concrete floor and lip which is tall enough to contain one hundred and ten percent (110%) of the volume of all the materials stored in the area. No pesticides, chemical fertilizers or other hazardous materials shall be stored outside of buildings.
4. **Disposal Requirements:** All flammables, pesticides, fertilizers and other hazardous wastes should be disposed of according to Federal and State requirements.
5. **Large Vehicles:** No vehicles in excess of five (5) tons shall be kept, stored or parked on the property, except that such vehicles may be on the property as necessary for completion of grading performed in accordance with a grading permit issued by the City Building Services Division.
6. **Hours of Operation:** All urban farm related uses shall operate only during daylight hours.
7. **Irrigation Systems.** Sufficient irrigation shall be provided to cover all needs of the urban farm. An irrigation only meter will be required by the Public Utilities Department. Irrigation systems designed for water conservation such as, but not limited to, hand watering, and drip irrigation are strongly encouraged.
8. **Delivery and Pick-up:** In single family and two family zones, delivery and pick-up of products is allowed provided pick-up times are staggered so that one patron is on site at a time.
9. **Parking:** Parking for employees, and patrons of the urban farm shall be provided on site, at a rate of two parking stalls per acre with a minimum of one ADA stall, unless within a single family or two family zoning district. All vehicular circulation, staging, and parking shall be on a hard surface.
10. **On Site Sales and Events:** Products from urban farms may be donated or sold on site provided the following requirements are met:
  - a) The sales stand may not exceed 100 square feet in size.

- b) Signs are allowed as temporary portable signs subject to the regulations in Chapter 21A.46.55 of this ordinance. Signs must be removed immediately following the sale.
  - c) If the stand is located within the public Right-Of-Way a revocable lease agreement from the City is required.
  - d) Sales stands must be setback a minimum of 10 feet from the edge of pavement of a City street.
  - e) All garbage and refuse shall be stored and disposed of in accordance with established Health Department standards.
  - f) Perishable foods must be stored in a vermin-proof area or container when the facility is closed.
11. **Fencing:** Fencing of urban farms shall comply with the standards in Section 21A.40.120, Regulation of Fences, Walls, and Hedges.
12. **License:** A business license is required for an urban farm. When the urban farm is accessory to a residential use, a home occupation license is required.

In addition to the above referenced changes, in order to allow urban farms as a home occupation, it will be necessary to make the following changes to Chapter 21A.36.030 of the Zoning Ordinance. The changes will allow an individual operating an urban farm as a home occupation to sell produce from the residence. Currently the ordinance does not allow the sale of produce from the residential lot.

Not included in the proposed changes is an amendment to allow hired employees as part of an urban farm home occupation. Staff is requesting that the Planning Commission discuss the option of allowing employees as part of a home occupation, and determine whether or not it would be appropriate. Employees would be allowed at an urban farm that is not part of a home occupation in non residential uses.

Proposed amendments are in red:

## **21A.36.030: HOME OCCUPATIONS:**

B. Permitted Home Occupations: Subject to compliance with the standards specified in this section, the following occupations, that do not have the client come to the home, shall be permitted as home occupations subject only to approval by the zoning administrator pursuant to subsection H of this section:

- 1. Artists, illustrators, writers, photographers, editors, drafters, and publishers;
- 2. Consultants, private investigators, field representatives and other similar activities;
- 3. Bookkeeping and other similar computer activities;
- 4. Locksmith;
- 5. Distribution of products ~~grown or~~ assembled at home for off premises sales (such as garden produce, crafts, etc.);
- 6. Janitorial services; and
- 7. Mail order business or sales representative; and
- 8. Distribution of products grown as part of an urban farm for on or off premise sales (such as garden produce).

## **COMMUNITY GARDEN**

**Definition:**

The proposed definition would replace the current definition found in Chapter 21A.62 of the Zoning Ordinance;

~~COMMUNITY GARDEN: The exclusive use of a vacant lot for the growing of garden produce by a nonprofit organization in which food produced is consumed by local needy individuals and families.~~

“Community garden” means an area of land managed and maintained by an individual or group to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption, donation, or sale.”

Community gardens are a type of garden where the property is owned and managed by an individual or group of individuals where food is grown for personal or group use. These gardens could be housed on a vacant lot, in a person's back yard, or in any open space area. Generally, an individual is assigned a “plot” in the garden for which she is responsible, and receives the benefits of her labors.

Community gardens are very popular it's not uncommon for each to have a waiting list for plots. Further, the gardens are proving to be valuable community gathering spaces as it is not uncommon to find individuals from numerous social and economic backgrounds working side by side toward a common goal.

Each garden is unique in the way it is managed, operated and tended. As a result, staff has worked with various entities, to ensure that the base impacts of the use are mitigated while providing operators with the flexibility necessary to create a vibrant, workable community garden.

**Issue:** The impact of a community garden most likely would be similar to those of an urban farm. Community Gardens would be allowed within most zoning districts in the city. Most issues raised with regard to the gardens are associated with the impacts of the use on adjacent properties. Parking, noise, and activities not relating directly to the gardening use have been notable. Staff is requesting that the Commission review the proposed qualifying provisions and determine whether or not they are sufficient to ensure compliance. Proposed language includes:

**Affected Code Sections:**

Section 21A.36 Qualifying Provisions; Section 21A.62 Definitions; and all permitted and conditional use tables.

**Permitted Zones:****Residential**

Foothill Residential (FR-1), Foothill Residential (FR-2), Foothill Residential (FR-3), Residential (R-1/12,000), Residential (R-1/7,000), Residential (R-1/5,000), Special Development Pattern Residential (SR-1), Special Development Pattern Residential (SR-3), Single and Two Family Residential (R-2), Low Density Residential (RMF-30), Moderate Density Residential (RMF -35), Moderate/High Density Residential (RMF-45), High Density (RMF-75), Residential/Business (RB), Residential Mixed Use (RMU-35), Residential Mixed Use (RMU-45), Residential Mixed Use (RMU), Residential Office (RO).

## Commercial

Neighborhood Commercial (CN), Community Business (CB), Community Shopping (CS), Corridor Commercial (CC), Sugar House Business District (CSHBD), General Commercial (CG), Light Manufacturing (M-1), Heavy Manufacturing (M-2), Central Business (D-1), Downtown Support (D-2), Downtown Warehouse (D-3), Downtown Secondary Central Business (D-4), Gateway Mixed Use (GMU), Research Park (RP), Business Park (BP), Transit Stop Transit Station Area (TSA)

## Special Purpose

Agricultural (AG), Agricultural (AG-2), Agricultural (AG-5), Agricultural (AG-20), Open Space (OS), Public Lands (PL), Public Lands (PL-2), Institutional (I), Urban Institute (UI), Mobile Home Park (MH), Mixed Use (MU), Foothills Protection (FP)

## Qualifying provisions:

1. **Accessory Buildings:** Storage and tool sheds, greenhouses and hoop houses associated with community gardens are subject to the standards in Chapter 21A.40, Accessory Uses, Buildings and Structures and the requirements of the International Building Code. Structures, such as coops and pens, associated with the keeping and raising of animals, livestock, and poultry must meet with the requirements of Chapter 8.08 of the Salt Lake City Municipal Code, Keeping Animals, Livestock, and Poultry and are subject to the requirements of the adopted Building Code, when applicable.
2. **Riparian Corridor:** Community gardens proposed in a riparian corridor, as defined in Section 21A.34.130 of the Zoning Ordinance shall be subject to all rules and regulations therein.
3. **Disposal Requirements:** All flammables, pesticides, fertilizers and other hazardous wastes should be disposed of according to Federal and State requirements.
4. **Size:** In residential zones, community gardens less than ½ acre size shall be permitted. Community gardens greater than ½ acre in size shall be reviewed by the Planning Commission as a conditional use, pursuant to the requirements in Section 21A.54 of this ordinance.
5. **Hours of Operation:** In residential zones, community gardens shall operate during daylight hours.
6. **Large Vehicles:** No vehicles in excess of five (5) tons shall be kept or stored on the property, except that such vehicles may be on the property as necessary for completion of grading performed in accordance with a grading permit issued by the City Building Services Division.
7. **Irrigation:** Sufficient irrigation shall be provided to cover all needs of the community garden. An irrigation only meter will be required by the Public Utilities Division. Irrigation systems designed for water conservation such as, but not limited to, hand watering, and drip irrigation are strongly encouraged.
8. **Parking:** Community gardens shall be exempt from the off-street parking requirements of Section 21A.44, Off Street Parking and Loading. All vehicular circulation, staging, and parking provided shall be on a hard surfaced area. Any On-street parking is to comply with the existing roadway status.
9. **On Site Sales and Events:** Products from community gardens may be donated or sold on site provided the following requirements are met:
  - a) The sales stand may not exceed 100 square feet in size.
  - b) Signs are allowed as temporary portable signs subject to the regulations in Chapter 21A.46.55 of this ordinance. Signs must be removed immediately following the sale.
  - c) Sales stands shall be located only along City streets designated as “collector” or “arterial” by the cities major streets plan. If the stand is located within the public Right-Of-Way a revocable lease agreement from the City is required.
  - d) Sales stands must be setback a minimum of 10 feet from the edge of pavement of a City street.

- e) All garbage and refuse shall be stored and disposed of in accordance with established Health Department standards.
- f) Perishable foods must be stored in a vermin-proof area or container when the facility is closed.

10. **Fencing:** Fencing of community gardens will comply with the standards in Section 21A.40.120, Regulation of Fences, Walls, and Hedges.

## **SEASONAL FARM STAND**

Seasonal farm stands are sales tables or kiosks where food crops are sold away from where the food was grown. Traditionally, they will be seen cropping up along highways during the harvest season. They provide farmers with an alternative revenue source from that of selling to a large broker or market. Seasonal farm stands generally operate during the time of year coinciding with the growing season.

### **Definition:**

"Seasonal farm stand" means a sales table, area, or kiosk of food crops and/or non-food, an ornamental crop, such as flowers, that is located off-premise from the location where the food was grown, or when located in any agricultural district, and operates during the time of year coinciding with the growing season.

"Locally Grown" means food crops and or non-food, ornamental crops, such as flowers that are grown within the state of Utah.

**Issue:** As proposed, seasonal farm stands will not be allowed in single family residential zones, as a result, the impacts will be centered only on neighborhood commercial zones, downtown zones, and mixed use zones. When reviewed by the Business Advisory Board, concerns were raised with relation to the ability of the farmer to sell a product without first obtaining the necessary permits and approvals from the Department of Agriculture. Staff researched the issue and found that seasonal farm stands are excluded from regulation by the health department provided certain standards are met (mitigating standards are included in the proposed language). See qualifying provisions.

### **Affected Code Sections:**

Section 21A.36 Qualifying Provisions; Section 21A.62 Definitions; and all permitted and conditional use tables.

### **Permitted Zones:**

#### **Residential**

Residential/Business (RB), Residential Mixed Use (RMU-35), Residential Mixed Use (RMU-45), Residential Mixed Use (RMU).

#### **Commercial**

Residential Office (RO), Neighborhood Commercial (CN), Community Business (CB), Community Shopping (CS), Corridor Commercial (CC), Sugar House Business District (CSHBD), General Commercial (CG), Light Manufacturing (M-1), Heavy Manufacturing (M-2), Central Business (D-1), Downtown Support



(D-2), Downtown Warehouse (D-3), Downtown Secondary Central Business (D-4), Gateway Mixed Use (GMU),

### **Special Purpose**

Agricultural (AG), Agricultural (AG-2), Agricultural (AG-5), Agricultural (AG-20), Open Space (OS), Public Lands (PL), Public Lands (PL-2), Institutional (I), Urban Institute (UI), Mobile Home Park (MH), Mixed Use (MU), Foothills Protection (FP), Transit Stop Area (TSA)

### **Qualifying Provisions:**

1. **Location:** A seasonal farm stand shall be located only along City streets designated as “collector” or “arterial” by the city’s major street plan. If the stand is located within the public Right-Of-Way a revocable lease agreement from the City is required.
2. **Parking:** If the seasonal farm stand is located within an existing parking lot, it shall not remove or encroach upon required parking or loading areas for other uses on the site or impede access to parking or loading areas. All vehicular circulation, staging, and parking provided shall be on a hard surfaced area, any On-street parking shall comply with the existing roadway status.
3. **Duration:** Seasonal farm stands shall operate only during the intermountain region harvest season.
4. **Setback:** Seasonal farm stands must be setback a minimum of 10 feet from the edge of pavement of a City street.
5. **Size:** A seasonal farm stand may not exceed 100 square feet in size.
6. **Food Preparation:** Food preparation is prohibited at farm stands, including food samples.
7. **Signs:** Signs for a seasonal farm stand are allowed as temporary portable signs subject to the regulations in Chapter 21A.46.55 of this ordinance. Signs are not allowed to be placed more than 50 feet from the stand location
8. **Sales:** Food crops and/or non-food, ornamental crops, such as flowers grown locally are allowed to be sold at a seasonal food stand. Prepackaged “shelf stable” foods produced in close proximity to the farm stand may be sold as well, provided they are fully labeled and produced in an approved health department or Utah State Department of Agriculture facility.
9. **Animals:** No live animals, birds, or fowl shall be kept or allowed within 20 feet of any area where food is stored or held for sale. This requirement does not apply to guide dogs, signal dogs, or service dogs.
10. **Garbage:** All garbage and refuse shall be stored and disposed of in accordance with established Health Department standards.
11. **Storage:** Perishable foods must be stored in a vermin-proof area or container when the facility is closed.

## **SOLAR ARRAY**

### **Definition:**

A “solar array” is a principal use of a packaged interconnected assembly of solar cells used to transform solar energy into thermal, chemical, or electrical energy. A solar array uses solar energy for any or all of the following purposes: (1) water heating, (2) space heating or cooling, and (3) power generation.

A solar array is a linked collection of solar panels and cells that in turn are used to generate electric power. These arrays are larger in size and scope to the solar panels used to generate energy for a single family home or small use (They will be addressed in future phases of the sustainability review). Arrays are used to transform solar energy into thermal, chemical and electrical power, are generally attached to

the overall electric grid, and power generated by the use is sold to the electric company (Rocky Mountain Power), as part of a net metering agreement.

**Issue:** At issue with solar arrays are the impacts of the solar panels on adjacent properties. Solar arrays are most effective when placed in a large area with direct sunlight. The effectiveness of the arrays diminishes significantly when shaded. Therefore, screening, and other common techniques for mitigating visual impacts are not viable for the arrays. As a result, staff is proposing that they be allowed only in zones where they can be built on large expanses of land, with limited shading and the impacts adjacent uses are limited by distance, scale and type of use.

### **Affected Code Sections:**

Section 21A.36 Qualifying Provisions; Section 21A.62 Definitions; and all permitted and conditional use tables except residential zones.

### **Permitted Zones:**

#### **Residential**

None

#### **Commercial**

(CG), Light Manufacturing (M-1), Heavy Manufacturing (M-2), Central Business, Research Park (RP), Business Park (BP)

#### **Special Purpose**

Agricultural (AG), Agricultural (AG-2), Agricultural (AG-5), Agricultural (AG-20), Public Lands (PL)

### **Qualifying Provisions:**

1. **Setbacks:** A solar array shall meet all minimum setback requirements for the zone in which it is located. In no case shall a solar array be located less than 6 feet from a property line or other structure.
2. **Height:** A solar array shall not exceed 20 feet in height measured from established grade.
3. **Landscape Buffer:** No landscaped buffer yards shall be required on a site with a solar array as a principal use.
4. **Code Compliance:** Solar arrays are subject to review for compliance with all applicable International Building and Electrical Code requirements by the Salt Lake City Building Services Division.
5. **Solar Easements:** Solar easements are not a requirement for City approval; nonetheless, a property owner who has installed or intends to install a solar array may negotiate a solar easement with adjacent property owners to ensure perpetual sun on the property. Any easement agreed upon must be recorded by the County Recorder.
6. **Electrical Wires:** All electrical wires associated with a solar array, shall be located underground.
7. **Nonmaintained Or Abandoned Arrays:** The building official may require each nonmaintained or abandoned solar array to be removed from the premises when such a system has not been repaired or put into use by the owner, person having control or person receiving benefit of such structure within thirty (30) calendar days after notice of nonmaintenance or abandonment is given to the owner, person having control or person

receiving the benefit of such structure. The city may require a performance bond or other means of financial assurance to guarantee removal of abandoned structures.

8. **Utility Inter-Connection:** No solar array shall be installed that does not meet the requirements of Rocky Mountain Power for an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
9. **Off-Street Parking and Loading:** No additional parking is required for a solar array; however, a solar array may not replace or hinder existing required parking and loading.

## **LARGE WIND ENERGY SYSTEM**

### **Definition:**

A “Large Wind Energy System” is a wind energy conversion system consisting of a wind turbine or group of wind turbines, tower, and associated control or conversion electronics, which has rated capacity of more than 100 kW.

A large wind energy system is one that has a capacity to generate more than 100 Kilowatts of power (The average annual electrical energy consumption of a household in the United States is about 8,900 kilowatt-hours, equivalent to a steady power consumption of about 1 kilowatt, for an entire year). The height of the structures ranges from approximately 60 meters to 90 meters (approximately 200 – 300 feet tall) and the blades range from 20 to 40 meters (65 to 130 ft) in length and rotate at approximately 10 to 22 rotations per minute (at 22 rotations per minute, the tip of the blade is travelling approximately 200 miles per hour).

**Issue:** The primary issue with large wind energy systems is the size and location. In order to operate efficiently, large wind turbines must be located in windy areas. Salt Lake City has very few locations where there is sufficient wind to warrant installation of a turbine, and these locations are generally in residential neighborhoods where the impacts of the towers would be significant. Nonetheless, staff is proposing that they be allowed in zones with no residential uses, and large lot areas that would provide a buffer between uses. As a result, it is unlikely that there will be many large wind energy systems built in the near future, but with the increasing emphasis on finding alternative power sources and the likelihood that technological advances will make windmills viable in less windy areas, it is anticipated that there will be a market for wind energy systems in the proposed zones.

In zones where the impacts are more pronounced, staff is recommending that large wind energy systems be reviewed by the Planning Commission as a conditional use. This will provide policy makers with an opportunity to review and impose conditions of approval to mitigate harmful impacts on adjacent properties.

### **Affected Code Sections:**

Section 21A.36 Qualifying Provisions; Section 21A.62 Definitions; and all permitted and conditional use tables.

### **Permitted/Conditional Use Zones:**

#### **Residential**

None

**Commercial  
Permitted**

Light Manufacturing (M-1), Heavy Manufacturing (M-2)

**Conditional**

Research Park (RP), Business Park (BP)

**Miscellaneous**

**Permitted**

Institutional (I), Urban Institute (UI) Permitted

**Conditional**

Agricultural (AG), Agricultural (AG-2), Agricultural (AG-5), Agricultural (AG-20), Public Lands (PL)  
Open Space (OS), A, Public Land (PL)

**Qualifying Provisions:**

1. **Total Height:** The total height of the large wind energy system shall be limited to 90 meters above existing grade or by FAA regulations, whichever dictates a lower height.
2. **Minimum Lot Size:** 2 Acres
3. **Setbacks:** A tower in a large wind energy system must be set back at least 1.25 times its total height from any property boundary, must be within the buildable area of the lot and at least 1.25 times its total height from any overhead utility power line;
4. **Noise:** Noise emitted from the large wind energy system shall not exceed maximum sound levels set forth in section 9.28 of the *Salt Lake City Code* (Health and Safety: Noise Control).
5. **Blade Clearance:** The vertical distance from existing grade to the tip of a wind generator blade when the blade is at its lowest point must be at least 15 feet.
6. **Electrical Wires:** All electrical wires associated with a large wind energy system, other than wires necessary to connect the wind turbine to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
7. **Lighting:** Lighting of tower(s) and turbine(s) is prohibited except where required by the Federal Aviation Administration.
8. **Appearance, Color, and Finish:** The wind turbine and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer.
9. **Signs:** All signs are prohibited, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind turbine, tower, building, or other associated structure.
10. **Utility Inter-Connection:** No large wind energy system shall be installed that does not meet the requirements of Rocky Mountain Power for an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
11. **Nonmaintained Or Abandoned Facilities:** The building official may require each nonmaintained or abandoned large wind energy system to be removed from the premises at the cost of the owner when such a system has not been repaired or put into use by the owner, person having control or person receiving benefit of such structure within thirty (30) calendar days after notice of nonmaintenance or abandonment is given to the owner, person having control or person receiving the benefit of such structure. The city may require a performance bond or other means of financial assurance to guarantee removal of abandoned structures.

12. **Off-Street Parking or Loading Requirements:** None. A large wind energy system shall not remove or encroach upon required parking or loading areas for other uses on the site or access to such parking or loading areas. All vehicular circulation, staging, and parking provided shall be on a hard surface.

## **STANDARDS FOR GENERAL AMENDMENTS**

A decision to amend the text of the Zoning Ordinance or the Zoning Map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the City Council should consider the following factors:

- 1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;**

**Discussion:** The promoting sustainability is a priority in Salt Lake City, and is addressed, or is scheduled to be addressed in all master plan documents in the City. The proposed Ordinance amendments are written to mitigate issues in potentially high-impact districts, while enabling sustainable uses in the various zones throughout the City.

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

- 2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance.**

**Analysis:** Chapter 21A.02.030: of the Zoning Ordinance states:

### **“PURPOSE AND INTENT:**

The purpose of this title is to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the city, and to carry out the purposes of the municipal land use development and management act, title 10, chapter 9, of the Utah Code Annotated or its successor, and other relevant statutes. This title is, in addition, intended to:

- a. Lessen congestion in the streets or roads;
- b. Secure safety from fire and other dangers;
- c. Provide adequate light and air;
- d. Classify land uses and distribute land development and utilization;
- e. Protect the tax base;
- f. Secure economy in governmental expenditures;
- g. Foster the city's industrial, business and residential development; and
- h. Protect the environment. (Ord. 26-95 § 2(1-3), 1995)”

The proposed changes to the ordinance will further the purpose statement of the Zoning Ordinance by enabling urban agriculture and alternative energy systems in various zones throughout the City. Specifically these uses are consistent with intent statements c, d, e, g and h. By enabling the uses, individuals will be able to work more efficiently in community gardens and sell locally grown foods and products thereby lessening the need for imported foods and reducing the environmental impacts from

transportation, air pollution etc. Amendments allowing renewable energy sources will enable citizens to create new sources of energy while lessening overall dependence on fossil fuels, which also decreases air pollution.

The qualifying provisions for each use are designed to protect citizens from harmful impacts and to further foster responsible application of the uses while providing decision makers with an opportunity to mitigate impacts through the conditional use process (large wind energy systems). These modifications create qualifying provisions that will facilitate mitigation of adverse impacts on neighboring property owners and will clarify sections of the ordinance that were not clear or concise.

**Finding:** Staff finds that the proposed changes to the Zoning Ordinance are consistent with the overall purpose of the Zoning Ordinance as stated in Chapter 21A.02.030.

**3. Whether a proposed text amendment is consistent with the purposes and 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.

**Finding:** The proposed text amendment meets this standard.

**4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.**

**Discussion:** The proposed text amendments mirror current trends in community sustainability, by providing alternatives for renewable energy and food production systems. These amendments will update planning practices that create and maintain efficient infrastructure, foster close-knit neighborhoods, a sense of community, and preserve natural habitat.

**Finding:** The proposed text amendment implements the best current practices in urban planning and design.

***Attachment A***  
Proposed Amendment

Use	Residential Zones																	
	FR-1	FR-2	FR-3	R-1/12,000	R-1/7,000	R-1/5,000	SR-1	SR-2	SR-3	R-2	RMF-30	RMF-35	RMF-45	RMF-75	RB	R-MU-35	R-MU-45	R-MU
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<b>URBAN FARM</b>																		
Definition:	Commercial Zones																	
"An Urban Farm" is a farm where food is cultivated, processed and distributed food in or around a residential or commercial area. Urban farming is generally practiced for income earning or food producing activities.	RO	CN	CB	CS	CC	CSHBD <sup>1</sup>	CG	TC-75	M-1	M-2	D-1	D-2	D-3	D-4	G-MU	RP	BP	FP
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
<b>Special Purpose Zones</b>																		
	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU	TSA			
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

**Qualifying:**

- Accessory Buildings:** Storage and tool sheds, greenhouses, and hoop houses associated with urban farms are subject to the standards in Chapter 21A.40, Accessory Uses, Buildings and Structures and the requirements of the International Building Code. Structures, such as coops and pens, associated with the keeping and raising of animals, livestock, and poultry must meet the requirements of Chapter 8.08 of the Salt Lake City Municipal Code, Keeping Animals, Livestock, and Poultry and are subject to the requirements of the adopted Building Code, when applicable.
- Riparian Corridor:** Urban farms proposed in a riparian corridor, as defined in Section 21A.34.130 of the Zoning Ordinance shall be subject to all rules and regulations therein.
- Storage Requirements:** All flammables, pesticides and fertilizers shall be stored in accordance with the regulations of the Uniform Fire Code and Utah State Department of Agriculture or successor agency. At a minimum, any area where such materials are stored shall have a continuous concrete floor and lip which is tall enough to contain one hundred and ten percent (110%) of the volume of all the materials stored in the area. No pesticides, chemical fertilizers or other hazardous materials shall be stored outside of buildings.
- Disposal Requirements:** All flammables, pesticides, fertilizers and other hazardous wastes should be disposed of according to Federal and State requirements.
- Large Vehicles:** No vehicles in excess of five (5) tons shall be kept, stored or parked on the property, except that such vehicles may be on the property as necessary for completion of grading performed in accordance with a grading permit issued by the City Building Services Division.
- Hours of Operation:** All urban farm related uses shall operate only during daylight hours.
- Irrigation Systems:** Sufficient irrigation shall be provided to cover all needs of the urban farm. An irrigation only meter will be required by the Public Utilities Department. Irrigation systems designed for water conservation such as, but not limited to, hand watering, and drip irrigation are strongly encouraged.
- Delivery and Pick-up:** In single family and two family zones, delivery and pick-up of products is allowed provided pick-up times are staggered so that one patron is on site at a time.
- Parking:** Parking for employees, and patrons of the urban farm shall be provided on site, at a rate of two parking stalls per acre with a minimum of one ADA stall, unless within a single family or two family zoning district. All vehicular circulation, staging, and parking shall be on a hard surface.
- On Site Sales and Events:** Products from urban farms may be donated or sold on site provided the following requirements are met;
  - The sales stand may not exceed 100 square feet in size.
  - Signs are allowed as temporary portable signs subject to the regulations in Chapter 21A.46.55 of this ordinance. Signs must be removed immediately following the sale.
  - Sales stands shall be located only along City streets designated as "collector" or "arterial" by the cities major streets plan. If the stand is located within the public Right-Of-Way a revocable lease agreement from the City is required.
  - Sales stands must be setback a minimum of 10 feet from the edge of pavement of a City street.
  - All garbage and refuse shall be stored and disposed of in accordance with established Health Department standards.
  - Perishable foods must be stored in a vermin-proof area or container when the facility is closed.
- Fencing:** Fencing of urban farms shall comply with the standards in Section 21A.40.120. Regulation of Fences, Walls, and Hedges.
- License:** A business license is required for an urban farm. When the urban farm is accessory to a residential use, a home occupation license is required.



**DRAFT USE TABLE**  
**Community Garden**

Use	Residential Zones																	
	FR-1	FR-2	FR-3	R-1/12,000	R-1/7,000	R-1/5,000	SR-1	SR-2	SR-3	R-2	RMF-30	RMF-35	RMF-45	RMF-75	RB	R-MU-35	R-MU-45	R-MU
COMMUNITY GARDEN	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Commercial Zones																	
	RO	CN	CB	CS	CC	CSHBD	CG	TC-75	M-1	M-2	D-1	D-2	D-3	D-4	G-MU	RP	BP	FP
	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Special Purpose Zones																	
	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU				
	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Qualifying:																		
<p>1. <b>Accessory Buildings:</b> Storage and tool sheds, greenhouses and hoop houses associated with community gardens are subject to the standards in Chapter 21A.40, Accessory Uses, Buildings and Structures and the requirements of the International Building Code. Structures, such as coops and pens, associated with the keeping and raising of animals, livestock, and poultry must meet with the requirements of Chapter 8.08 of the Salt Lake City Municipal Code, Keeping Animals, Livestock, and Poultry and are subject to the requirements of the adopted Building Code, when applicable.</p> <p>2. <b>Riparian Corridor:</b> Community gardens proposed in a riparian corridor, as defined in Section 21A.34.130 of the Zoning Ordinance shall be subject to all rules and regulations therein.</p> <p>3. <b>Disposal Requirements:</b> All flammables, pesticides, fertilizers and other hazardous wastes should be disposed of according to Federal and State requirements.</p> <p>4. <b>Size:</b> In residential zones, community gardens less than ¼ acre size shall be permitted. Community gardens greater than ½ acre in size shall be reviewed by the Planning Commission as a conditional use, pursuant to the requirements in Section 21A.54 of this ordinance.</p> <p>5. <b>Hours of Operation:</b> In residential zones, community gardens shall operate during daylight hours.</p> <p>6. <b>Large Vehicles:</b> No vehicles in excess of five (5) tons shall be kept or stored on the property, except that such vehicles may be on the property as necessary for completion of grading performed in accordance with a grading permit issued by the City Building Services Division.</p> <p>7. <b>Irrigation:</b> Sufficient irrigation shall be provided to cover all needs of the community garden. An irrigation only meter will be required by the Public Utilities Division. Irrigation systems designed for water conservation such as, but not limited to, hand watering, and drip irrigation are strongly encouraged.</p> <p>8. <b>Parking:</b> Community gardens shall be exempt from the off-street parking requirements of Section 21A.44, Off Street Parking and Loading. All vehicular circulation, staging, and parking provided shall be on a hard surfaced area. Any on-street parking is to comply with the existing roadway status.</p> <p>9. <b>On Site Sales and Events:</b> Products from community gardens may be donated or sold on site provided the following requirements are met;</p> <p>a) The sales stand may not exceed 100 square feet in size.</p> <p>b) Signs are allowed as temporary portable signs subject to the regulations in Chapter 21A.46.55 of this ordinance. Signs must be removed immediately following the sale.</p> <p>c) Sales stands shall be located only along City streets designated as "collector" or "arterial" by the cities major streets plan. If the stand is located within the public Right-Of-Way a revocable lease agreement from the City is required.</p> <p>d) Sales stands must be setback a minimum of 10 feet from the edge of pavement of a City street.</p> <p>e) All garbage and refuse shall be stored and disposed of in accordance with established Health Department standards.</p> <p>f) Perishable foods must be stored in a vermin-proof area or container when the facility is closed.</p> <p>10. <b>Fencing:</b> Fencing of community gardens will comply with the standards in Section 21A.40.120, Regulation of Fences, Walls, and Hedges.</p>																		

**DRAFT USE TABLE**  
**Seasonal Farm Stand**

[illegible]

**DRAFT USE TABLE**

**Solar Array**

Use	Residential Zones																				
	FR-1	FR-2	FR-3	R-1/12,000	R-1/7,000	R-1/5,000	SR-1	SR-2	SR-3	R-2	RMF-30	RMF-35	RMF-45	RMF-75	RB	R-MU-35	R-MU-45	R-MU			
<b>SOLAR ARRAY</b>  Definition: A "solar array" is a principal use of a packaged interconnected assembly of solar cells used to transform solar energy into thermal, chemical, or electrical energy. A solar array uses solar energy for any or all of the following purposes: (1) water heating, (2) space heating or cooling, and (3) power generation.	RO	CN	CB	CS'	CC	C5HBD'	CG		TC-75	M-1	M-2	D-1	D-2	D-3	D-4	G-MU	RP	P	BP	FP	
	Commercial Zones																				
	Special Purpose Zones																				
	AG	AG-2	AG-5	AG-20	OS	NOS		P	P	PL	PL-2	-	UI	MH	EI	MU	TSA				
	P											P									
Qualifying Provisions:																					
<p>1. <b>Setbacks:</b> A solar array shall meet all minimum setback requirements for the zone in which it is located. In no case shall a solar array be located less than 6 feet from a property line or other structure.</p> <p>2. <b>Height:</b> A solar array shall not exceed 20 feet in height measured from established grade.</p> <p>3. <b>Landscaped Buffer:</b> No landscaped buffer yards shall be required on a site with a solar array as a principal use.</p> <p>4. <b>Code Compliance:</b> Solar arrays are subject to review for compliance with all applicable International Building and Electrical Code requirements by the Salt Lake City Building Services Division.</p> <p>5. <b>Solar Easements:</b> Solar easements are not a requirement for City approval; nonetheless, a property owner who has installed or intends to install a solar array may negotiate a solar easement with adjacent property owners to ensure perpetual sun on the property. Any easement agreed upon must be recorded by the County Recorder.</p> <p>6. <b>Electrical Wires:</b> All electrical wires associated with a solar array, shall be located underground.</p> <p>7. <b>Nonmaintained Or Abandoned Arrays:</b> The building official may require each nonmaintained or abandoned solar array to be removed from the premises when such a system has not been repaired or put into use by the owner, person having control or person receiving benefit of such structure within thirty (30) calendar days after notice of nonmaintenance or abandonment is given to the owner, person having control or person receiving the benefit of such structure. The City may require a performance bond or other means of financial assurance to guarantee removal of abandoned structures.</p> <p>8. <b>Utility Inter-Connection:</b> No solar array shall be installed that does not meet the requirements of Rocky Mountain Power for an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.</p> <p>9. <b>Off-Street Parking and Loading:</b> No additional parking is required for a solar array; however, a solar array may not replace or hinder existing required parking and loading.</p>																					

# DRAFT USE TABLE

## Wind Energy System

[illegible]



**From:** Bentley, Alene [mailto:Alene.Bentley@PacifiCorp.com]  
**Sent:** Monday, May 17, 2010 5:37 PM  
**To:** Coffey, Cheri  
**Cc:** Milliner, Ray; Stewart, Casey  
**Subject:** RE: Sustainability Code Revisions

Cheri,  
Thanks for giving Rocky Mountain Power an opportunity to offer input. It's critical for customers to understand the requirements of a generation project up-front so it's designed and installed properly.

We suggest that the wind spec should include the same code compliance provision as the solar array spec. It would also be helpful to specifically state that installations must meet electric utility clearance requirements (even though it's implied through state law and National Electric Safety Code requirements), especially since these installations, which generate electric power, could be interpreted as synonymous with electric utility facilities.  
Alene

Alene E. Bentley  
Rocky Mountain Power  
201 South Main Street, Suite 2300  
Salt Lake City, UT 84111  
801.220.4437 (office)  
801.910.6527 (cell)  
801.220.3116 (fax)

**From:** James Bennett [mailto:JBennett@slco.org]  
**Sent:** Tuesday, May 11, 2010 12:11 PM  
**To:** Coffey, Cheri; Milliner, Ray  
**Subject:** RE: Sustainability Code Revisions

I have read through the tables as have been sent, we do have some recommended changes. At this time we are gathering the correct information from our contacts and will forward that information to you shortly. In many of the references that you refer back to the Health Department, the appropriate agency should be the State Department of Agriculture. We do also have some concerns relating to the noise standards and believe it would be more prudent to make these references back to the specific City noise code section rather than listing a specific measurement. If it is left as a specific measurement, it would make it a mess to have to go back at a later date to change each specific standard if the noise code is amended, as our Department is currently considering.

Thanks

James F. Bennett, LEHS  
Environmental Health Compliance Officer  
Salt Lake Valley Health Department  
788 E Woodoak Lane  
Murray, UT 84107  
Voice: 801-313-6668  
Fax: 801-313-6669  
Email: [jbennett@slco.org](mailto:jbennett@slco.org)  
[www.slvhealth.org](http://www.slvhealth.org)

***Attachment C:***  
Department Comments

**From:** Duer, Stephanie  
**Sent:** Friday, May 21, 2010 6:56 AM  
**To:** Niermeyer, Jeff; Briefer, Laura; Stewart, Brad  
**Subject:** commnets on draft use tables

Seasonal Farmstand: Will they be using 1) water for washing or 2) coolers with ice/water for storing? Could there be residues in that water we don't want down the stormdrain? This doesn't address this type of disposal in any way.

And why June 1 (there are crops produced earlier than that...just a notion.

Community Gardens:

- 1) require specific water efficiencies
- 2) require irrigation-only meter
- 3) are there issues with properties adjacent to riparian corridor protection areas? Not addressed at all.
- 4) are there issues with stormwater run-off pertaining to pesticide use that we want to address?
- 5) "hours of operation" missing language
- 6) "sales" references urban farms, not community gardens

Urban Farms:

- 1) are there issues pertaining to properties adjacent to riparian corridor? Pesticide use and run-off? invasive species?
- 2) do we want to address stormwater quality issues and pesticide run-off ?
- 3) I didn't see reference to size...do we want to require irrigation-only meters? Require irrigation efficiencies as defined in landscape code if the farm is commercial?

Stephanie



May 12, 2010

Ray Milliner, Planning

Re: Sustainability Code revisions – Use Tables

The division of transportation review comments and recommendations are as follows:

Solar Array.

The last sentence, “Off-Street Parking and Loading: No additional parking is required for a solar array; however, a solar array may not replace or hinder existing parking and loading.”

We suggest , “Off-Street Parking and Loading: No additional parking is required for a solar array; however, a solar array may not replace or hinder existing required parking and loading.”

In the chart the “P” permitted use is not noted in many of the areas. Is solar array different from solar panels? (residential roof top applications etc.).

Large Wind Energy System.

No parking required; All vehicular circulation, staging, and parking provided is to be on a hard surface.

Urban Farm.

Parking: Parking for employees, and patrons of the urban farm shall be provided on site, at the rate of two parking stalls per acre, with a minimum of one ADA stall. All vehicular circulation, staging, and parking is to be on a hard surface.

Community Garden.

Parking: Community gardens shall be exempt from off-street parking requirements of section 21A.44, Off Street Parking and Loading. All vehicular circulation, staging, and parking provided is to be on a hard surfaced area, any On-street parking is to comply with the existing roadway status.

Seasonal Farm Stand.

Location: Residential zoning districts, Seasonal Farm Stands shall be located only along streets designated as “collector” or “arterial” on the adopted City Street Classification Map.

In some areas there is “no stopping, standing, or parking” along the roadway.

Setback: Seasonal farm stands must be setback a minimum of 10 feet from the edge of pavement of a City street.

This would indicate that it is possible located within the public ROW and will require a revocable lease agreement and DRT review. It may also be located within an existing parking lot etc. and needs to be subject to: Shall not remove or encroach upon required parking or loading areas for other uses on the site or access to such parking or loading areas. All vehicular circulation, staging, and parking provided is to be on a hard surfaced area, any On-street parking is to comply with the existing roadway status.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.  
Randy Drummond, P.E.

Peggy Garcia, Public Utilities  
Ted Itchon, Fire  
Larry Butcher, Permits  
John Spencer, Property Management  
File.

**From:** McCandless, Allen  
**Sent:** Monday, May 24, 2010 1:34 PM  
**To:** Coffey, Cheri  
**Subject:** RE: Sustainability Regulations

Cheri,

I reviewed the attached use tables for the various zones that included the A-airport district. I do not observe any impacts to the airport or to airport operations and have no additional corrections. Thank you for including our comments from last October regarding these ordinance changes. *–Allen McCandless*

We don't have any comments on the proposed changes to the Zoning Ordinance Use Tables.

Justin

**Justin D. Stoker, PE, LEED® AP, CFM**  
**Salt Lake City Public Utilities**  
1530 S. West Temple, SLC, UT 84115  
ph. (801) 483-6786 - [justin.stoker@slcgov.com](mailto:justin.stoker@slcgov.com)



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