Staff Report

PLANNING DIVISION
COMMUNITY & NEIGHORHOOD DEVELOPMENT

To: Salt Lake City Planning Commission

From: Nick Norris, 801-535-6173, nick.norris@slcgov.com

Date: November 18, 2020

Re: PLNPCM2020-00606 Special Exception Changes Text Amendment

Zoning Text Amendment

REQUEST:

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

RECOMMENDATION:

Based on the findings listed in the staff report, the Planning Division recommends that the Planning Commission forward a favorable recommendation for the text amendment request to the City Council.

ATTACHMENTS:

A. Quick guide of changes to each special exception

B. Proposed Text Amendment

C. Analysis of Zoning Amendment Factors

D. Public Outreach Summary

E. Department Review Summary

Petition Description

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

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

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

What is a special exception?

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

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

Proposed Changes

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

Applicable Review Processes and Standards

Review Processes: Zoning Text Amendment

Zoning text amendments are reviewed against four considerations, pertaining to whether proposed code is consistent with adopted City planning documents, furthers the purposes of the zoning ordinance, are consistent with other overlay zoning codes, and the extent they implement best professional practices. Those considerations are addressed in Attachment C.

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

- removing processes that are preventing staff resources from being allocated to growth related issues,
- modernizing the zoning ordinance by removing outdated regulations and processes (such as special exceptions that are rarely, if ever, applied for),

- removing regulations that restrict property rights and that do not reflect current trends in how property is used for accessory and ancillary land uses, and
- removing regulations that are not necessary to protect and further the health, safety, and welfare of the neighborhoods located in the city.

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

Community Input

Public Outreach is summarized in Attachment D and includes who was noticed, when the notice was sent, presentation and meetings held, and submitted comments. Below is a discussion of the key issues identified by the community, how the comments relate to the proposal, and how the comments were reflected in the proposed update. The following issues were identified through the public engagement process as of October 31, 2020:

1. Outdoor Dining

The Department of Community and Neighborhoods have had several recent complaints about outdoor dining and the impact to adjacent and nearby neighbors. The primary complaints involve noise, proximity to property lines, and businesses not obtaining special exception approvals. The proposed changes would allow outdoor dining as a permitted use to a restaurant, coffee shop, or other food serving business. The proposal maintains some existing standards and adds some new standards:

- A ten-foot setback for outdoor dining when located next to a residential zoning district (new);
- Limits amplified and live music to decibel levels required by the Salt Lake County Health Department and places hours that music can be played outdoors when the business is adjacent to a residential zoning district.

2. Fence Heights and buffering

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

3. Discrepancy with Special Exception Approvals

The Planning Division did hear from a resident of the East Bench Neighborhood regarding special exception approvals. The resident indicated that the process was used to create inequities in property rights, with some property owners benefiting from the process and then using the public process to deny other nearby property owners of the same benefits. The Planning Division has heard similar complaints from applicants and the process does create the potential for an applicant to gain approval if the neighbors are favorable towards a proposal and be denied or have a more rigorous approval process if the neighbors are not in favor. Special exceptions are an administrative process because the PC is the approval authority. The PC does have discretion in the process because the current standards are subjective, and applicants are not being denied a property right because the applicant typically has the option to comply with the zoning requirements without the need for a special exception. No changes were necessary from this comment.

4. Noncomplying Issues

Public comment was received identifying that many properties in the city likely have some level of noncompliance due to the age of the building and changing zoning regulations. The comment indicated that noncomplying issues should be resolved easily and retain property rights. There are changes to chapter 21A.38, which regulates nonconforming uses and noncomplying structures that accomplish this by simplifying the regulations and reducing the need to submit land use applications.

5. Front yard Parking

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

6. Unit Legalizations

The comments received regarding unit legalizations focused on the need for the definition of a unit to be applied more uniformly and updated if needed. This is separate from this proposal. The comment including inconsistent application of the definition to include things such as water heaters. The zoning definition of a dwelling unit is:

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

It should be noted that this definition is being changed slightly as part of the Shared Housing (formerly known as SROs) zoning amendment. The changes address a shared housing unit not being fully self-contained. No changes were made to this proposal in response to this comment.

7. Vintage Signs

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

8. Inline Additions

A comment was received about the need to maintain inline additions as an option to provide flexibility when designing additions that fit in with the characteristics of the built environment. This is a true statement. This issue was also identified by the Planning Commission with a

recommendation to find a way to maintain inline additions in the side yard. Options are discussed in the next section of this report.

Inline additions within side yards do create new impacts that the adjacent property owner may not have anticipated. The impacts often cited by the public when reviewing an inline addition within a side yard include privacy and shadowing. Privacy impacts include how windows are aligned with windows on neighboring properties and expanding the living space so that adjacent rear yards are less secluded. Issues associated with shadowing are identified when the proximity of the addition starts to shade a portion of a neighboring yard that was not previously in the shade. Trees and fences also create shading issues, fences are shorter than building walls and tree heights are not regulated by city ordinances.

The remaining processes in the zoning ordinance do not contain similar flexibility or do not contain standards that help determine if an inline addition within a side yard is appropriate. The closest process is the design review process. That process does not contain specific standards about inline additions and would require some standards be added in order to be a useful tool for inline additions.

9. HVAC Locations and Setbacks

HVAC equipment is generally required to be at least 4 feet from a property line and are not allowed to be in a required front yard setback. An average of 11 applications per year are made requesting to locate HVAC equipment within four feet of a property line or within a required front yard. In response to this comment, the proposal was modified to add flexibility, such as allowing the equipment in a front yard if it is located within 4 feet of the building, at least 10 feet from the front property line, and screened. There was a public comment that suggested that mechanical equipment may be appropriate if it was within 4 feet of a property line and adjacent to a driveway on a neighboring property. This was added as an allowed encroachment when next to a driveway, parking area, or an accessory building provided a 2-foot setback is maintained to allow future maintenance without the need to use adjacent property to access the equipment.

PLANNING COMMISSION RECOMMENDATIONS:

The following section outlines the recommended changes made by the Planning Commission during the work session held on September 30, 2020.

1. Inline Additions

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

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

noncomplying side yards and suggested limited those additions to single story in height or rethinking how building height is measured.

The Division created a proposal that would allow an inline addition within a noncomplying side yard provided:

- The addition is limited to a single story;
- The addition maintains the exterior wall height (or lower) of the existing building;
- The addition can extend the existing noncomplying exterior wall no more than 20% in length.

These provisions provide some flexibility in the regulations and reduce the potential impacts to neighbors. The proposal would allow the extension "by-right" and there would be no public process for meeting the provisions. An additional suggestion was to allow an addition to extend a noncomplying wall by up to 50% of the existing wall, but no more than 16 feet, which would be enough to accommodate an additional room within the building. The Commission can decide which option is best upon considering impacts and the need to be flexibility and allow for growth within existing buildings to better accommodate changing housing needs.

The HLC would retain the ability to modify setbacks within historic districts, which cover significant portions of the city. The provisions for inline additions would not apply to properties within the H Historic Preservation Overlay District because the H Overlay already has standards and processes to address additions with noncomplying setbacks.

2. Front Yard Parking

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

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

3. Additional Height for Accessory Structures

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

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

Several issues were identified by Planning staff regarding extra height and the likelihood for it to promote second story use in accessory buildings. The existing special exception for extra height in accessory buildings limited the extra height to storage purposes and did not allow windows to face a neighboring yard. The use of the secondary story requires a separate special

exception under the current code. However, with the proposed changes, second story use would be permitted.

4. Commercial Building Height

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

5. Ground Mounted Utility Boxes

The recommendation from the City is to prohibit ground mounted utility boxes in public rights of way when the utility box is only serving private development. The reason for this change is because the private development benefits from placing the boxes in the rights of way because doing so does not require space on private property for private infrastructure. However, this creates long term planning issues for the City because those boxes will never be able to be moved out of the right of way if the City desires or needs to make changes to the rights of way. Examples include planting trees, expanding underground infrastructure (such as water pipes, storm drainage, or sewer lines), widening sidewalks, adding grade separate bike lanes, managing curb space, and other public uses within the ROW. This section was modified to require utility provider approval for location and access to utility boxes, setbacks from property line of one foot, and multiple requirements for locating a box in the ROW (each requirement must be satisfied) only when the box is necessary for neighborhood wide service and when an existing building on the property is being reused and there is no other location on the subject property.

HISTORIC LANDMARK COMMISSION RECOMMENDATIONS:

The Historic Landmark Commission held a public hearing on the proposed changes on November 5, 2020. There was one public comment in support of the proposed changes as it retains the HLC ability to make modifications to lot and bulk requirements but simplifies the process to do so. The HLC passed a motion unanimously recommending that the City Council adopt the proposed changes.

DISCUSSION:

The proposed code updates have been reviewed against the Zoning Amendment consideration criteria in Attachment C. The proposed code changes implement best practices by ensuring the code is up to date, does not conflict with other applicable State or City Code, and complies with the City's zoning purposes by ensuring that City ordinances can be legally administered and enforced.

Due to these considerations, staff is recommending that the Commission forward a favorable recommendation on this request to the City Council.

NEXT STEPS:

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

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

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

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

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

ATTACHMENT A: **Quick Guide**

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

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

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

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

Additional building height in commercial districts: deleted special exception; standards added to allow 10% increase on sloping lots.

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: Standards added to allow front yard parking in very limited instances.

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: standards updated to allow equipment in additional situations when there is no impact or the equipment is screened.

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; allowed in a limited manner in side yards.

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: prohibited in the public right of way unless the box serves a broader area than just a private development and with specific standards; location requirements on private property added. Size limitations deleted.

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

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

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

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

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

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

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

Horizontal inline additions: permitted to match existing portions of buildings that do not meet setback when the addition is in the front or rear yards, with limited application 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 be allowed in very limited instances.

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

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

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

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

ATTACHMENT B: **Proposed Code Changes**

Special Exception Code Changes

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

- Amends section 21A.06.050 C 6 HLC Authority to review certain applications
- Deletes section 21A.24.010 P 2 Height special exception in foothill districts
- Amends section 21A.24.010 P 6 Grade changes in foothill districts
- Amends section 21A.24.050.D.6.a Extra height in R-1/12,000 district
- Amends section 21A.24.060.D.6.a Extra height in R-1/7,000 district
- Amends sections 21A.24.070.D.6.a Extra height in R-1/5,000 district
- Amends section 21A.24.080.D.6.a Extra height in SR-1 and SR-districts
- Amends section 21A.24.100.D.6.a Extra height in SR-3 district
- Amends section 21A.24.110.D.6.a Extra height in R-2 district
- Amends section 21A.26.010.J Extra height in commercial districts
- Amends section 21A.32.100.D.3 Recreational equipment heights
- Adds section 21A.32.100.D.4 Exempts public utility infrastructure from height limits
- Amends section 21A.32.100 H lighting of sports fields
- Amends section 21A.34.120.G Garages in hill sides within the Yalecrest Overlay District
- Amends section Table 21A.36.020.B Obstructions in required yards
- Amends section 21A.36.350.A.3 fence height associated with homeless resource centers
- Amends section 21A.38.040.H.2 enlargement of structure with a nonconforming use
- Amends section 21A.38.050.A changes to noncomplying buildings
- Amends section 21A.38.050.G replacement of noncomplying buildings
- Amends section 21A.38.060 subdividing noncomplying lots with multiple principle buildings
- Amends section 21A.38.070 legal conforming single family, two family, and twin homes in zoning districts that do not allow these uses
- Adds new section 21A.38.075 moving and modifying unit legalization process and standards
- Amends section 21A.40.040 accessory use limitations
- Adds section 21A.40.050.A.6 accessory structures on double frontage lots
- Amends section 21A.40.050.C height of accessory structures
- Amends section 21A.40.065 outdoor dining
- Amends section 21A.40.090.D HAM radio tower regulations
- Amends section 21A.40.090.E.3.b electrical equipment associated with wireless telecommunication facilities
- Adds new section 21A.40.100 Mechanical Equipment
- Amends section 21A.40.120.I Barbed Wire Fences
- Amends section 21A.40.120.J Razor Wire Fences
- Amends section 21A.40.120.L Electric Security Fences
- Amends section 21A.40.130 Access for Persons with Disabilities
- Amends section 21A.40.160 Ground mounted Utility Boxes
- Amends section 21A.44.090 Parking Modifications (this is the proposed parking chapter, not the current parking chapter)
- Amends section 21A.46.070.V Historic District signs
- Amends section 21A.46.125 Vintage signs

- Deletes chapter 21A.52 Special Exceptions
- Adds terms and definitions to 21A.62
- Makes technical changes
- Makes changes to references associated with the amended sections

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

Amending 21A.06.050.C.6

6. Review and approve or deny certain ~~special exceptions~~ modifications to dimensional standards for properties located within an H historic preservation overlay district. This authority is also granted to the planning director or designee for applications within the H Historic preservation overlay district that are eligible for administrative approval by the planning director or zoning administrator. The certain ~~special exceptions~~ modifications to zoning district specific development standards are listed as follows and are in addition to any modification authorized elsewhere in this title:
   a. Building wall height;
   b. Accessory structure wall height;
   c. Accessory structure square footage;
   d. Fence height;
   e. Overall building and accessory structure height;
   f. Signs pursuant to section 21A.46.070 of this title; and
   g. Any modification to bulk and lot regulations, except density, of the underlying zoning district where it is found that the ~~underlying zoning would not be compatible with the historic district and/or landmark site~~ proposal complies with the applicable standards identified in 21A.34.020 and is compatible with the surrounding historic structures.

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

~~21A.24.010.P.2~~
~~Height Special Exception: The Planning Commission, as a special exception to the height regulations of the applicable district, may approve a permit to exceed the maximum building height but shall not have the authority to grant additional stories. To grant a height special exception the Planning Commission must find the proposed plan:~~
~~a. Is a design better suited to the site than can be achieved by strict compliance to these regulations; and~~
~~b. Satisfies the following criteria:~~
~~(1) The topography of the lot presents difficulties for construction when the foothill height limitations are applied,~~
~~(2) The structure has been designed for the topographic conditions existing on the particular lot, and~~
~~(3) The impact of additional height on neighboring properties has been identified and reasonably mitigated.~~
~~c. In making these considerations the Planning Commission can consider the size of the lot upon which the structure is proposed.~~

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

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

~~(1) The architectural plans submitted are designed for structures on level, or nearly level, ground, and the design is transposed to hillside lots requiring support foundations such that the structure exceeds the height limits of these regulations;~~

~~(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

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

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~~4 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 6 ~~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 4~~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 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 required front and corner side yards, grade changes up to 6 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.

Delete paragraph "a" authorizing special exception for extra height in R-1, R-2, and SR districts 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

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~~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.

Modify 21A.26.010 J by deleting special exception for extra height and adding new standards for height on sloping lots.

21A.26.010 J:

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

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

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

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

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

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

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

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

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

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

H. Lighting: All uses and developments that provide lighting shall ensure that lighting installations comply with the following standards

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

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

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

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

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

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

4. The garage meets all applicable yard requirements.

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

TABLE 21A.36.020B
OBSTRUCTIONS IN REQUIRED YARDS[1]

Type Of Structure Or Use Obstruction	Front And Corner Side Yards	Side Yard	Rear Yard
Below grade encroachments underground obstructions when there is no exterior evidence of the underground structure other than entrances and required venting provided there are no conflicts with any easements or publicly owned infrastructure or utilities. *	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.) ~~For properties outside of the H Historic Preservation Overlay District, Changes of established grade greater than 4 feet are special exceptions subject to the standards and factors in chapter 21A.52 of this title~~ Grade changes greater than 4 feet in height provided the grade change includes a retaining wall, a horizontal step that is a minimum of 3 feet in depth is provided for every 4 vertical feet of retaining wall.	X	X	X
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 associated with homeless resource center

21A.36.350.A.3. A decorative masonry wall that is a minimum of ~~six~~6 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 6~~six~~ feet ~~(6')~~ may be ~~approved by the Planning Commission as a special exception~~ required 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.38.040 H 2 enlarging a structure with a legal non-conforming 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~~ 25 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. The expansion shall be limited to a one-time expansion after April 12, 1995, the effective date of this title. Any expansion granted as a special exception after April 12, 1995 shall be considered as fulfilling the one-time expansion.

Changes to 21A.38.050 A Noncomplying structures and 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 corner side yard setback and complies with all other applicable requirements of Title 21A.
    c. Interior side yards: Interior side yards: Additions to a principal structure with noncomplying side yard setback(s) are permitted as follows:

(1) Single story additions are permitted to follow the existing setback line provided the following standards are complied with:

i. The exterior wall height of the addition is equal to or less than the exterior wall height of the existing building. When a cross slope exists along the exterior wall, the interior floor to ceiling height of the addition shall match the interior floor to ceiling height of the existing building.

ii. The addition may extend the noncomplying exterior wall of the building up to 20% of the length of the existing wall. This shall be a one-time addition and no further additions are permitted.

(2) Two story or greater additions shall comply with the side yard setback requirement(s) and maximum wall height as specified in the underlying zone.

(3) 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.

(4) All other provisions of the underlying zoning district and any applicable overlay zoning district shall apply.

c. 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.

Changes to 21A.38.050 G 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: adding paragraph A addressing subdividing a lot with two or more principal buildings.

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 recording of a 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 applicable regulations of the Salt Lake City Code shall apply.

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

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~~25 percent ~~(25%)~~ of the existing structure subject to the following standards:

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

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

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

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

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

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

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

1. The dwelling unit existed prior to April 12, 1995. In order to determine whether a dwelling unit was in existence prior to April 12, 1995, the unit owner shall provide documentation thereof which may include any of the following:
   a. Copies of lease or rental agreements, lease or rent payments, or other similar documentation showing a transaction between the unit owner and tenants;
   b. Evidence indicating that prior to April 12, 1995, the city issued a building permit, business license, zoning certificate, or other permit relating to the dwelling unit in question;
   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 5 calendar years;
   b. Evidence that the unit was marketed for occupancy if the unit was unoccupied for more than 5 consecutive years;
   c. If evidence of maintaining a separate dwelling unit as required by subsections B.1 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 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 1 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 ofany 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.40.040 Use limitations: clarifies accessory uses.

21A.40.040: USE LIMITATIONS:
In addition to the applicable use limitations of the district regulations, no accessory use~~, building or structure~~ shall be permitted unless it complies with the restrictions set forth below:

A. An accessory use~~, building or structure~~ shall be incidental and subordinate to the principal use or structure in area, extent and purpose;
B. An accessory use, building or structure shall be under the same ownership or control as the principal use or structure, and shall be, except as otherwise expressly authorized by the provisions of this title, located on the same lot as the principal use or structure;
C. No accessory use~~, building or structure~~ shall be established or constructed before the principal use is in operation or the structure is under construction in accordance with these regulations;~~ and~~
D. No commercial sign, except as expressly authorized by this chapter or by the provisions of chapter 21A.46 of this title, shall be maintained in connection with an accessory use or structure.
E. An accessory use shall be permitted if it is routinely and customarily associated with the principal use and not otherwise prohibited by this Title. 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 but does not include short term rentals or other uses not allowed in the zoning district.

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

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

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

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

C. Maximum Height Of Accessory Buildings/Structures:

1. Accessory To Residential Uses In The FP District, RMF Districts, RB, R-MU Districts, SNB And The RO District: The height of accessory buildings/structures in residential districts are measured from established grade to the highest point of the accessory building and shall conform to the following:

a. The height of accessory ~~buildings~~ structures with flat roofs shall not exceed ~~twelve~~12 feet ~~(12')~~. The height of flat roof structures may be increased up to 75% of the height of the principal structure, not to exceed 15 feet provided the setbacks increases 1 foot for every one 1 foot of building height above 12 feet.

b. The height of accessory ~~buildings~~ structures with pitched roofs shall not exceed 17 ~~seventeen~~ feet ~~(17')~~ measured to the midpoint of the roof. The height of pitched roof structures may be increased up to 75% of the height of the principal structure, not exceed 15 feet provided the setbacks increase 1 foot for every 1 foot of structure height above 17 feet. ~~; and~~

~~c. Accessory buildings with greater building height may be approved as a special exception, pursuant to chapter 21A.52 of this title.~~

2. Accessory To Residential Uses In The FR, R-1 Districts, R-2 District And SR Districts: The height of accessory buildings/structures in the FR districts, R-1 districts, R-2 district and SR districts are measured from established grade to the highest point of the accessory structure and shall conform to the following:

a. The height of accessory ~~buildings~~ structures with flat roofs shall not exceed ~~twelve~~ 12 feet ~~(12')~~; ~~nine~~9 feet ~~(9')~~ ~~measured from established grade~~ in the SR-1A zoning district. The height of flat roof structures may be increased up to 75% of the height of the principal structure, not to exceed 15 feet or 11 feet in the SR-1A zoning district provided the setbacks are increased 1 foot for every one 1 foot of building height above 12 feet or 9 feet in the SR-1A zoning district.

b. The height of accessory ~~buildings~~ structures with pitched roofs shall not exceed ~~seventeen~~17 feet ~~(17')~~ ~~measured as the vertical distance between the top of the roof and the established grade~~ at any given point of building coverage. In the SR-1A zoning district the height of accessory ~~buildings~~ structures with pitched roofs shall not exceed 14~~fourteen~~ feet ~~(14')~~. The

height of pitched roof structures may be increased up to 75% of the height of the principal structure, not to exceed 21 feet or 15 feet in the SR-1A zoning district provided the setbacks are increased 1 foot for every 1 foot of building height above 17 feet or 15 feet in the SR-1A zoning district.~~; and~~

~~e. 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.~~

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

21A.40.065 Outdoor Dining

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

A. Where allowed:

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

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

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

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

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

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

1. All applicable requirements of chapter 21A.48 and section 21A.36.020 of this title are met.
2. All required business, health and other regulatory licenses for the outdoor dining have been secured.
3. All the proposed outdoor dining activities will be conducted on private property owned or otherwise controlled by the applicant and that none of the activities will occur on any publicly owned rights-of-way unless separate approval for the use of any such public rights-of-way has been obtained from the City.

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

~~c. The proposed outdoor dining will not impede pedestrian or vehicular traffic; and~~

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

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

6~~f~~. Live music will not be performed, nor loudspeakers played in the outdoor dining area unless the decibel level is within conformance with the Salt Lake City noise control ordinance, title 9, chapter 9.28 of this Code. Live music and loudspeakers are prohibited outside between the hours of 9:00 pm and 9:00 am when the property is adjacent to a residential zoning district.

7~~g~~. ~~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 the D-1, D-2, D-3, D-4, TSA, or G-MU Zone~~. Outdoor dining shall be by considered an expansion of an use for the purpose of determining if additional parking is required as stated in Chapter 21A.44 Parking.

8. Smoking shall be prohibited within the outdoor dining area and within ~~twenty five~~25 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 10 square feet. Removes the special exception process for extra height.

21A.40.090 D: *Amateur Radio Facilities with Surface Area Exceeding 10 Square Feet*
Amateur Radio Facilities With Surface Area Exceeding 10 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~~ 12 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~~12 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~~75 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~~ 20 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. Requires electrical equipment to be located on private property and prohibits the equipment from being located between the street facing façade and the street.

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

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

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

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

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

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

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

iii. Located a minimum of 4 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 masonry wall or solid 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.

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

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 4 feet of the principal building and screened by vegetation, a solid wall or fence so the equipment is not visible and at least 10 feet from the front and corner side yard property lines.

B. Side yards: At least 4 feet from a side property line. If the equipment is adjacent to a driveway, parking stall, or accessory structure on an adjacent parcel, the setback may be reduced to two feet.

C. Rear yards: at least 4 feet from a rear property line. If the equipment is adjacent to a driveway, parking stall, or accessory structure on an adjacent parcel, the setback may be reduced to two feet.

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 10 feet from a property line.

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

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 7 feet in height above the ground except for agricultural purposes provided the barbed wire is vertically aligned.

(4) No more than 3 strands of barbed wire are permitted.

(5) The barbed wire strands shall not slant outward from the fence more than 60 degrees from a vertical line.

(6) All barbed wire shall be setback a minimum of 3 feet from public property.

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

~~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: removes special exception requirements and adds standards to address impacts.

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~~7 feet ~~(7')~~ high. Razor wire coils shall not exceed ~~eighteen~~18 inches ~~(18")~~ in diameter and must slant inward from the fence to which the razor wire is being attached.

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

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

L. Electric Security Fences:

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

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

2~~3~~. Location Requirements: Electric security fences shall not be allowed in required front yard setbacks or on frontages adjacent to residentially zoned properties.

3~~4~~. Compliance With Adopted Building Codes: Electric security fences shall be constructed or installed in conformance with all applicable construction codes.

4~~5~~. Perimeter Fence Or Wall: No electric security fence shall be installed or used unless it is fully enclosed by a nonelectrical fence or wall that is not less than ~~six~~6 feet ~~(6')~~ in height. There shall be at least ~~one~~1 foot ~~(1')~~ of spacing between the electric security fence and the perimeter fence or wall.

5~~6~~. 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.

6~~7~~. Height: Electric security fences shall have a maximum height of ~~ten~~10 feet ~~(10').~~

7~~8~~. Warning Signs: Electric security fences shall be clearly identified with warning signs that read: "Warning-Electric Fence" at intervals of not greater than ~~sixty~~60 feet ~~(60')~~. Signs shall comply with requirements in chapter 21A.46, "Signs", of this title.

8~~9~~. Security Box: Electric security fences shall have a small, wall mounted safe or box that holds building keys for police, firefighters and EMTs to retrieve in emergencies.

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

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

Changes to 21A.40.160 Ground mounted utility boxes: removes the ability to locate these in the right of way when it exceeds a certain size and prohibits the ability to place utility boxes in the right of way when the box only serves a single development.

21A.40.160: GROUND MOUNTED UTILITY BOXES:

A. Purpose: Utility infrastructure provides a necessary service to the community. The regulations of this section are intended to allow for ground mounted utility boxes while reducing the negative impacts they may create. ~~Of concern are the location, size and concentration of ground mounted utility boxes. The placement of ground mounted utility boxes should consider the location priority order below:~~

~~1. In a location not readily visible from a street.~~

~~2. Along an alley when the utility box will not impede or reduce the functional width of the alley. In an alley located along the rear of adjacent properties.~~

~~3. In a nonresidential location that may be visible from a street.~~

~~4. In the park strip of a nonresidential property.~~

~~5. In the park strip of a residential property.~~

B. Compliance With Regulations Required: All ground mounted utility boxes shall be subject to the regulations of this section and any applicable requirement in title 21A, unless exempted within section 21A.02.050 of this title and any applicable adopted code and regulation. The location and access for maintenance of all required utility infrastructure is subject to approval by the utility provider and complying with all applicable adopted codes and regulations. No construction shall be undertaken without the applicable city permits and public way permits.

C. ~~Definition: "Ground mounted utility boxes" shall mean such equipment and facilities, including pedestals, boxes, vaults, cabinets, meters or other ground mounted facilities and associated equipment that extend over six inches (6") above ground level used for the transmission or distribution of utilities.~~

~~D~~. Location: Ground mounted utility boxes shall be located as required by this section. ~~Any ground mounted utility box shall not be located within one foot (1') of any sidewalk or eighteen inches (18") from the face of a control curb or obstruct any required sight distance triangles for driveways and intersections.~~

1. On the subject parcel or an adjacent parcel when part of new construction or as an addition to an existing building that requires additional utility service subject to the following standards:
   a. Rear and Side Yards: the ground mounted utility box shall be located a minimum of 1 foot from a side or rear property line.
   b. Front and Corner Side Yards: The ground mounted utility box shall be located within 5 feet of the building façade when located in required or provided front or corner side yard and at least 1 foot from a front or corner side yard property line. Utility boxes in a front or corner side yard shall be screened by a wall, fence, or hedge of at least equal height not to exceed the maximum height for a wall or fence allowed in the applicable yard.
   c. Ground mounted utility box(es) may be placed in a required landscaped yard if screened by a wall, fence or hedge of at least equal height not to exceed the maximum height for a wall or fence allowed in the applicable yard.
   d. If proposed on an adjacent parcel, an easement shall be provided for the utility boxes and associated equipment along with consent from the owner of the adjacent parcel.
2. In a public right of way if each of the following criteria are satisfied:
   a. There is an existing building on the subject property that is located in a manner that prohibits the placement of required utility infrastructure on the property;
   b. There is no existing front yard, corner side yard, interior side yard, or rear yard of sufficient size to accommodate ground mounted utility box(es) and access for maintenance, as required by the utility provider, of the box(es) within the yard. A right of way may be used to accommodate necessary working space;
   c. There is not an alley adjacent to the subject property that provides sufficient access as required by the utility provider to a yard of sufficient size to accommodate ground mounted utility box(es). If the alley is not a public alley, necessary permissions and easements must be provided;
   d. The existing utility service needs for the use are not being relocated to support an expansion of the use or building or for any new use or accessory use on the property;
   e. The ground mounted utility box will not negatively impact any existing or planned public improvement within the right of way;
   f. The ground mounted utility box is located at least 10 feet away from any tree in the right of way;
   g. The ground mounted utility box(es) comply with all requirements of Title 14.32 or its successor; and
   h. The applicant shall provide to the city and the utility provider the dimensions and space requirements necessary for the utility needs, as determined by the utility provider, of the proposed development.
3. In a public right of way when the ground mounted utility box is necessary to provide utility service to the broader neighborhood, the location is consistent with any legal

agreement between the utility provider and the city, and the proposed utility box complies with all applicable regulations.

4. 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.

~~E~~D. ~~Allowed Ground Mounted Utility Boxes: Ground mounted utility boxes proposed as follows shall be allowed in all zoning districts subject to subsection D of this section~~.

~~1. Private Property: On private property with permission of the property owner or representative at one of the following locations~~

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

~~b. Within the buildable area of a lot, rear yard or side yard.~~

~~c. Behind required front and corner side yards or within five feet (5') of a building when front and corner side yards are not required.~~

~~d~~c. ~~Within a utility easement subject to easement restrictions.~~

~~e. Within a right of way when the location does not interfere with circulation functions of the right of way and subject to subsection E1c of this section.~~

~~2. Public Right Of Way: 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.~~

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

~~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.~~

~~G~~. Materials: All ground mounted utility boxes shall consist of high quality material such as stainless steel or other durable painted or colored material. The finish shall be a neutral color such as dark or light green, beige or gray or color similar to utility boxes within the vicinity and coated with a graffiti resistant treatment.

~~H~~E. Post installation Obligations: All ground mounted utility boxes and any related screening materials shall remain the service provider's responsibility to keep in a state of good visual quality and repair.

1. Franchise Agreements: Permitted and installed ground mounted utility boxes shall also comply with all conditions as set forth in the service provider's/owner's franchise agreement with the city. If the terms of any franchise agreement conflict with the provisions of this title, the ordinance regulations shall prevail and govern.

2. Discontinued Use: If the service provider/owner of a ground mounted utility box in the public right of way discontinues the use or has no defined need for said box, it is that service provider's/owner's sole responsibility to remove the box and all associated conduit and wiring at its own expense in compliance with all engineering division requirements.

3. Required Contact Information: A service provider shall place a permanent notice on the box containing the service provider's name and telephone number for the purpose of notification in the event of graffiti or damages to the equipment.

4. Maintenance: A service provider shall be solely responsible for maintaining ground mounted utility box sites in reasonably good repair in a clean, safe and level condition. "Level condition" shall mean not tilting greater than ~~fifteen degrees (~~15°~~)~~ from plumb. A service provider shall repair any damage to a ground mounted utility box within ~~seventy two (~~72~~)~~ hours after discovering or being notified of such damage to a box.

~~I. Other City Permits: Additional city permits may be required.~~

~~1. Permits: No construction shall be undertaken without the applicable city permits and public way permits.~~

~~2. Certificate Of Appropriateness: Any ground mounted utility box located within an area subject to section 21A.34.020, "H Historic Preservation Overlay District", of this title must obtain a certificate of appropriateness before the box may be installed.~~

Amending 21A.44.090 (proposed chapter)

21A.44.090 MODIFICATIONS TO PARKING AREAS

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

A. ~~Administrative Modifications~~Authority to Approve Modifications

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

B. Authorized Modifications

1. Modification to dimensions or geometries of parking, loading, or stacking space, aisles, or maneuvering areas otherwise required by this chapter, other City regulations, or the Off Street Parking Standards Manual; provided that those modifications are consistent

with federal and state laws regarding persons with disabilities, including but not limited to the Americans with Disabilities Act.

2. Modifications to bicycle parking or loading berth location or design standards.

~~B. Special Exceptions~~

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

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

~~a. Front Yard Parking Exception~~

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

~~(1) The rear or side yards cannot be reasonably accessed by vehicles, specifically;~~

~~(a) Clearance for a driveway could not be provided in the side yard on either side of the building that is free from obstructions that cannot reasonably be avoided, such as utilities, window wells, a specimen tree, a direct elevation change of three feet (3') or greater, or retaining walls three feet (3') high or greater; and~~

~~(b) There is not a right-of-way or alley adjacent to the property with established rights for access, where:~~

~~a. The travel distance to the property line is less than one hundred feet (100') from an improved street and the right-of-way or alley has at least a minimum twelve foot (12') clearance that is, or could be paved; or~~

~~b. The travel distance to the property line is more than one hundred feet (100') from an improved street and the right-of-way or alley has an existing minimum twelve foot (12') wide paved surface.~~

~~(2) It is not feasible to build an attached garage that conforms to yard area and setback requirements;~~

~~(3) Parking is limited to an area that is surfaced in compliance with the Off Street Parking Standards Manual;~~

~~(4) The parking area is limited to nine feet (9') wide by twenty feet (20') deep;~~

~~(5) Vehicles using the parking area will not project across any sidewalk or into the public right-of-way; and~~

~~(6) Parking is restricted to passenger vehicles only.~~

4. Vehicle and Equipment Storage Without Hard Surfacing

a. The property is located in a CG, M-1, M-2, or EI zoning district

b. The lot is used for long term vehicle storage, not for regular parking and/or maneuvering.

b. The storage areas are not located within any required front yard or corner side yard.

c. The storage area surface is compacted with 6 inches of road base or other similar material with dust control measures in place.

d. A mechanism, such as a wash bay, gravel guard, or rumble strip is used to remove mud, sand, dirt, and gravel from the vehicle with a minimum of 50 feet of paved driveway between the mechanism and a public street. The mechanism used is subject to approval by the Transportation Director or designee provided it is a commonly used device that is effective at removing debris from vehicle tires.

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

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

~~(1) The lot is used for long-term vehicle storage, not for regular parking and/or maneuvering;~~

~~(2) The vehicles or equipment stored are large and/or are built on tracks that could destroy normal hard surfacing;~~

~~(3) The parking surface is compacted with six inches (6") of road base and other semi-hard material with long lasting dust control chemical applied annually;~~

~~(4) A hard-surfaced cleaning station is installed to prevent tracking of mud and sand onto the public right-of-way; and~~

~~(5) Any vehicles or equipment that contain oil are stored with pans, drains, or other means to ensure that any leaking oil will not enter the soil.~~

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

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

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

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

B. Notwithstanding any contrary provision of this title:

1. An application for designation of vintage sign status as well as for the reinstatement of, modifications to, or relocation of a vintage sign shall be processed through the zoning certificate process ~~in accordance with the procedures for a special exception, as per chapter 21A.52 of this title~~21A.46.030:
   a. Application: In addition to the general application requirements for a ~~special exception~~sign, an application for vintage sign designation or modification shall require:
      (1) Detailed drawings and/or photographs of the sign in its current condition, if currently existing;
      (2) Written narrative and supporting documentation demonstrating how the sign meets the applicable criteria;
      (3) Detailed drawings of any modifications or reinstatement being sought;
      (4) Detailed drawings of any relocation being sought; and
      (5) Historic drawings and/or photographs of the sign.
2. The Zoning Administrator shall designate an existing sign as a vintage sign if the sign:
   a. Was not placed as part of a Localized Alternative Signage Overlay District and has not been granted flexibility from the base zoning through a planned development agreement or by the Historic Landmark Commission;
   b. Is not a billboard as defined in section 21A.46.020 of this chapter;
   c. Retains its original design character, or that character will be reestablished or restored, based on historic evidence such as drawings or photographs; and,
   d. Meets at least ~~four (4)~~ of the following criteria:
      (1) The sign was specifically designed for a business, institution, or other establishment on the subject site;
      (2) The sign bears a unique emblem, logo, or another graphic specific to the City, or region;
      (3) The sign exhibits specific characteristics that enhance the streetscape or identity of a neighborhood;
      (4) The sign is or was characteristic of a specific historic period;
      (5) The sign is or was integral to the design or identity of the site or building where the sign is located; or,
      (6) The sign represents an example of craftsmanship in the application of lighting technique, use of materials, or design.
3. A designated vintage sign may~~, by special exception~~:
   a. Be relocated within its current site.
   b. Be modified to account for changing uses within its current site. These modifications shall be in the same style as the design of the original sign including:
      (1) Shape and form
      (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, CSHBD2, FB-UN2, FB-UN3, FB-SC, FB-SE, TSA.

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.

Delete Chapter 21A.52 Special Exceptions

~~CHAPTER 21A.52~~

~~SPECIAL EXCEPTIONS~~

~~SECTION:~~

~~21A.52.010: PURPOSE STATEMENT:~~

~~The planning commission or historic landmark commission may delegate its authority as necessary to the planning director to make a determination regarding special exceptions. The planning director may approve the special exceptions authorized by this title in accordance with the procedures and standards set out in this chapter and other regulations applicable to the district in which the subject property is located. (Ord. 73-11, 2011)~~

~~21A.52.020: DEFINITION:~~

~~A "special exception" is an activity or use incidental to or in addition to the principal use(s) permitted in a zoning district or an adjustment to a fixed dimension standard permitted as exceptions to the requirements of this title of less potential impact than a conditional use but which requires a careful review of such factors as location, design, configuration and/or impacts to determine the desirability of authorizing its establishment on any given site. (Ord. 73-11, 2011)~~

~~21A.52.030: SPECIAL EXCEPTIONS AUTHORIZED:~~

~~A. In addition to any other special exceptions authorized elsewhere in this title, the following special exceptions are authorized under the provisions of this title:~~

~~1. Accessory building height, including wall height, in excess of the permitted height provided:~~

~~a. The extra height is for architectural purposes only, such as a steep roof to match existing primary structure or neighborhood character.~~

~~b. The extra height is to be used for storage of household goods or truss webbing and not to create a second level.~~

~~c. No windows are located in the roof or on the second level unless it is a design feature only.~~

~~d. No commercial use is made of the structure or residential use unless it complies with the accessory dwelling unit regulations in this title.~~

~~2. Accessory structures in the front yard of double frontage lots, which do not have any rear yard provided:~~

~~a. The required sight visibility triangle shall be maintained at all times.~~

~~b. The structure meets all other size and height limits governed by the zoning ordinance.~~

~~3. Additional height for fences, walls or similar structures may be granted to exceed the height limits established for fences and walls in chapter 21A.40 of this title if it is determined that there will be no negative impacts upon the established character of the affected neighborhood and streetscape, maintenance of public and private views, and matters of public safety. Approval of fences, walls and other similar structures may be granted under the following circumstances subject to compliance with other applicable requirements:~~

~~a. Exceeding the allowable height limits; provided, that the fence, wall or structure is constructed of wrought iron, tubular steel or other similar material, and that the open, spatial and nonstructural area of the fence, wall or other similar structure constitutes at least eighty percent (80%) of its total area;~~

~~b. Exceeding the allowable height limits on any corner lot; unless the city's traffic engineer determines that permitting the additional height would cause an unsafe traffic condition;~~

~~c. Incorporation of ornamental features or architectural embellishments which extend above the allowable height limits;~~

~~d. Exceeding the allowable height limits, when erected around schools and approved recreational uses which require special height considerations;~~

~~e. Exceeding the allowable height limits, in cases where it is determined that a negative impact occurs because of levels of noise, pollution, light or other encroachments on the rights to privacy, safety, security and aesthetics;~~

~~f. Keeping within the character of the neighborhood and urban design of the city;~~

~~g. Avoiding a walled-in effect in the front yard of any property in a residential district where the clear character of the neighborhood in front yard areas is one of open spaces from property to property; or~~

~~h. Posing a safety hazard when there is a driveway on the petitioner's property or neighbor's property adjacent to the proposed fence, wall or similar structure.~~

~~4. Additional building height in commercial districts are subject to the standards in chapter 21A.26 of this title.~~

~~5. Additional foothills building height, including wall height, shall comply with the standards in chapter 21A.24 of this title.~~

~~6. Additional residential building height, including wall height, in the R-1 districts, R-2 districts and SR districts shall comply with the standards in chapter 21A.24 of this title.~~

~~7. Any alternative to off-street parking not listed in chapter 21A.44 of this title intended to meet the number of required off-street parking spaces.~~

~~8. Barbed wire fences may be approved subject to the regulations of chapter 21A.40 of this title.~~

~~9. Conditional home occupations subject to the regulations and conditions of chapter 21A.36 of this title.~~

~~10. Dividing existing lots containing two (2) or more separate residential structures into separate lots that would not meet lot size, frontage width or setbacks provided:~~

~~a. The residential structures for the proposed lot split already exist and were constructed legally.~~

~~b. The planning director agrees and is willing to approve a subdivision application.~~

~~c. Required parking equal to the parking requirement that existed at the time that each dwelling unit was constructed.~~

~~11. Use of the front yard for required parking when the rear or side yards cannot be accessed and it is not feasible to build an attached garage that conforms to yard area and setback requirements, subject to the standards found in chapter 21A.44 of this title.~~

~~12. Grade changes and retaining walls are subject to the regulations and standards of chapter 21A.36 of this title.~~

~~13. Ground mounted central air conditioning compressors or systems, heating, ventilating, pool and filtering equipment located in required side and rear yards within four feet (4') of the property line. The mechanical equipment shall comply with applicable Salt Lake County health department noise standards.~~

~~14. Hobby shop, art studio, exercise room or a dressing room adjacent to a swimming pool, or other similar uses in an accessory structure, subject to the following conditions:~~

~~a. The height of the accessory structure shall not exceed the height limit established by the underlying zoning district unless a special exception allowing additional height is allowed.~~

~~b. If an accessory building is located within ten feet (10') of a property line, no windows shall be allowed in the walls adjacent to the property lines.~~

~~c. If the accessory building is detached, it must be located in the rear yard.~~

~~d. The total covered area for an accessory building shall not exceed fifty percent (50%) of the building footprint of the principal structure, subject to all accessory building size limitations.~~

~~15. In line additions to existing residential or commercial buildings, which are noncomplying as to yard area or height regulations provided:~~

~~a. The addition follows the existing building line and does not create any new noncompliance.~~

~~b. No additional dwelling units are added to the structure.~~

~~c. The addition is a legitimate architectural addition with rooflines and exterior materials designed to be compatible with the original structure.~~

~~16. Operation of registered home daycare or registered home preschool facility in residential districts subject to the standards of chapter 21A.36 of this title.~~

~~17. Outdoor dining in required front, rear and side yards subject to the regulations and standards of chapter 21A.40 of this title.~~

~~18. Razor wire fencing may be approved subject to the regulations and standards in chapter 21A.40 of this title.~~

~~19. Replacement or reconstruction of any existing noncomplying segment of a residential or commercial structure or full replacement of a noncomplying accessory structure provided:~~

~~a. The owner documents that the new construction does not encroach farther into any required rear yard than the structure being replaced.~~

~~b. The addition or replacement is compatible in design, size and architectural style with the remaining or previous structure.~~

~~20. Underground building encroachments into the front, side, rear and corner side yard setbacks provided the addition is totally underground and there is no visual evidence that such an encroachment exists.~~

~~21. Window mounted refrigerated air conditioner and evaporative swamp coolers located in required front, corner, side and rear yards within two feet (2') of a property line shall comply with applicable Salt Lake County health department noise standards.~~

~~22. Vehicle and equipment storage without hard surfacing in the CG, M-1, M-2 or EI districts, subject to the standards in chapter 21A.44 of this title.~~

~~23. Ground mounted utility boxes may be approved subject to the regulations and standards of section 21A.40.160 of this title.~~

~~24. Legalization of excess dwelling units may be granted subject to the following requirements and standards:~~

~~a. Purpose: The purpose of this subsection is to implement the existing Salt Lake City community housing plan. This plan emphasizes maintaining existing housing stock in a safe manner that contributes to the vitality and sustainability of neighborhoods within the city. This subsection provides 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 subsection.~~

~~b. Review Standards: A dwelling unit that is proposed to be legalized pursuant to this subsection 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); and

(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 A24b(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 (¼) 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 apply for a business license, when required, within fourteen (14) days of special exception approval.

(2) 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. Such inspection shall occur within ninety (90) days of special exception approval or as mutually agreed by the unit owner and the City.

(3) All required corrections indicated during the inspection process must be completed within one year unless granted an extension by the Zoning Administrator.

d. Application: In addition to the application requirements in this chapter, an applicant shall submit documentation showing compliance with the standards set forth in subsection A24b of this section.

~~25. Designation, modification, relocation, or reinstatement of a vintage sign as per chapter 21A.46 of this title.~~

~~26. Additional height for sports related light poles such as light poles for ballparks, stadiums, soccer fields, golf driving ranges and sport fields or where sports lights are located closer than thirty feet (30') from adjacent residential structures.~~

~~(Ord. 13-19, 2019: Ord. 45-18, 2018: Ord. 19-16, 2016: Ord. 14-15, 2015)~~

~~21A.52.040: PROCEDURE:~~

~~A. An application for a special exception shall be processed in accordance with the following procedures:~~

~~1. Application: An application may be made by the owner of the subject property or the owner's authorized agent to the Planning Director on a form or forms provided by the Planning Director, which shall include at least the following information, unless deemed unnecessary by the Planning Director:~~

~~a. The applicant's name, address, telephone number, e-mail address and interest in the subject property;~~

~~b. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;~~

~~c. The street address and legal description of the subject property;~~

~~d. The Salt Lake County property tax number;~~

~~e. The proposed title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner or engineer on the project;~~

~~f. A complete description of the proposed special exception;~~

~~g. A plan or drawing drawn to a scale of one inch equals twenty feet (1" = 20') or larger which includes the following information:~~

~~(1) Actual dimensions of the lot,~~

~~(2) Exact sizes and location of all existing and proposed buildings or other structures,~~

~~(3) Driveways,~~

~~(4) Parking spaces,~~

~~(5) Safety curbs,~~

~~(6) Landscaping,~~

~~(7) Location of trash receptacles, and~~

~~(8) Drainage features;~~

~~h. Traffic impact analysis;~~

~~i. Such other and further information or documentation as the planning director may deem necessary or appropriate for a full and proper consideration and disposition of the particular application.~~

~~2. Determination Of Completeness: Upon receipt of an application for a special exception, the planning director shall make a determination of completeness pursuant to chapter 21A.10 of this title, and that the applicant has submitted all of the information necessary to satisfy the notification requirements of chapter 21A.10 of this title.~~

~~3. Fees: The application shall be accompanied by the applicable fees shown on the Salt Lake City consolidated fee schedule. Where applicable, the applicant shall also be responsible for payment of all fees established for providing the public notice required by chapter 21A.10 of this title.~~

~~4. Notice: A notice of application for a special exception shall be provided in accordance with chapter 21A.10 of this title.~~

~~5. Approval Process: The approval process for a special exception as listed in this title is a two (2) tiered process as follows:~~

~~a. Review And Decision By The Planning Director: On the basis of written findings of fact, the planning director or the planning director's designee shall either approve, deny or conditionally approve an application for a special exception based on the standards in this chapter. The decision of the planning director shall become effective at the time the decision is made.~~

~~b. Referral Of Application By Planning Director To Planning Commission: The planning director or the planning director's designee may refer any application to the planning commission due to the complexity of the application, the significance in change to the property or the surrounding area. (Ord. 54-14, 2014: Ord. 73-11, 2011)~~

~~21A.52.050: COORDINATED REVIEW AND APPROVAL OF APPLICATIONS:~~

~~Whenever an application for a special exception requires a variance, the applicant shall indicate that fact on the application and shall first file a variance application with the appeals hearing officer. The special exception shall then be reviewed after a public hearing by the appeals hearing officer on the variance request. (Ord. 8-12, 2012)~~

~~21A.52.060: GENERAL STANDARDS AND CONSIDERATIONS FOR SPECIAL EXCEPTIONS:~~

~~No application for a special exception shall be approved unless the planning commission, historic landmark commission, or the planning director determines that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below and, where applicable, the specific conditions for certain special exceptions.~~

~~A. Compliance With Zoning Ordinance And District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.~~

~~B. No Substantial Impairment Of Property Value: The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.~~

~~C. No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.~~

~~D. Compatible With Surrounding Development: The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.~~

~~E. No Destruction Of Significant Features: The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.~~

~~F. No Material Pollution Of Environment: The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.~~

~~G. Compliance With Standards: The proposed use and development complies with all additional standards imposed on it pursuant to this chapter. (Ord. 10-16, 2016)~~

~~21A.52.070: CONDITIONS ON SPECIAL EXCEPTIONS:~~

~~Conditions and limitations necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the special exception or upon public facilities and services may be imposed on each application. These~~

~~conditions may include, but are not limited to, conditions concerning use, construction, operation, character, location, landscaping, screening and other matters relating to the purposes and objectives of this title. Such conditions shall be expressly set forth in the approval record of the special exception. (Ord. 73-11, 2011)~~

~~21A.52.080: RELATION OF SPECIAL EXCEPTION:~~

~~A special exception shall be deemed to relate to, and be for the benefit of, the use and lot in question rather than the owner or operator of such use or lot. (Ord. 73-11, 2011)~~

~~21A.52.090: AMENDMENTS TO SPECIAL EXCEPTIONS:~~

~~A special exception may be amended, varied or altered only pursuant to the procedures and subject to the standards and limitations provided in this chapter for its original approval. (Ord. 73-11, 2011)~~

~~21A.52.100: EXTENSIONS OF TIME:~~

~~Subject to an extension of time granted upon application to the planning director, no special exception shall be valid for a period longer than one year unless a building permit is issued or complete building plans have been submitted to the division of building services and licensing within that period. The planning director may grant an extension of a special exception for up to one additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted to the planning director in writing prior to the expiration of the exception. (Ord. 73-11, 2011)~~

~~21A.52.110: AUTHORITY TO INSPECT:~~

~~The planning director or their designee shall have the authority to inspect all properties for compliance with special exception conditions as often as necessary to assure continued compliance. (Ord. 73-11, 2011)~~

~~21A.52.120: APPEAL OF DECISION:~~

~~A. Any party aggrieved by a decision of the planning director may appeal the decision to the planning commission pursuant to the provisions in chapter 21A.16 of this title.~~

~~B. Any party aggrieved by a decision of the planning commission on an application for a special exception may file an appeal to the appeals hearing officer within ten (10) days of the date of the decision. The filing of the appeal shall not stay the decision of the planning commission pending the outcome of the appeal, unless the planning commission takes specific action to stay a decision. (Ord. 31-12, 2012)~~

~~21A.52.130: REVOCATION OF SPECIAL EXCEPTIONS:~~

~~Violation of any such condition or limitation shall be a violation of this title and shall constitute grounds for revocation of the special exception. If the planning director determines that the conditions of a special exception or other applicable provisions of this title are not met, the planning director may initiate action to revoke a special exception.~~

~~A. Notice: Notice of a hearing by the planning commission to consider revocation shall be given pursuant to the requirements of chapter 21A.10 of this title. The notice shall inform the holder of the special exception of the grounds for the revocation and set a hearing date.~~

~~B. Public Hearing: The scheduled hearing shall conform to the requirements of chapter 21A.10 of this title.~~

~~C. Planning Commission Decision: Following the hearing, the planning commission shall decide whether or not to revoke the special exception in accordance with the findings and decisions in chapter 21A.10 of this title. (Ord. 73-11, 2011)~~

~~21A.52.140: EFFECT ON DENIAL OF SPECIAL EXCEPTION:~~
~~No application for a special exception shall be considered by the planning commission or the planning commission's designee within one year of a final decision upon a prior application covering substantially the same subject on substantially the same property if the prior application was denied and not appealed.~~ ~~(Ord. 73-11, 2011)~~

Relocate the following definition from 21A.40.160 to 21A.62 and add the term Ground Mounted Utility Boxes to the list of terms in 21A.62

Ground mounted utility boxes: shall mean such equipment and facilities, including pedestals, boxes, ~~vaults~~, cabinets, meters or other ground mounted facilities and associated equipment that extend over six inches (6") above ground level used for the transmission or distribution of utilities.

ATTACHMENT C: Analysis of Standards – Zoning Text Amendment

ZONING TEXT AMENDMENT

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

CONSIDERATION	FINDING	RATIONALE
1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;	The proposed amendments are generally consistent with the goals and policies the City's plans.	Plan Salt Lake includes an Equity chapter that lists a set of initiatives. One of the most relevant initiatives is to "ensure access to all city amenities and services." This includes access to services that the Planning Division provides. The special exception process requires that staff resources be applied to processing applications that are for the sole benefit of the applicant. The associated fee is subsidized by the general fund. This creates equity issues with how city resources are allocated because it directs resources away from addressing issues associated with growth. This proposal will help redirect as much as the equivalent of two full time planning positions to other endeavors that help plan for future needs of the city. Community master plans and small area plans do not generally provide details about application processes that focus on individual properties such as these. However, some master plans do discuss the impacts of some types of uses and how a public process is important to identify those impacts. This proposal helps ensure that staff resources are available to monitor other zoning regulations and public processes to improve the effectiveness and outcomes. Without a change such as this, problematic ordinances cannot be changed or public processes improved without new budget allocations.
2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;	The proposal generally furthers the specific purpose statements of the zoning ordinance by ensuring their enforcement and administration.	The purpose of the zoning ordinance is to "promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the City, and carry out the purposes of the Municipal Land Use Development and Management Act (State Code). The proposed amendments recognize that some flexibility in zoning regulations is necessary to achieve the purpose of the zoning ordinance. The proposals enhance property rights by removing a required process that resulted in a very high rate of approval while enhancing standards intended to reduce impacts of existing special exceptions related to noise, pollution, solar access, and other common impacts that if left unmitigated can impact the

		health of residents and unnecessarily regulate the use of private property.
3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and	The proposal is consistent with and does not impact the enforceability of any existing appeal process references in any zoning overlays.	The proposed amendments impact two overlay zoning districts: the H Historic Preservation Overlay and the YCI Yalecrest Compatible Infill Overlay. The impacts to H Overlay are limited to the type of application needed to seek modifications to bulk requirements within the overlay. The current process requires two applications: a special exception application plus an application for new construction or for a minor/major alteration. The proposal would only require one application for this process, which simplifies the process and makes it easier for applicants. The changes to the YCI overlay are limited to garages located in front of the house on hillsides. The proposal maintains this ability to approve garages that meet the requirements but allows the garage by right subject to the qualifications instead of requiring a special exception. None of the specific standards are changing so the intent of these regulations remains as is.
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.	The proposed changes eliminate legal conflicts, improve enforceability and administration of City Code, and so implement best professional practices.	The proposed removes red tape associated with identified exceptions allowed in the code. The proposal is based on the rate of approval, identified issues with specific special exceptions, and common conditions placed on special exceptions. The changes allow staff resources to be redirected to more broad city issues associated with growth. More staff hours can be applied to implementing master plans through appropriate zoning changes and deficient or ineffective ordinances can be monitored and updated to align with city goals and provide more predictable outcomes. The proposal removes a process that created unequal distribution of staff resources towards individual property owner desires instead of the needs of the rest of the city. The ability to redirect staff resources will help address equity issues that are perpetuated by the current zoning regulations and help achieve the equity goals outlined in Plan Salt Lake. More information can be found in the public engagement document associated with this project: http://www.slcdocs.com/Planning/Online%20Open%20Houses/2020/08_2020/special%20exception%20proposed%20changes/Public%20Information%20Document__Updated_10_13_2020.pdf

ATTACHMENT D: **Public Process and Comments**

Public Notice, Meetings, Comments

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

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

Notice of the public hearing for the proposal included:

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

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

Hello Nick

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

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

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

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

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

Best
John

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

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

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

Ann Robinson, AIA

Principal // Renovation Design Group
824 SOUTH 400 WEST | SUITE B123 | SALT LAKE CITY | UTAH | 84101
O. 801.533.5331 | M. 801.230.2080
RenovationDesignGroup.com | Facebook Fans | Houzz Portfolio

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

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

NICK NORRIS
Director
Planning Division

DEPARTMENT *of* COMMUNITY *and* NEIGHBORHOODS
SALT LAKE CITY CORPORATION

TEL 801-535-6173
CELL 801-641-1728
Email nick.norris@slcgov.com

WWW.SLC.GOV/PLANNING

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

Hi Nick-

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

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

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

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

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

Thanks-
Annie

Annie V. Schwemmer, AIA

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October 8, 2020

TO: Salt Lake City Planning Commission

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

RE: SPECIAL EXCEPTION CODE CHANGES PLPCM2020-00606

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

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

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

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

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

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

Vintage Signs should be allowed in the CSHBD2 zone.

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

Enclosure: Comments Special Exception Ordinance

COMMENTS SPECIAL EXCEPTION ORDINANCE

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

From: Kyle Deans
To: Norris, Nick
Subject: (EXTERNAL) Special Exceptions
Date: Monday, November 9, 2020 3:09:19 PM

Nick,

If the exceptions have been addressed in each of their specific sections of zoning code I fully support deleting the Special Exceptions from the code.

Kyle R Deans
Salt Lake City Resident

ATTACHMENT E: Department Review Comments

Planning Staff Note: This proposal was routed to the City Departments and Divisions for review on August 11, 2020. In addition, follow up meetings were held on September 30, 2020 and October 29, 2020 with Engineering, Real Estate Services,Building Services and Rocky Mountain Power to discuss ground mounted utility boxes and how to address them. Below are submitted comments from each Department or Division and a summary of associated meetings.

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

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