
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: October 11, 2005

SUBJECT: Petition No. 400-05-12 - A request by the Salt Lake City Planning Commission requesting a revision to the Zoning Ordinance definition of "automobile" so that sales of motor scooters and motorized bicycles will be allowed in zoning districts that otherwise prohibit the sales of automobiles.

STAFF REPORT BY: Jennifer Bruno, Policy Analyst

AFFECTED COUNCIL DISTRICTS: City-wide

**ADMINISTRATIVE DEPT:
AND CONTACT PERSON:** Community and Economic Development
Kevin LoPiccolo, Zoning Administrator

NOTICE REQUIREMENTS: Newspaper advertisement and written notification to surrounding property owners 14 days prior to the Public Hearing

KEY ELEMENTS:

- A. An ordinance has been prepared for council consideration to amend the definition of "automobile" in the Salt Lake City Code. The proposed ordinance amends the existing ordinance by taking out "motor scooters" and "motorized bicycles" from the current definition of "automobile".
1. The amended ordinance would allow the sale of motor scooters and motorized bicycles in zoning districts that currently restrict the sale of "automobiles." Motor scooters and motorized bicycles would be classified instead as "retail goods."
 2. The amended ordinance would define "automobiles" as: "...any vehicle propelled by its own motor operating on ordinary roads. As used herein, the term includes passenger cars, light trucks (one ton or less), motorcycles, recreation vehicles and the like."
 - i. This would continue the current practice of not allowing the sale of any of the above listed vehicles in zoning districts that currently prohibit them.
- B. The Administration's transmittal notes the following:
1. The intention to restrict automobile sales in specific zoning districts is due to the compatibility issues stemming from intensity of the use and the space required for display lots and outdoor storage.
 2. The Administration determined that because the sale of motor scooters and motorized bicycles is a less intensive use and does not necessitate outdoor storage, such sales do not need to be similarly restricted. The Administration views this retail activity as a compatible use in the retail zones.
 3. This action was initiated by the Planning Commission, at the request of the Mayor's Office.
 4. The Transportation Division reviewed the petition and had no negative comments. The Permits Office reviewed the petition and recommended that some distinction be made, with industry standards, between "motor scooters" and "motorcycles," so as to abate future arguments. Otherwise, the Permits Office had no problem with the petition.
 5. The Public Process included the following:

- i. The Planning Division held an open house on June 16, 2005. No comments were received.
 - ii. The Planning Commission held a hearing on August 24, 2005. No comments were received from the Community Councils or the general public.
6. The Planning Commission voted unanimously to forward a positive recommendation to the City Council, based on the facts provided by the Administration, listed above.

MATTERS AT ISSUE:

- A. The Council may wish to ask the Administration to further define “propelled by it’s own motor,” possibly by some industry standard of motor classifications, so that no confusion could exist between “motorized bicycles,” “motor scooters,” and “motorcycles.” This issue was mentioned in the Permits Office comment on the petition.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The zoning districts which currently restrict the sales of automobiles, that currently allow retail sales (therefore would allow the sale of motor scooters and motorized bicycles should the Council approve the text change) are the following:
1. **CN - Neighborhood Commercial**
 - i. Purpose Statement: The CN Neighborhood Commercial District is intended to provide for small scale commercial uses that can be located within residential neighborhoods without having significant impact upon residential uses.
 2. **CB - Community Business**
 - i. Purpose Statement: The CB Community Business District is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods.
 3. **CS - Community Shopping**
 - i. Purpose Statement: The CS Community Shopping District is intended to provide an environment for efficient and attractive shopping center development at a community level scale.
 4. **CSHBD - Sugar House Business District**
 - i. Purpose Statement: The purpose of the CSHBD - Sugar House Business District is to provide for commercial, office and high density residential use opportunities in a manner compatible with the existing form and function of the sugar house master plan and the sugar house business district.
 - a) *Council Staff Note*: There is currently a retail operation selling motor scooters located in the Sugar House Business District. The Administration has initiated this petition in part, to allow this use to continue.
 5. **D-1 - Central Business District** (automobile sales allowed as a conditional use)
 - i. Purpose Statement: The purpose of the D-1 - Central Business District is to foster an environment consistent with the area’s function as the business, retail and cultural center of the community and the region. Inherent in this purpose is the need for careful review of proposed development in order to achieve established objectives for urban design, pedestrian amenities and land use control, particularly in relation to retail commercial uses.
 6. **D-2 - Downtown Support District** (automobile sales allowed as a conditional use)
 - i. Purpose Statement: The purpose of the D-2 - Downtown Support Commercial District is to accommodate commercial uses and associated

- August 24, 2005 Planning Commission hearing
- September 2, 2005 Ordinance requested from the City Attorney's Office
- September 14, 2005 Ordinance received from City Attorney's Office
- October 5, 2005 Transmittal received by Council Office

cc: Rocky Fluhart, Sam Guevara, DJ Baxter, Tim Harpst, Louis Zunguze, Alexander Ikefuna, Brent Wilde, Doug Wheelwright, Cheri Coffey, Kevin LoPiccolo, Larry Butcher, Barry Walsh, Kurt Larson, Barry Esham, Janice Jardine, Russell Weeks, Dave Oka

File Location: Community Development Dept., Planning Division, Zoning Text Amendment, Definition of "Automobile"

A. LOUIS ZUNGUZE
DIRECTOR

BRENT B. WILDE
DEPUTY DIRECTOR

SALT LAKE CITY CORPORATION
DEPT. OF COMMUNITY DEVELOPMENT
OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON
MAYOR

COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer *RF* **DATE:** October 4, 2005

FROM: Louis Zunguze, Community Development Director *by Brent Wilde*

RE: Petition 400-05-12 by the Salt Lake City Planning Commission requesting a revision to the Zoning Ordinance, Section 21A.62.040, definition of "automobile" so that the sales of motor scooters and motorized bicycles as retail goods be allowed in zoning districts that otherwise prohibit the sales of automobiles

STAFF CONTACT: Kevin LoPiccolo, Zoning Administrator, 535-6003 or kevin.lopiccolo@slcgov.com

RECOMMENDATION: That the City Council schedule a briefing and hold a public hearing

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

The proposed definition amendment would allow the sales of motor scooters and motorized bicycles in zoning districts that currently prohibit automobile sales. The current definition of "automobile" includes the words "motor scooters" and "motorized bicycles", therefore restricting the sales of these products. Removing the words "motor scooters" and "motorized bicycles" from the current definition would allow retailers the opportunity to sell motor scooters and motorized bicycles as retail goods. The sale of cars, trucks, motorcycles, and recreation vehicles would still be restricted and would not be considered retail goods.

Analysis:

The intention to restrict automobile sales in specific zoning districts in the existing ordinance is due to the intensity of the use and the required outdoor storage of automobiles on site. Since the sale of motor scooters and motorized bicycles is a less intensive use which does not necessitate outdoor storage, Staff determined that such sales

need not be similarly restricted. The sale of motor scooters and motorized bicycles is a compatible use in the retail zones.

Attached for City Council review is the proposed ordinance.

Public Process:

The Planning Division held an Open House on June 16, 2005, to gather public input from concerned citizens, businesses and Community Councils. There were no public comments at the Open House.

On August 24, 2005, the Planning Commission forwarded a positive recommendation to the City Council to revise Section 21A.62.040 definition of “automobile” found in the Salt Lake City Zoning Ordinance.

Relevant Ordinances:

Section 21A.62.040 - Definitions

Zoning Text Amendment:

Section 21A.10 – General Application and Public Hearing Procedures

Section 21A.50.050 – Standards for General Amendments

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 - A. Notice of City Council Public Hearing. Posting and mailed notice draft
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1. CHRONOLOGY

PROJECT CHRONOLGY

- June 3, 2005 Notice for the June 16, 2005 Open House mailed
- June 14, 2005 Petition Received
- June 16, 2005 Petition assigned
- June 16, 2005 Open House
- June 22, 2005 Request Department Comments
- August 9, 2005 Notices for the August 24, 2005 Planning Commission
- August 24, 2005 Planning Commission Hearing
- September 2, 2005 Ordinance requested from City Attorney
- September 14, 2005 Ordinance received from City Attorney
- September 23, 2005 City Council Transmittal completed by Project planner

2. Proposed Ordinance

SALT LAKE CITY ORDINANCE
No. _____ of 2005
(Amending Definition of “Automobile” in Section 21A.62.040)

AN ORDINANCE AMENDING SECTION 21A.62.040, *SALT LAKE CITY CODE*,
PERTAINING TO ZONING CODE DEFINITIONS, PURSUANT TO PETITION NO. 400-05-
12.

WHEREAS, the Salt Lake City Code contains certain definitions, including a definition for “automobile” in Section 21A.62.040; and

WHEREAS, the City Council now desires to amend said definition; and

WHEREAS, the proposed amendment will allow motor scooters and motorized bicycles as retail goods in the zoning districts that prohibit the sale of automobiles; and

WHEREAS, the proposed amendment is consistent with the purposes, goals, objectives, and policies of Salt Lake City’s general plan; and

WHEREAS, the City Council finds that the proposed amendment is in the best interest of the City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Section 21A.62.040 of the Salt Lake City Code, pertaining to zoning code definitions be, and hereby is, amended, in part, to read as follows:

**“Automobile” means any vehicle propelled by its own motor
and operating on ordinary roads. As used herein, the term
includes passenger cars, light trucks (one ton or less),
motorcycles, recreation vehicles and the like.**

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____,
2005.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2005.
Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date September 27, 2005
By Melanie Gray

3. CITY COUNCIL HEARING NOTICE

NOTICE OF PUBLIC HEARING

On _____, the Salt Lake City Council will hold a public hearing to consider petition number 400-05-12, a request by the Salt Lake Planning Commission to amend the text of the Salt Lake City Zoning Ordinance to change the definition of automobile found in Section 21A.62, specifically considering the removal of the words “motor scooter” and “motorized bicycle” from the existing definition.

The City Council is holding an advertised public hearing to receive comments regarding the petition request. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:
TIME: 7:00 P.M.
PLACE: Room 315
City and County Building
451 South State Street
Salt Lake City, Utah

If you have any questions relating to this proposal, please attend the meeting or call Mr. Kevin LoPiccolo at 801 535-6003, Monday through Friday.

4. Mailings/labels

COMMUNITY COUNCIL CHAIRS:

Updated: 7/19/2005 sj

KEN FUTZ, CHAIR
WEST POINTE COMM. COUNCIL
1217 NO. BRIGADIER CIRCLE
SALT LAKE CITY, UT 84116

KENNETH L. NEAL, CHAIR
ROSE PARK COMMUNITY COUNCIL
1071 NO. TOPAZ DR.
SALT LAKE CITY, UT 84116

ANGIE VORHER, CHAIR
JORDAN MEADOWS COMM. COUNCIL
1988 SIR JAMES DRIVE
SALT LAKE CITY, UT 84116

VICKY ORME, CHAIR
FAIRPARK COMM. COUNCIL
159 NORTH 1320 WEST
SALT LAKE CITY, UT 84116

MIKE HARMAN, CHAIR
POPLAR GROVE COMM. COUNCIL
1044 WEST 300 SOUTH
SALT LAKE CITY, UT 84104

RANDY SORENSON, CHAIR
GLENDALE COMMUNITY COUNCIL
1184 SO. REDWOOD DRIVE
SALT LAKE CITY, UT 84104-3325

PETER VON SIVERS, CHAIR
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223 WEST 400 NORTH
SALT LAKE CITY, UT 84103

JILL VAN LANGEVELD, CHAIR
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SALT LAKE CITY, UT 84103

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RIO GRANDE COMMUNITY COUNCIL
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SALT LAKE CITY, UT 84115

BILL PLASTOW, CHAIR
PEOPLES FREEWAY COMM. COUNCIL
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THOMAS MUTTER, CHAIR
CENTRAL CITY COMMUNITY COUNCIL
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BRIAN WATKINS, CHAIR
LIBERTY WELLS COMM. COUNCIL
1744 SOUTH 600 EAST
SALT LAKE CITY, UT 84106

JIM WEBSTER, CHAIR
YALECREST COMMUNITY COUNCIL
938 MILITARY DRIVE
SALT LAKE CITY, UT 84108-1326

MARYDELLE GUNN, CHAIR
WASATCH HOLLOW
COMMUNITY COUNCIL
1595 SOUTH 1300 EAST
SALT LAKE CITY, UT 84105

LARRY SPENDLOVE, CHAIR
SUNNYSIDE EAST ASSOCIATION
2114 E. HUBBARD AVENUE
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ELLEN REDDICK, CHAIR
BONNEVILLE HILLS
COMMUNITY COUNCIL
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SALT LAKE CITY, UT 84108

DAVE MORTENSEN, CHAIR
ARCADIA HEIGHTS/BENCHMARK
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(e-mail)

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TIM DEE, CHAIR
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1575 DEVONSHIRE DRIVE
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SHAWN McMILLEN, CHAIR
H ROCK COMMUNITY COUNCIL
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ORGANIZATIONS:

Updated: 4/1/2005 sj

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S.L. CHAMBER OF COMMERCE
175 EAST 400 SOUTH, SUITE #100
SALT LAKE CITY, UT 84111

ATTN: CAROL DIBBLEE
DOWNTOWN MERCHANTS ASSN.
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P.O. BOX
SALT LAKE CITY, UT 84101

HISPANIC CHAMBER OF
COMMERCE
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MARIA GARCIA
622 WEST 500 NORTH
SALT Lake CITY, UT 84116

5. Planning Commission Agenda for August 24, 2005

AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, August 24, 2005, at 5:45 p.m.

The Planning Commission will be having dinner at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting will be open to the public.

1. **APPROVAL OF MINUTES** from Wednesday, August 10, 2005
2. **REPORT OF THE CHAIR AND VICE CHAIR**
3. **REPORT OF THE DIRECTOR**
 - a. Update **Petition 400-03-10** Shaw Homes, Inc. (R – 1/5,000 to CN) at approximately **1545 West 200 South Street and 1551 West 200 South Street**. This petition, a rezone and master plan amendment, was originally heard on May 14, 2003.
 - b. Discussion regarding LDS Church wards and parking needs in neighborhoods.
 - c. Request for Planning Commission to create a petition to allow multi-family developments in commercial and downtown districts.
 - d. Request for Planning Commission to create a petition to establish design guidelines for large retail uses.
4. **PUBLIC NOTICE AGENDA** – Salt Lake City Property Conveyance Matters (Staff: Karryn Greenleaf at 483-6769 or karryn.greenleaf@slcgov.com, Matt Williams at 535-6447 or matt.williams@slcgov.com, and Doug Wheelwright at 535-6178 or doug.wheelwright@slcgov.com)
 - a. Cephalon, Inc. is expanding their operations within Salt Lake City and is seeking a Telecommunications Right-of-Way Permit at **4710 Wily Post Road** to connect the communications between the buildings across the street. Plans call for a perpendicular street crossing with the six 4" ducts installed via trenching (street cut design has already been approved by the Development Review Team).
5. **PUBLIC HEARINGS**
 - a. **Petition No. 400-03-34**, a request by Salt Lake City Council that the Planning Commission review additional refinement of the nonconforming use ordinance, looking specifically at guidelines and criteria to address neighborhood impacts and concerns relating to the enlargement and/or intensification of nonconforming uses. (Staff: Everett Joyce at 535-7930 or everett.joyce@slcgov.com).
 - b. **Petition No. 410-584**, from Salt Lake Apartment Buildings to ~~rezone~~ previously approved planned development for the Emigration Court Apartment Building on the block between **500 to 600 East and 300 to 400 South**. (Staff: Doug Danvers at 535-6003 or doug.danvers@slcgov.com) **POSTPONED**
 - c. **Petition No. 400-05-12**, a request initiated by the Planning Commission to review the definition of "automobile" found in Section 21A.62.040 of the Salt Lake City Zoning Ordinance, specifically considering the removal of the words "motor scooter" and "motorized bicycles" from the existing definition. (Staff: Kevin LoPiccolo at 535-6003 or kevin.lopiccolo@slcgov.com)
 - d. **Petition No. 400-05-13**, a request initiated by the Planning Commission to comprehensively review all applicable regulations in the Zoning Ordinance that address the permitting of tents in both residential and commercial districts city wide. (Staff: Kevin LoPiccolo at 535-6003 or kevin.lopiccolo@slcgov.com)

Karel Melano

NOTICE OF A HEARING

25

Salt Lake City Planning Division
Planning Commission Secretary
451 South State Street, Rm. 406
Salt Lake City, UT 84111

US POSTAGE

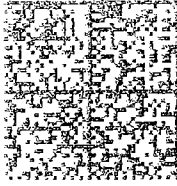
Mailed from Salt Lake City, UT 84111

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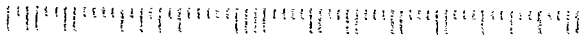
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1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing.
3. In order to be considerate of everyone attending the meeting, public comments are limited to 3 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting. Written comments should be sent to:

Salt Lake City Planning Director
451 South State Street, Room 406
Salt Lake City, UT 84111

4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. Salt Lake City Corporation complies with all ADA guidelines. If you are planning to attend the public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the Planning Office 48 hours in advance of the meeting and we will try to provide whatever assistance may be required. Please call 535-7757 for assistance.



08/09/2008 10:00 AM

NO SUCH NUMBER RETURN TO SENDER

UNABLE TO FORWARD

08/09/2008 10:00 AM

- e. **Petition No. 410-753**, a request by the Housing Authority of Salt Lake City for conditional use approval of a proposed transitional treatment housing facility located at approximately **542 West 600 South**. The property is zoned CG General Commercial. (Staff: *Everett Joyce at 535-7930 or everett.joyce@slcgov.com*).
- f. **Petition 410-750**, by Qwest Corporation, requesting conditional use approval to install ground-mounted communication equipment cabinets at approximately **1092 North 2200 West**. The property is located in a Business Park "BP" zoning district. (Staff: *Elizabeth Giraud at 535-7128 or elizabeth.giraud@slcgov.com*)
- g. **Petition 400-05-11**, by the Salt Lake City Planning Division, requesting comments and a recommendation to the City Council for a text amendment to the Salt Lake City Zoning Ordinance allowing additional types of signage in the Open Space zoning district for parks that are 28 acres or larger in size. (Staff: *Elizabeth Giraud at 535-7128 or elizabeth.giraud@slcgov.com*)
- h. **Petition Number 490-05-10**, a preliminary subdivision approval to subdivide the existing parcel located at approximately **239 North Virginia Street** into three new single-family parcels. The project area is located in the SR-1, Special Development Pattern Residential District. (Staff: *Wayne Mills at 535-6173 or wayne.mills@slcgov.com*)
- i. **Petition Number 410-755**, by Architectural Nexus, representing Myriad Genetics, requesting conditional use approval to allow additional building height for a proposed research laboratory located in the Research Park (RP) zoning district at approximately **320 South Wakara Way**. (Staff: *Ray McCandless at 535-7282 or ray.mccandless@slcgov.com*)
- j. **Petition Number 400-05-20**, the Salt Lake City Council requesting to create a new zoning district limited to natural open space (Natural Open Space, NOS zone). (Staff: *Ray McCandless at 535-7282 or ray.mccandless@slcgov.com*)

6. UNFINISHED BUSINESS

DATE: August 24, 2005

TO: Salt Lake City Planning Commission

FROM: Kevin LoPiccolo, Zoning Administrator

RE: The proposed definition change will allow zoning districts that restrict automobile sales of motor scooters/motorized bicycles to be allowed as retail goods.

CASE#: 400-05-12

APPLICANT: Salt Lake City Administration

STATUS OF APPLICANT: Salt Lake City Administration

PROJECT LOCATION: This is a zoning ordinance text change that would revise the current definition of “automobile” and allow motor scooters and motorized bicycles as retail goods in the zoning districts that prohibit the sale of automobiles. The proposed text amendment will affect the following zoning districts: Neighborhood Commercial (CN) District, Community Business (CB) District, Community Shopping (CS) District, Sugar House Business (CSHBD) District, Downtown Warehouse (D-3) Residential District and Downtown Secondary Central Business (D-4) District.

COUNCIL DISTRICT: All Council Districts

REQUESTED ACTION: A request to revise Section 21A.62.040, Definition of Automobile found in the Salt Lake City Zoning Ordinance.

PROPOSED USE(S): The proposed definition change will allow zoning districts that restrict automobile sales of motor scooters/motorized bicycles to be

allowed as retail goods. The sales of cars, trucks, motorcycles and recreation vehicles will still be prohibited. The definition of Automobile will be included in Chapter 21A.62.040, but the language would exclude motor scooters and motorized bicycles.

PROPOSED ZONING TEXT AMENDMENT:

The proposed text change is as follows:

21A.62.040. **Automobile:** Means any vehicle propelled by its own motor and operating on ordinary roads. As used herein, the term includes passenger cars, light trucks (1 ton or less), motorcycles, ~~motor scooters, motorized bicycles,~~ recreation vehicles and the like.

APPLICABLE LAND USE REGULATIONS:

The proposed change modifies the text associated with the Salt Lake City Zoning Ordinance Chapter 21A.62.040.

MASTER PLAN SPECIFICATIONS:

The Salt Lake City Vision and Strategic Plan applies to this proposed text amendment: 20.0: Develop “business friendly” licensing and regulatory practices.

SUBJECT PROPERTY HISTORY:

Not applicable.

ACCESS:

Not applicable.

PROJECT DISCRPTION:

The proposed text change is intended to allow for greater flexibility in allowing uses such as motor scooter and motorized bicycles to be allowed in zones were automobile sales are currently restricted.

COMENTS, ANALYSIS AND FINDINGS:

COMMENTS

The proposal is to modify the text of automobile.

Comments from City Departments and Community Council(s):

- a) **Transportation** does not have any objections to the proposed text amendment.

- b) **Public Utilities** stated that it did not have any objections to the proposed text amendment.
- c) **Building Services** did not respond to the requests for comments.
- d) **Police** expressed no opposition to the proposed text change.
- e) **Engineering** did not respond to the requests for comments.
- f) **Fire** did not respond to the requests for comments.
- g) **Zoning Enforcement** does not have any objections to the proposed text amendment.
- h) **Community Council(s)**: The Planning Division held an Open House for Community Councils and interested parties on June 16, 2005. Only City staff attended. Planning Division Staff did not receive any comments from any of the respective Community Councils on the proposed text change.

ANALYSIS

The purpose of this amendment is to revise the current definition of automobile and allow the commercial and downtown zoning districts the ability to sell motor scooters and motorized bicycles as retail goods. The current definition restricts this type of sales activity. The intention to restrict automobile sales was due to the intensity of the use and the outdoor storage of automobiles on site. Since the sales of motor scooters and motorized bicycles are a less intense use, outdoor display/storage is not required to showcase the vehicles.

Staff is requesting that scooters and motorized bicycles be omitted from the current definition of automobile since the use classification differs from automobile. Based on the current definition of automobile "any vehicle propelled by its own motor and operating on ordinary roads. As used herein, the term includes passenger cars, light trucks (1 ton or less), motorcycles, motor scooters, motorized bicycles, recreation vehicles and the like".

Staff is recommending that the sale of motor scooters and motorized bicycles not be placed under the same use classification as automobile due to the following reasons:

- Motor scooters are typically under 250cc. The cc is defined as cubic centimeters or cylinder size. The typical scooter is road worthiness, but due to engine size is restricted to only surface roads and not the highway. The scooter differs from motorcycles in that the cubic centimeters for a motorcycle may exceed 1500 cc's and is quite capable of all road use.
- The wheel base for a motor scooter is much smaller than that of a motorcycle, so speed and handling dictates what one can do with either bike.

Although this is not an all inclusive description of what the differences are between a motorcycle and motor scooters, it is obvious that there are some major differences. Staff is looking at the use of the product and is attempting to separate the use classification as being different enough to warrant a change in definition.

The intent of the Zoning Ordinance is to classify appropriate land uses, and to consider if a specified land uses promote the health, safety, and general welfare of the public. The proposed text amendment meets the general intent of the zone that it would affect, and does not materially harm the any of the zoning districts.

FINDINGS

Issues that are being generated by this proposal.

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

CODE CRITERIA / DISCUSSION / FINDINGS OF FACT

21A.50.050 Standards for general amendments.

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

Discussion: The proposed text amendment is consistent with standard in the Salt Lake City Vision and Strategic Plan, stating that the City seeks to “develop ‘business friendly’ licensing and regulatory practices.” The revision to the current definition of automobile will permit motor scooters and motorized bicycles to be included as retail goods that are a permitted use in the zoning districts that will be affected.

Findings:

The proposed rezone is consistent with Master Plan policies.

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

Discussion: The text amendment is intended to the zoning districts that do not allow automobile sales as a permitted use but allows retail goods.

Findings: The proposed text amendment meets this standard.

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

Discussion: The proposed text amendment is intended to allow the sales of motor scooters and motorized bicycles as retail merchandise. The purpose of the amendment is to allow a retail use that is benign in nature, and will help create an additional benefit to retailers while contributing to the economic vitality of the city.

Findings: The proposed text amendment will not adversely impact adjacent properties.

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

Discussion: The proposed text amendment is not site specific, and is not associated with any overlay zoning districts.

Findings: The proposed text amendment meets this standard.

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

Discussion: The proposal is not site specific. All requests for the sales of motor scooter and motorized bicycles would be reviewed to ensure compliance with City Codes and policies.

Findings: All pertinent City Departments will review any request through the permit process to ensure adequacy of public facilities and a services.

RECOMMENDATION: The Planning Division recommends that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed text amendment.

1. 21A.62.040. **Automobile:** Means any vehicle propelled by its own motor and operating on ordinary roads. As used herein, the term includes passenger cars, light trucks (1 ton or less), motorcycles, ~~motor scooters, motorized bicycles,~~ recreation vehicles and the like.

Attachments:

Exhibit 1 – Proposed Ordinance

Exhibit 2 – Memorandum & Open House Notification

Exhibit 3 – Department Comments

Exhibit 1
Proposed Ordinance

Petition 400-05-12 Ordinance Text Change

Chapter 21A.62 DEFINITIONS

21A.62.010 Definitions Generally:

For the purposes of this title, certain terms and words are defined and are used in this title in that defined context. Any words in this title not defined in this chapter shall be as defined in Webster's collegiate dictionary. (Ord. 26-95 § 2(31-1), 1995)

21A.62.020 Additional Definitions:

Additional definitions relating to specific portions of this title are found at part III, chapter 21A.34 of this title, and part IV, chapter 21A.46 of this title. (Ord. 26-95 § 2(31-2), 1995)

21A.62.030 Rules For Generic Definitions:

A. Purpose Of Generic Definitions: Certain terms in this chapter are defined to be inclusive of many uses in order to eliminate overly detailed listings of uses in the zoning districts established by this title. These terms are referred to in this title as "generic" definitions. Examples of generic definitions used in this title are "retail goods establishment", "commercial indoor recreation" and "light manufacturing".

B. Components Of Generic Definition: A generic definition has three (3) components: 1) a brief listing of examples of uses intended to be included within the scope of the definition; 2) an identification (where appropriate) of certain uses which are not meant to be included by the term; and 3) a statement that for the purposes of each zoning district, any other uses specifically listed within the particular zoning district shall not be construed as falling within the generic definition.

C. Uses Not Listed Or Not Within Scope Of Generic Definition: A use which is not specifically listed on the table of permitted and conditional uses for a zoning district, or which does not fall within a generic definition as defined in this chapter, or as interpreted by the zoning administrator pursuant to part II, chapter 21A.12 of this title, is prohibited. (Ord. 26-95 § 2(31-3), 1995)

21A.62.040 Definitions:

For the purposes of this title, the following terms shall have the following meanings: "Abutting" means adjacent or contiguous including property separated by an alley, a private right of way or a utility strip.

"Access taper" means the transitional portion of a drive access that connects a driveway to a parking pad located within a side yard.

"Accessory building or structure" means a subordinate building or structure, located on the same lot with the main building, occupied by or devoted to an accessory use. When an accessory building or structure is attached to the main building in a substantial

manner, as by a wall or roof, such accessory building shall be considered part of the main building.

"Accessory guest and servants quarters" means accessory living quarters with or without kitchen facilities located on the same lot as the principal use and meeting all yard and bulk requirements of the applicable district.

"Accessory lot" means a lot adjoining a principal lot under a single ownership.

Accessory structure: See definition of Accessory building or structure.

"Accessory use" means a use that:

- A. Is subordinate in area, extent and purpose to, and serves a principal use;
- B. Is customarily found as an incident to such principal use;
- C. Contributes to the comfort, convenience or necessity of those occupying, working at or being serviced by such principal use;
- D. Is, except as otherwise expressly authorized by the provisions of this title, located on the same zoning lot as such principal use; and
- E. Is under the same ownership or control as the principal use.

"Administrative decision" means any order, requirement, decision, determination or interpretation made by the zoning administrator in the administration or the enforcement of this title.

"Agricultural use" means the use of a tract of land for growing crops in the open, dairying, pasturage, horticulture, floriculture, general farming uses and necessary accessory uses, including the structures necessary for carrying out farming operations; provided, however, such agricultural use shall not include the following uses:

- A. Commercial operations or accessory uses which involve retail sales to the general public unless the use is specifically permitted by this title; and
- B. The feeding of garbage to animals, the raising of poultry or furbearing animals as a principal use, or the operation or maintenance of commercial stockyards, or feed yards, slaughterhouses or rendering facilities.

"Alley" means a public or private right of way that affords a service access to abutting property.

"Alteration" as applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side, by increasing in height, or the moving from one location or position to another.

"Alternative parking property" means the property for which an alternative parking requirement pursuant to section 21A.44.030 of this title is proposed.

"Amusement park" means a commercial facility or operation that primarily offers entertainment in the form of rides and games.

"Ancillary mechanical equipment" means supplemental equipment, attached or detached, including, but not limited to, equipment for the provision of services for heat, ventilation, air conditioning, electricity, plumbing, telephone and television.

"Animal pound" means a public or licensed private facility to temporarily detain and/or dispose of stray dogs, cats and other animals.

"Antenna" means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

Antenna, Low Power Radio Service: "Low power radio service antenna" means a transmitting or receiving device used in telecommunications that radiates or captures radio signals.

Antenna, Low Power Radio Service-Monopole With Antennas And Antenna Support Structures Greater Than Two Feet In Width: "Low power radio service antenna-monopole with antennas and antenna support structures greater than two feet in width" means a self supporting monopole tower on which antennas and antenna support structures exceeding two feet (2') in width are placed. The antenna and antenna support structures may not exceed thirteen feet (13') in width or eight feet (8') in height.

Antenna, Low Power Radio Service-Monopole With Antennas And Antenna Support Structures Greater Than Two Feet In Width: "Low power radio service antenna-monopole with antennas and antenna support structures greater than two feet in width" means a self-supporting monopole tower on which antennas and antenna support structures exceeding two feet (2') in width are placed. The antenna and antenna support structures may not exceed thirteen feet (13') in width or eight feet (8') in height.

Antenna, Low Power Radio Service-Monopole With Antennas And Antenna Support Structures Less Than Two Feet In Width: "Low power radio service antenna-monopole with antennas and antenna support structures less than two feet in width" means a monopole with antennas and antenna support structures not exceeding two feet (2') in width. Antennas and antenna support structures may not exceed ten feet (10') in height.

Antenna, Roof Mounted: "Roof-mounted antenna" means an antenna or series of individual antennas mounted on a flat roof, mechanical room or penthouse of a building.

Antenna, Satellite Dish: "Satellite dish antenna" means a type of antenna capable of receiving, among other signals, television transmission signals, and which has a disk shaped receiving device, excluding wall mountable antennas with a surface size less than four hundred (400) square inches, projecting no more than two feet (2').

Antenna, TV: "TV antenna" means a type of antenna used to receive television transmission signals, but which is not a satellite dish antenna.

Antenna, Wall Mounted: "Wall mounted antenna" means an antenna or series of individual antennas mounted against the vertical wall of a building.

Antenna, Whip: "Whip antenna" means an antenna that is cylindrical in shape. Whip antennas can be directional or omnidirectional and vary in size depending upon the frequency and gain for which they are designed.

Apartment: See definition of Dwelling, Multi-family.

"Arcade" means range of arches supporting a roofed area along with a column structure, plain or decorated over a walkway adjacent to or abutting a row of retail stores on one side or both.

"Architecturally incompatible" means buildings or structures which are incongruous with adjacent and nearby development due to dissimilarities in style, materials, proportions, size, shape and/or other architectural or site design features.

"Art gallery" means an establishment engaged in the sale, loan or display of paintings, sculpture or other works of art. The term "art gallery" does not include libraries or museums.

"Art studio" means a building or portion of a building where an artist or photographer creates works of art.

"Assisted living facility (large)" means a facility licensed by the state of Utah that provides a combination of housing and personalized health care designed to respond to the individual needs of more than six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.

"Assisted living facility (small)" means a facility licensed by the state of Utah that provides a combination of housing and personalized health care designed to respond to the individual needs of up to six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.

"Auditorium" means a multipurpose assembly facility that is designed to accommodate conventions, live performances, trade shows, sports events and other such events.

"Automatic amusement device" means any machine, apparatus or device which, upon the insertion of a coin, token or similar object, operates or may be operated as a game or contest of skill or amusement and for the play of which a fee is charged, or a device similar to any such machine, apparatus or device which has been manufactured, altered or modified so that operation is controlled without the insertion of a coin, token or similar object. The term does not include coin operated televisions, ride machines designed primarily for the amusement of children, or vending machines not incorporating features of gambling or skill.

"Automobile" means any vehicle propelled by its own motor and operating on ordinary roads. As used herein, the term includes passenger cars, light trucks (one ton or less), motorcycles, ~~motor scooters, motorized bicycles,~~ recreation vehicles and the like.

Exhibit 2
Memorandum & Open House Notification

MEMORANDUM

DATE: May 18, 2005
TO: Mayor's Office
FROM: Louis Zunguze, Community Development Director
SUBJECT: **Definition of Automobile in the Salt Lake City Zoning Ordinance**

The Mayor's office is requesting the initiation of a Petition to redefine automobile found in Section 21A.62.040 of the Salt Lake City Zoning Ordinance. This request would remove the words "motor scooters" and "motorized bicycles" from the existing definition. The Code defines automobile as "**means any vehicle propelled by its own motor and operating on ordinary roads. As used herein, the term includes passenger cars, light trucks (1 ton or less), motorcycles, motor scooters, motorized bicycles, recreation vehicles and the like**".

This request will assist businesses that sell motor scooters and motorized bicycles in zones that restrict the sale of automobiles. The sale of motor scooters and motorized bicycles will fall under retail sales. Staff feels that automobile sales are subject to cars, motorcycles and recreation vehicles, uses that require outdoor storage of vehicles, but should not apply to vehicles such as motor scooters and motorize bicycles that are stored indoors.

To that end, I respectfully request that the Planning Commission initiate the requested petition.

Should you have any questions, please let me know.

Thank you.

CC: Brent Wilde, Deputy Community Development Director
Orion Goff, Building Services Director
Doug Wheelwright, Deputy Planning Director
Cheri Coffey, Deputy Planning Director
Larry Butcher, Development Review Supervisor
Kevin LoPiccolo, Zoning Administrator

June 3, 2005

NOTICE OF OPEN HOUSE

The Salt Lake City Planning Commission has initiated two petitions requesting the modification of Chapter 21A.62.040 of the Salt Lake City Zoning ordinance addressing the definition of Automobiles. This request would remove the words motor scooters and motorized bicycles from the existing definition. The second petition would amend the existing language found in Chapter 21A.42.070 (F) under Temporary Uses, to allow tents in all zoning commercial and residential districts.

The Planning Staff would like to receive your input regarding this proposal and invites you to a public open house:

**Thursday, June 16, 2005
Salt Lake City & County Building
451 South State Street
Room 126 Conference Room
Between the hours of 4:30 and 6:30 p.m.**

Since it is very difficult for us to inform all interested parties about this request, we would appreciate you discussing this matter with your neighbors and informing them of the open house.

If you have any questions on this issue, please call Kevin LoPiccolo at 801 535-6003 or email kevin.lopiccolo@slcgov.com

Sincerely,

Kevin LoPiccolo
Zoning Administrator

Exhibit 3
Department Comments

LoPiccolo, Kevin

From: Walsh, Barry
Sent: Wednesday, June 22, 2005 11:43 AM
To: LoPiccolo, Kevin
Cc: Young, Kevin; Smith, Craig; Butcher, Larry
Subject: RE: Petitions
Categories: Program/Policy

June 22, 2005

Kevin LoPiccolo, Planning

Re: Petition No.??? to change the zoning text to address definition of Automobile and Temporary Uses (Tents).

The transportation Division review comments and recommendation per our review of the text change (see attached sections) poses no impact to the public transportation. All issues with access and parking remain.

Sincerely,

Barry Walsh,

Cc Kevin Young, P.E.
Craig Smith, Engineering
Larry Butcher, Permits
file

MEMORANDUM

Date: June 10, 2005

From: Kevin LoPiccolo, Zoning Administrator

To: Melanie Reif, City Attorney Office
Craig Smith, Engineering
Brad Larson, Fire
Larry Butcher, Permits
Brad Stewart, Public Utilities
Barry Walsh, Transportation
Craig Spangenberg, Zoning Enforcement
J.R. Smith, Police (City Wide)

Re: Two Petitions for definition of Automobile and Temporary Uses (Tents)

The Salt Lake City Planning Commission has initiated two petitions requesting the modification of Chapter 21A.62.040 of the Salt Lake City Zoning ordinance addressing the definition of

8/14/2005

LoPiccolo, Kevin

From: Butcher, Larry
Sent: Thursday, June 16, 2005 2:03 PM
To: LoPiccolo, Kevin
Cc: Goff, Orion
Subject: RE: Petitions
Categories: Program/Policy

Kevin:

Thoughts:

Does the industry make any distinction between motor scooters and motorcycles? If there is one, it might abate future arguments.

Tents in commercial districts: The outdoor sales language is specific and does not address all functions under which a tent may be used. Suggest removing the outdoors sales language. Tents approved for 180 days should go to DRT. Suggest tying in the use time frame with the permitted temporary uses A thru D. Then allow for tents or canopies associated with permitted uses in the nonresidential districts (outdoor sales, outdoor dining, etc.) to be approved for up to 180 days with DRT review. Too broad?

Tents in residential districts: Of course, we need to include the existing legal non-residential uses in the residential zones. Non-residential uses may need a use time frame greater than 5 days. Maybe a 180 day time frame with Special Exception OK.

From: LoPiccolo, Kevin
Sent: Friday, June 10, 2005 5:02 PM
To: Reif, Melanie; Smith, Craig; Larson, Bradley; Butcher, Larry; Stewart, Brad; Walsh, Barry; Spangenberg, Craig; Smith, JR
Subject: Petitions

Hello:

Please see attachment.

The Planning Commission has directed the Planning Staff to work on two petitions that will address Temporary Uses for Tents in all zoning districts and redefining the word automobile in Title 21A of the Salt Lake City Zoning Ordinance. Please provide any comments to the proposed petitions by June 24, 2005.

Thanks,

Kevin LoPiccolo
Zoning Administrator

6/16/2005

7. Planning Commission minutes for August 24, 2005

Petition No. 400-05-12, a request initiated by the Planning Commission to review the definition of "automobile" found in Section 21A.62.040 of the Salt Lake City Zoning Ordinance, specifically considering the removal of the words "motor scooter" and "motorized bicycles" from the existing definition.

At 6:12 P.M. Chairperson Chambless introduced Petition No. 400-05-12 and Kevin LoPiccolo, Zoning Administrator.

Mr. LoPiccolo stated that last May he brought a petition to the Planning Commission that changed the existing definition of automobiles. The primary reason for the change was to allow motor scooters and motorized bicycles to be sold as retail goods in all commercial areas that permit retail sales. As currently written, the definition stated that are currently prohibited from selling a scooter or motorized bicycle in certain zones because that particular zoning district does not permit the sales of automotive type uses. As written, the definition of automobile would still restrict automotive type sales in the underlying commercial districts that prohibit automobile sales, but would relax the sales of motor scooters and motorized bicycles.

Chairperson Chambless asked if there were questions for Staff. There were none. Chairperson Chambless then stated that the petitioner is the Planning Commission and asked if there was a representative of the Community Council that wanted to speak to the matter. No one responded. Chairperson Chambless asked if there was someone from the general community that wanted to speak to this matter. No one responded. Chairperson then closed the public meeting and asked for discussion and/or a motion on the petition. A motion was then heard.

Motion for Petition 400-05-12:

Regarding Petition 400-05-12, Commissioner Scott moved that, based upon the facts listed in the staff report, the Planning Commission forward a favorable recommendation to the City Council. Commissioner Noda seconded the motion. Commissioner De Lay, Commissioner Seelig, Commissioner Scott, Commissioner Noda, and Commissioner Diamond voted "Aye". Commissioner Galli, Commissioner Muir and Commissioner McDonough were not present. The motion passed.

8. Petition Checklist