
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: March 16, 2007

SUBJECT: Petition 400-06-13 – Planning Commission – Zoning Ordinance Text Amendments relating to:

1. Slope and setback restrictions in the Foothill Residential Zoning Districts
2. Slope, setback and fencing restrictions in the Open Space Zoning District
3. Definition of a legal non-complying lot

AFFECTED COUNCIL DISTRICTS: If the ordinance is adopted the text amendments would affect Council Districts citywide

STAFF REPORT BY: Janice Jardine, Land Use Policy Analyst

ADMINISTRATIVE DEPT. AND CONTACT PERSON: Community Development Department, Planning Division
Ray McCandless, Principal Planner

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

Should the Council choose to move this item forward to a public hearing after the briefing from the Administration, Council staff has identified the following tentative dates:

- April 3 Set hearing date
- April 17 Council hearing

KEY ELEMENTS:

- A. An ordinance has been prepared for Council consideration that would amend the text of the Zoning Ordinance relevant to:
1. Slope and setback restrictions in the Foothill Residential Zoning Districts.
 - a. Existing lots within a City approved subdivision shall conform to slope restrictions in effect at the time the subdivision was approved.
 - b. Slope restrictions negotiated by the Planning Commission as part of the subdivision approval process, that are more restrictive than previous or current requirements, supersede the zoning or slope requirements in effect at the time the subdivision was approved.
 - c. For metes and bounds parcels (in legal existence) created by deed, no building shall be constructed on any portion of the site that exceeds a 30% slope.
 - d. For metes and bounds parcels created by deed without City approval will require City subdivision approval using existing subdivision, zoning and 30% slope restrictions.
 - e. Buildings shall be set back a minimum of 15 feet from any developable area limitation line unless otherwise approved and documented by a subdivision plat recorded prior to (the effective date of the proposed amendments).
 2. Slope and fencing restrictions in the Open Space Zoning District.
 - a. Slope and setback restrictions – same as Foothill Residential Zoning Districts. (see above)

- b. Fencing requirements on undevelopable areas (because of slope) identified on any development plan or subdivision plat would require compliance with the fencing standards in the Foothill Residential Zoning Districts. (Sec. 21A.24.010.O.10.b – Field Fencing of Designated Undevelopable Areas)
 - c. General fencing standards and regulations would apply to all other types of fencing. (Sec. 21A.40.120 – Regulation of Fences, Walls and Hedges)
 - 3. Definition of a legal non-complying lot. (Sec. 21A.38.100 – Non-complying Lots)
Criteria is proposed that would allow a lot to be considered legally non-complying based on:
 - a. The subject property was approved through the City subdivision process required at the time of creation by deed,
 - b. The property could have met the minimum zoning requirements in place at the time of creation by deed and is subsequently administratively so determined by the Planning Director or Zoning Administrator, or
 - c. That the parcel was created prior to the adoption of the 1927 Zoning Ordinance.
- B. The Administration’s transmittal notes the following key points relating to this petition.
 - 1. The petition was initiated as part of discussions and issues raised concerning:
 - a. Subdivision, slope and setback requirements for a proposed residential development located at 3070 East Kennedy Drive, and
 - b. The Romney annexation settlement agreement regarding fencing regulations in the Open Space zoning classification.
 - 2. This action is intended to:
 - a. Clarify and standardize steep slope and building setback restrictions in the Foothill Residential FR/FP Zoning Districts.
 - b. Implement language that applies to all subdivision activity that has occurred in the Foothill Zoning Districts regardless of when the property was subdivided.
 - c. The existing steep slope standards apply to lots that were created after 1994 but do not address lots that were created before then, nor do they address lots that were created by deed.
 - d. Implement similar steep slope, subdivision regulations and fencing standards in the Open Space Zoning District.
 - e. Refine the definition of a legal non-complying lot. Currently, the Zoning Ordinance provides various standards for non-complying lots, but it does not provide a specific definition.
- C. The purpose of the Foothill Residential zones is to promote environmentally sensitive and visually compatible development of lots suitable for foothill locations. The Districts are intended to minimize flooding, erosion and other environmental hazards; to protect the natural scenic character of foothill areas not suitable for development; to promote the safety and well-being of present and future residents of foothill areas; and to ensure the efficient expenditure of public funds.
- D. The purpose of the Foothill Protection District is to protect the foothill areas from intensive development in order to protect the scenic value of these areas and to minimize flooding and erosion.
- E. The purpose of the Open Space District is to preserve and protect areas of public and private open space and exert a greater level of control over any potential redevelopment of existing open space.
- F. The purpose of the Non-Conforming Uses and Non-Complying Structures Chapter is to regulate the continue existence of:
 - 1. Principal and accessory uses established prior to April 12, 1995, which do not conform to the use regulations in the zoning districts in which such uses are located.

2. Buildings, structures and property improvements constructed prior to April 12, 1995, that do not comply with applicable bulk and/or yard area regulations in the zoning districts in which such buildings or structures are located.
- G. The Planning staff report provides findings for the Zoning Ordinance (Sec. 21A.50.050) - Standards for General Amendments and (Sec. 21A.34.020.C.2). The standards were evaluated in the Planning staff report and considered by the Planning Commission. (Discussion and findings for the standards are found in the Planning staff report.)
- H. The public process included a Planning Division sponsored Open House and written notification of the Planning Commission hearing.
- I. On June 29, 2006, Council Member Buhler held a neighborhood meeting to discuss development on Kennedy Drive/Donner Way and provide information to residents and property owners regarding zoning and site development regulations applicable to the area. Discussion items included:
1. Proposed developments in the area:
 - a. 3070 Kennedy Drive
 - The owners of the property located at 3070 Kennedy Drive are interested in building two homes located above street level with a shared driveway.
 - The lots were approved by the Planning Commission in 1976 under the Minor Subdivision regulations of the 1975 Subdivision Ordinance and are considered legal lots.
 - Since the lots were legally subdivided in 1976, the provision exempts this property from the 30% slope requirements.
 - b. 925 South Donner Way:
 - Proposed residential multi-family development called the “Presidential Villas”.
 - Will include 24 units, a four story structure not to exceed 45 feet from any point, and underground parking.
 - c. 910 South Donner Way,:
 - Six-unit planned condominium development approved by the Planning Commission on April 4, 2002.
 - On March 8, 2006, the Planning Commission granted a second 18 month time extension for the conditional use.
 2. Additional concerns raised by residents relating to development in the area included:
 - a. The neighborhood is already overbuilt with only one roadway access into the Kennedy Drive and Donner Way neighborhood. This raises concern that if future developments take place, emergency vehicles will encounter difficulty in reaching residents in the event of a disaster – concern about emergency vehicle circulation.
 - b. Concern was expressed about the potential negative impact to the neighborhood during the construction of the proposed 24-unit development (925 South Donner Way) if ingress/egress were to be blocked at any time.
- J. On July 12, 2006, the Planning Division held an Open House for Community Councils and interested parties. The Administration’s transmittal notes:
1. Eight residents from the Donner Way and Kennedy Drive area attended the meeting.
 2. Most of their concerns were related to proposed developments on Kennedy Drive and Donner Way.
 3. There were no specific modifications or revisions suggested to the proposed amendments.
 4. There was some concern expressed about allowing existing platted subdivision lots (that predate the current 30% slope restrictions) to be developed on slopes exceeding 30%.
 5. Those in attendance generally favored the proposed text amendments.

- K. On August 23, 2006, the Planning Commission voted, to forward a positive recommendation to the City Council to adopt the proposed Zoning Ordinance text amendments. Issues discussed at the Planning Commission hearing (summarized from the Planning Commission minutes) included
1. The current averaging setback requirement created potential problems for interpretation.
 2. Density permitted in some foothill areas and impacts on residents in the surrounding area.
 3. Development in the area should be strictly controlled to protect the environment.
 4. A resident from Donner Way suggested to establish an Architectural Review Board to assist property owners in developing properties and understanding City regulations and requested that a comprehensive plan be implemented to further guide development of the area.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Administration's transmittal and Planning staff report note:
1. The proposed text amendment is consistent with the Open Space Plan (1992), stating that the City seeks to implement "site sensitive regulations (architectural controls and aesthetics) that protect the hillside." (pg 6)
 2. The Capitol Hill Master Plan (1999), Foothill Protection and Development Section, lists the policy to "Maintain and strictly enforce existing regulations which prohibit development of land with 30% or greater slope." (pg. 20)
- B. The Avenues Master Plan (1987), Foothill Development and Protection Section, identifies the planning goal to "...Devise a growth management program that includes strategies to help protect the foothills from continued urban encroachment." (pg. 4)
- C. The East Bench Master Plan (1987), Annexation and Foothill Development Section, identifies the planning goal to "Preserve the present unique scenic beauty, environmental habitat, recreational use, and accessibility of the Wasatch foothills, and ensure City control over foothill development in the East Bench Community." The Plan notes that "although there may be engineering solutions for building on slopes in excess of 40%, other factors make construction impractical such as potential soil and geologic constraints, adapting dwellings to the site, access to parking from the street, grading transition between properties, and providing usable outdoor living space. (pgs. 3-4)
- D. The Arcadia Heights, Benchmark, & H Rock Small Area Plan (1998) notes the following recommendations that relate to the proposed amendments:
1. New Foothill Development and Existing Development section:
 - It is the intent of this plan to reaffirm the principles and standards pertaining to foothill development contained in the City Site Development Ordinance and Zoning Ordinance. This recommendation applies to interpretation of 30% slopes as well as to all other foothill development standards. (pg. 4)
 - The current 30% slope restriction should be maintained. (pg.4)
 - If additional development is considered, it should be very low density that does not impair the natural qualities of the area and preserves the maximum amount of open space. Restrictions on development affecting slopes equal to or greater than 30% should be strictly enforced and interpreted according to written administrative policies established by the City. (6)
 2. Existing Development section:
 - Even though some lots may be difficult to develop, all future development should be required to strictly comply with all applicable setback, height and site development standards. In cases where larger lots would provide more flexibility in designing and constructing homes to meet these standards, owners/developers should be encouraged to combine lots. (pg. 10)

- E. The 1990 Urban Design Element includes statements that emphasize preserving the City’s image, neighborhood character and maintaining livability while being sensitive to social and economic realities.
- F. The City’s Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality.

CHRONOLOGY:

The Administration’s transmittal provides a chronology of events relating to the proposed rezoning and master plan amendment. Key dates are listed below. Please refer to the Administration’s chronology for details.

- May 24, 2006 Petition initiated by Planning Commission
- May 30, 2006 Petition assigned to project Planner
- July 12, 2006 Planning Division sponsored Open House
- August 23, 2006 Planning Commission Hearing
- August 24, 2006 Ordinance requested from City Attorney’s office
- September 7, 2006 Ordinance received from City Attorney’s office

cc: Sam Guevara, Lyn Creswell, DJ Baxter, Ed Rutan, Lynn Pace, Melanie Reif, Rick Graham, Louis Zunguze, Chris Shoop, George Shaw, Doug Wheelwright, Cheri Coffey, Ray McCandless, Jan Aramaki, Marge Harvey, Sylvia Richards, Janne Nielson, Cindy Rockwood, Lehua Weaver, Jennifer Bruno, Barry Esham, Gwen Springmeyer, Michael Stott

File Location: Community Development Dept., Planning Division, Zoning Text Amendment, Slope and setback restrictions in the Foothill Residential Zoning Districts; Slope, setback and fencing restrictions in the Open Space Zoning District; Definition of a legal non-complying lot

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OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON
MAYOR

CITY COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer **DATE:** ^{20A} October 23, 2006

FROM: Louis Zunguze, Community Development Director

RE: Petition #400-06-13 by the Salt Lake City Planning Commission requesting a text amendment to the Salt Lake City Zoning Ordinance to (a) clarify the application of **steep slope** restrictions in the Foothill Residential (**FR-1**, **FR-2**, and **FR-3**) and Foothill Protection (FP) Zoning Districts, (b) add **steep slope** and **special fencing regulations** to the Open Space (**OS**) Zoning District, (c) refine the definition of a legal lot, and (d) revise the building setback **from undevelopable** areas in the Foothill Zoning Districts from a minimum of ten feet (10') and an average of twenty feet (20') to a **minimum** of 15 feet (15').

STAFF CONTACTS: Ray McCandless, Principal Planner, at 535-7282 or ray.mccandless@slcgov.com

RECOMMENDATION: That the City Council hold a briefing and schedule a Public Hearing

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: This petition was initiated by the Salt Lake City Planning Commission at the request of the Planning Staff as part of a discussion concerning a proposed residential development on approximately 3070 East Kennedy Drive, as noted in the attached Planning Commission meeting minutes of May 24, 2006 (Attachment 6). On November 4, 1994, the maximum developable slope for lots in the City's Foothill Zoning Districts was changed from 40% to 30%. The maximum developable slope standard of 30% applies to lots approved after that date. However, the Zoning Ordinance does not address the maximum developable slope for foothill lots that were created before that time.

To address this issue, the Planning Commission initiated this petition to clarify the application of steep slope restrictions as part of any subdivision or building permit process in the Foothill Residential (FR-1, FR-2, FR-3) and Foothill Protection (FP) Zoning Districts. The Planning Commission also requested that the Planning Staff add steep slope and special fencing regulations to the Open Space (OS) Zoning District as part of this petition.

Petition 400-06-13 – Slope and Fencing Regulations for Foothill and Open Space Zoning Districts

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Analysis: As requested by the Planning Commission, the Planning Staff analyzed applicable standards of the Salt Lake City Zoning Ordinance and recommends that sections 21A.24.020 G., 21A.24.030 G., 21A.24.040 G., 21A.32.040 H., 21A.32.100 H., 21A.32.100 I., and 21A.38.100 be amended as shown in the proposed ordinance (Attachment 2).

The main points of the proposed text amendment are summarized as follows:

- a) Steep slope regulations in the FR, FP and Open Space Zoning Districts (Affecting Section 21A.24.020 G., 21A.24.030 G., 21A.24.040 G., 21A.32.040 H., 21A.32.100 H., and 21A.32.100 I. of the Salt Lake City Zoning Ordinance): The existing 30% steep slope standards apply to lots that were created after 1994, but do not address steep slope requirements for lots that were created before then, nor do the standards address slope requirements for lots that were created by deed. The proposed text amendment addresses this issue by proposing language that applies to all subdivision activity that has occurred in the Foothill Zoning Districts regardless of when the property was subdivided. The proposed text amendment standardizes the text in all of the Foothill Zoning Districts and also proposes this language in the Open Space (OS) Zoning District.
- b) Fencing standards in the Open Space (OS) Zoning District (new Section 21A.32.100 I. added): The Planning Commission requested that the Planning Staff create new fencing standards for the City's Open Space (OS) Zoning District since there are currently none. The Planning Staff is proposing new fencing standards that would require any new fencing on non-buildable areas, including fencing on steep slopes, comply with the same fencing standards (low visibility see-through fencing consisting of flat black colored steel "T" posts not more than 42 inches [42"] high) required for steep slopes in the Foothills Zoning Districts, Section 21A.24.010.0.10 b., Field Fencing Of Designated Undevelopable Areas, of the Zoning Ordinance. All other fencing in the Open Space (OS) Zoning District would comply with the general fencing standards found in Section 21A.40.120 Regulation of Fences, Walls and Hedges, of the Salt Lake City Zoning Ordinance.
- c) Further define a legal lot (affects section 21A.38.100 of the Zoning Ordinance): The current Zoning Ordinance does have various standards for noncomplying lots, but it does not **define** specifically what a noncomplying lot is. For this reason, language is being added to Section 21A.38.100 - Noncomplying Lots of the Salt Lake City Zoning Ordinance to resolve this concern. The proposed ordinance (Attachment 2) states:

In legal existence means that: 1) the subject property went through and was approved through the City subdivision approval process required at the time of creation of the parcel by deed, 2) the subject property **could** have met the **minimum** requirements for the zoning in place at the time of creation by deed and is subsequently administratively so determined by the Planning Director or Zoning Administrator, or, 3) that the subject parcel was created prior to the

adoption of the 1927 Zoning Ordinance.

- d) Amendment of transitional area building setback requirements in the FR, FP and Open Space Zoning Districts (Affects Sections 21A.24.020 G., 21A.24.030 G., 21A.24.040 G., 21A.32.040 H., 21A.32.100 H. of the Salt Lake City Zoning Ordinance): The proposed amendment will revise the transitional area building setback requirements in Foothills Zoning Districts. The proposed text amendment changes the requirement that buildings be set back from any non-buildable area from a minimum of 10 feet (10') and an average of 20 feet (20') to a minimum of 15 feet (15') in the Foothills Zoning Districts. The purpose of this revision is that a minimum of 15 feet is easier to administer and is less ambiguous than the current averaging method.

Master Plan Considerations: The Salt Lake City Capitol Hill Master Plan, adopted November 9, 1999, applies to this proposed text amendment. One of the policies of the Foothill Protection and Development Section of the Capitol Hill Master Plan (page 20) is to "Maintain and strictly enforce existing regulations which prohibit development of land with 30% or greater slope." The proposed amendment is consistent with the intent of this policy.

PUBLIC PROCESS:

An Open House was held on July 12, 2006, to gather public input on this petition. Eight residents from the Donner Way and Kennedy Drive area attended the meeting. Although there was some interest expressed about immediately applying the 30% requirement to existing platted subdivision lots (that predated the current 30% slope restrictions) that are to be developed on slopes exceeding 30%, those in attendance generally favored the proposed text amendment and no modifications to the proposed ordinance were suggested.

The Planning Commission held a Public Hearing on August 23, 2006. The Planning Commission passed a motion to transmit a positive recommendation to the City Council to adopt the proposed text amendment with no modifications. The vote was unanimously in favor of the petition.

There were no issues raised by City Departments as noted in the attached Staff Report to the Planning Commission (Attachment 5).

RELEVANT ORDINANCES:

Amendments to the Zoning Ordinance and Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 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." It does, however, list five standards, which should be analyzed prior to amending the text of the Zoning Ordinance (Section 21A.50.050 A-E). The five standards are discussed in detail starting on page 5 of the Planning Commission Staff Report (see Attachment 5).

Other Information: Pertinent historical amendments to the ordinances being proposed for change by the petition include the following:

- 21A.24.020 G., Slope Restrictions (FR-1/43,560 Foothills Estate Residential District)

This section of the Zoning Ordinance was approved in 1995 as part of the City's Zoning Rewrite Project (Ordinance No. 26 of 1995). No amendments have been made to this section of the Zoning Ordinance since that time.

- 21A.24.030 G., Slope Restrictions (FR-2/21,780 Foothills Residential District)

This section of the Zoning Ordinance was also adopted in 1995 as part of the City's Zoning Rewrite Project (Ordinance No. 26 of 1995). No amendments have been made to this section of the Zoning Ordinance since that time.

- 21A.24.040 G., Slope Restrictions (FR-3/12,000 Foothills Residential District)

The last applicable revision concerning this section of the Zoning Ordinance was Salt Lake City Ordinance No. 13 of 2004 which added slope restrictions for the FR-3/12,000 (Foothills Residential) zoning district. There were no slope restrictions for this Zoning District prior to the adoption of the 2004 ordinance.

- 21A.32.040 H., Slope Restrictions (FP Foothills Protection District)

This section of the Zoning Ordinance was adopted in 1995 as part of the City's Zoning Rewrite Project (Ordinance No. 26 of 1995). No amendments have been made to this section of the Zoning Ordinance since that time.

- 21A.32.100 H., OS Open Space District

This is a proposed new section of the Zoning Ordinance.

- 21A.32.100 I., Fence Restrictions

This is a proposed new section of the Zoning Ordinance.

- 21A.38.100 Noncomplying Lots

This section was adopted as part of the Zoning Rewrite Project of 1995 and was later revised in 2004 (Ordinance No. 13 of 2004) and in 1995 by Ordinance No. 15 of 2005. The ordinance in Attachment 2 of this transmittal states the current ordinance language and how it is affected by the proposed text changes.

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1. CHRONOLOGY

PROJECT CHRONOLOGY

- May 24,2006 Petition 400-06-13 initiated by the Salt Lake City Planning Commission.
- May 30,2006 Petition 400-06-13 was assigned to the project Planner.
- May 30 to June 29 2006 **Draft** ordinance prepared.
- June 29,2006 Request for City departmental comments mailed.
- June 27,2006 Notice for the July 12, 2006 Open House mailed.
- July 12,2006 Open House
- August 8,2006 Notices for the August 23,2006 Planning Commission hearing mailed.
- August 23,2006 Planning Commission Hearing.
- August 24,2006 Ordinances requested from the City Attorney.
- September 7,2006 Draft ordinances returned from the City Attorney.
- September 20, 2006 City Council Transmittal packet completed by the Project Planner.

2. ORDINANCE

SALT LAKE CITY ORDINANCE

No. _____ of 2006

(Amending Slope Restrictions in Sections 21A.24.020(G), 21A.24.030(G), 21A.24.040(G), and 21A.32.040(H); Enacting Slope Restrictions and Fence Restrictions in Section 21A.32.100(H) and (I); and Amending Noncomplying Lots in Section 21A.38.100)

AN ORDINANCE AMENDING SECTION 21A.24.020(G), *SALT LAKE CITY CODE*,

PERTAINING TO SLOPE RESTRICTIONS IN THE FR-1143,560 FOOTHILLS ESTATE

RESIDENTIAL DISTRICT, SECTION 21A.24.030(G), *SALT LAKE CITY CODE*,

PERTAINING TO SLOPE RESTRICTIONS IN THE FR-2121,780 FOOTHILLS

RESIDENTIAL DISTRICT, SECTION 21A.24.040(G), *SALT LAKE CITY CODE*,

PERTAINING TO SLOPE RESTRICTIONS IN THE FR-3112,000 FOOTHILLS

RESIDENTIAL DISTRICT, SECTION 21A.32.040(H), *SALT LAKE CITY CODE*,

PERTAINING TO SLOPE RESTRICTIONS IN THE FP FOOTHILLS PROTECTION

DISTRICT, SECTION 21A.32.100(H), *SALT LAKE CITY CODE*, PERTAINING TO SLOPE

RESTRICTIONS IN THE OS OPEN SPACE DISTRICT, SECTION 21A.32.100(I), *SALT*

LAKE CITY CODE, PERTAINING TO FENCE RESTRICTIONS IN THE OS OPEN SPACE

DISTRICT, AND SECTION 21A.38.100, *SALT LAKE CITY CODE*, PERTAINING TO

NONCOMPLYING LOTS, PURSUANT TO PETITION NO. 400-06-13.

WHEREAS, the Planning Commission and the City Council of Salt Lake City, Utah, have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and the local master plan as part of their deliberation. Pursuant to these deliberations, the City Council has concluded that the proposed amendments are in the best interest of the City.

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

SECTION 1. Amending Slope Restrictions in the FR-1143.560 Foothills Estate

Residential District. That Section 21A.24.020(G) of the *Salt Lake City Code*, pertaining to slope restrictions in the FR-1143,560 Foothills Estate Residential District be, and hereby is, amended to read as follows:

21A.24.020(G) Slope Restrictions:

Legally existing lots which are vested by the recordation of a subdivision plat through a City subdivision process shall conform with the slope restrictions in effect at the time the subdivision was approved. Slope restrictions negotiated by the Planning Commission as part of the subdivision approval process, which are more restrictive than previous or current zoning requirements, as noted on the plat under "Notice to Purchasers" or shown on the recorded subdivision plat, supersede the zoning or slope requirements that were in place at the time the subdivision was approved.

For metes and bounds parcels in legal existence that were created by deed, For lots subdivided after November 4, 1994, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope. Metes and bounds parcels which were created by deed and without going through a City subdivision process are required to file for and be approved as subdivisions using existing subdivision, zoning and thirty percent (30%) slope restrictions. ~~All faces of buildings and structures shall be set back from any nonbuildable area line, as shown on the plat if any, a minimum of ten feet (10') and an average of twenty feet (20').~~

All faces of buildings and structures shall be set back from any developable area limitation line a minimum of fifteen feet (15') unless otherwise approved and as documented by a subdivision plat that was recorded prior to [the effective date of this Ordinance].

SECTION 2. Amending Slope Restrictions in the FR-2121.780 Foothills Residential

District. That Section 21A.24.030(G) of the *Salt Lake City* Code, pertaining to slope restrictions in the FR-2121,780 Foothills Residential District be, and hereby is, amended to read as follows:

21A.24.030(G) Slope Restrictions:

Legally existing lots which are vested by the recordation of a subdivision plat through a City subdivision process shall conform with the slooe restrictions in effect at the time the subdivision was approved. Slope restrictions negotiated by the Planning Commission as part of the subdivision approval process, which are more restrictive than previous or current zoning requirements, as noted on the plat under "Notice to Purchasers" or shown on the recorded subdivision plat, supersede the zoning or slope requirements that were in place at the time the subdivision was aporoved.

For metes and bounds parcels in legal existence that were created by ~~deed~~ _____ after November 4, 1994, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope. Metes and bounds parcels which were created by deed and without going through a City subdivision process are required to file for and be approved as subdivisions using existing subdivision, zoning and thirty percent (30%) slope restrictions. All faces of buildings and structures shall be set back from any nonbuildable area line, as shown on the plat if any, a minimum of ten feet (10') and an average of twenty feet (20').

All faces of buildings and structures shall be set back from any developable area limitation line a minimum of fifteen feet (15') unless otherwise approved and as documented by a subdivision plat that was recorded prior to [the effective date of this Ordinance].

SECTION 3. Amending Slope Restrictions in the FR-3112.000 Foothills Residential

District. That Section 21A.24.040(G) of the *Salt Lake City Code*, pertaining to slope restrictions in the FR-3112,000 Foothills Residential District be, and hereby is, amended to read as follows:

21A.24.040(G) Slope Restrictions:

Legally existing lots which are vested by the recordation of a subdivision plat through a City subdivision process shall conform with the slope restrictions in effect at the time the subdivision was approved. Slope restrictions negotiated by the Planning Commission as part of the subdivision approval process, which are more restrictive than previous or current zoning requirements, as noted on the plat under "Notice to Purchasers" or shown on the recorded subdivision plat, supersede the zoning or slope requirements that were in place at the time the subdivision was approved.

For metes and bounds parcels in legal existence that were created by deed, ~~For lots subdivided after November 4, 1994,~~ no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope. Metes and bounds parcels which were created by deed and without going through a City subdivision process are required to file for and be approved as subdivisions using existing subdivision, zoning and thirty percent (30%) slope restrictions. ~~All faces of buildings and structures shall be set back from any nonbuildable area line, as shown on the plat if any, a minimum of ten feet (10') and an average of twenty feet (20').~~

All faces of buildings and structures shall be set back from any developable area limitation line a minimum of fifteen feet (15') unless otherwise approved and as documented by a subdivision plat that was recorded prior to [the effective date of this Ordinance].

SECTION 4. Amending Slope Restrictions in the Foothills Protection District. That Section 21A.32.040(H) of the *Salt Lake City Code*, pertaining to slope restrictions in the FP Foothills Protection District be, and hereby is, amended to read as follows:

21A.32.040(H) Slope Restrictions:

~~To protect the visual and environmental quality of foothill areas, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope for lots in subdivisions granted preliminary approval by the Planning Commission after November 4, 1994. Legally existing lots which are vested by the recordation of a subdivision plat through a City subdivision process shall conform with the slope restrictions in effect at the time the subdivision was approved. Slope restrictions negotiated by the Planning Commission as part of the subdivision approval process, which are more restrictive than previous or current zoning requirements, as noted on the plat under "Notice to Purchasers" or shown on the recorded subdivision plat, supersede the zoning or slope requirements that were in place at the time the subdivision was approved:~~

For metes and bounds parcels in legal existence that were created by deed, no building shall be constructed on any portion of the site that exceeds thirty percent (30%) slope. Metes and bounds parcels which were created by deed and without going through the City subdivision process are required to file for and be approved as subdivisions using existing subdivision, zoning and thirty percent (30%) slope restrictions.

All faces of buildings and structures shall be set back from any developable area limitation line a minimum of fifteen feet (15') unless otherwise approved and as documented by a subdivision plat that was recorded prior to [the effective date of this Ordinance].

SECTION 5. Amending OS Open Space District. That Section 21A.32.100 of the Salt Lake ~~City~~ Code, pertaining to OS Open Space District be, and hereby is, amended to read, in part, as follows:

H. Slope Restrictions: Legally existing lots which are vested by the recordation of a subdivision plat through a City subdivision process shall conform with the slope restrictions in effect at the time the subdivision was approved. Slope restrictions negotiated by the Planning Commission as part of the subdivision approval process, which are more restrictive than previous or current zoning requirements, as noted on the plat under "Notice to Purchasers" or shown on the recorded subdivision plat, supersede the zoning or slope requirements that were in place at the time the subdivision was approved.

For metes and bounds parcels in legal existence that were created by deed, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope. Metes and bounds parcels which are created by deed and without going through the City subdivision process are required to file for and be approved as subdivisions using existing subdivision, zoning and thirty percent (30%) slope restrictions.

All faces of buildings and structures shall be set back from any developable area limitation line a minimum of fifteen feet (15') unless otherwise approved and as documented by a subdivision plat that was recorded prior to [the effective date of this Ordinance].

I. Fence Restrictions: Fencing on areas identified as undevelopable areas (because of slope) on any development plan or subdivision plat shall comply with the standards listed in Section 21A.24.010.10b (Field Fencing of Designated Undevelopable Areas) of this Title. All other

fencing shall comply with Section 21A.40.120 (Regulation of Fences, Walls and Hedges) of this Title unless otherwise modified as part of the development approval process.

SECTION 6. Amending Noncomplying Lots. That Section 21A.38.100 of the Salt Lake ~~City~~ Code, pertaining to Noncomplying Lots be, and hereby is, amended to read as follows:

21A.38.100 Noncomplying Lots:

A lot that is noncomplying as to lot area or lot frontage that was in legal existence on the effective date of any amendment to this title that makes the existing lot noncomplying shall be considered a legal complying lot. In legal existence means that: 1) the subject property went through and was approved through the City subdivision approval process required at the time of creation of the parcel by deed. 2) the subject property could have met the minimum requirements for the zoning in place at the time of creation by deed and is subsequently administratively so determined by the Planning Director or Zoning Administrator, or. 3) that the subject parcel was created prior to the adoption of the 1927 Zoning Ordinance.

Legal complying lots in residential districts shall be approved for the development of a single-family dwelling regardless of the size of the lot subject to complying with all yard area requirements of the R-115,000 district. Legal complying lots in residential districts shall be approved for any permitted use or conditional use allowed in the zoning district, other than a single-family dwelling, subject to complying with all lot area and minimum yard requirements of the district in which the lot is located. Legal complying lots in nonresidential districts shall be approved for any permitted use or conditional use allowed in the zoning district subject to complying with all yard requirements of the district in which the lot is located.

SECTION 7. 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 _____ 2006.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2006.
Published: _____

SALT LAKE CITY ORDINANCE

No. _____ of 2006

(Amending Slope Restrictions in Sections 21A.24.020(G), 21A.24.030(G), 21A.24.040(G), and 21A.32.040(H); Enacting Slope Restrictions and Fence Restrictions in Section 21A.32.100(H) and (I); and Amending Noncomplying Lots in Section 21A.38.100)

AN ORDINANCE AMENDING SECTION 21A.24.020(G), *SALT LAKE CITY CODE*, PERTAINING TO SLOPE RESTRICTIONS IN THE FR-1143,560 FOOTHILLS ESTATE RESIDENTIAL DISTRICT, SECTION 21A.24.030(G), *SALT LAKE CITY CODE*, PERTAINING TO SLOPE RESTRICTIONS IN THE FR-2121,780 FOOTHILLS RESIDENTIAL DISTRICT, SECTION 21A.24.040(G), *SALT LAKE CITY CODE*, PERTAINING TO SLOPE RESTRICTIONS IN THE FR-3112,000 FOOTHILLS RESIDENTIAL DISTRICT, SECTION 21A.32.040(H), *SALT LAKE CITY CODE*, PERTAINING TO SLOPE RESTRICTIONS IN THE FP FOOTHILLS PROTECTION DISTRICT, SECTION 21A.32.100(H), *SALT LAKE CITY CODE*, PERTAINING TO SLOPE RESTRICTIONS IN THE OS OPEN SPACE DISTRICT, SECTION 21A.32.100(I), *SALT LAKE CITY CODE*, PERTAINING TO FENCE RESTRICTIONS IN THE OS OPEN SPACE DISTRICT, AND SECTION 21A.38.100, *SALT LAKE CITY CODE*, PERTAINING TO NONCOMPLYING LOTS, PURSUANT TO PETITION NO. 400-06-13.

WHEREAS, the Planning Commission and the City Council of Salt Lake City, Utah, have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and the local master plan as part of their deliberation. Pursuant to these deliberations, the City Council has concluded that the proposed amendments are in the best interest of the City.

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

SECTION 1. Amending Slope Restrictions in the FR-1143.560 Foothills Estate

Residential District. That Section 21A.24.020(G) of the Salt Lake ~~City~~ Code, pertaining to slope restrictions in the FR-1/43,560 Foothills Estate Residential District be, and hereby is, amended to read as follows:

21A.24.020(G) Slope Restrictions:

Legally existing lots which are vested by the recordation of a subdivision plat through a City subdivision process shall conform with the slope restrictions in effect at the time the subdivision was approved. Slope restrictions negotiated by the Planning Commission as part of the subdivision approval process, which are more restrictive than previous or current zoning requirements, as noted on the plat under "Notice to Purchasers" or shown on the recorded subdivision plat, supersede the zoning or slope requirements that were in place at the time the subdivision was approved.

For metes and bounds parcels in legal existence that were created by deed,, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope. Metes and bounds parcels which were created by deed and without going through a City subdivision process are required to file for and be approved as subdivisions using existing subdivision, zoning and thirty percent (30%) slope restrictions.

All faces of buildings and structures shall be set back from any developable area limitation line a minimum of fifteen feet (15') unless otherwise approved and as documented by a subdivision plat that was recorded prior to [the effective date of this Ordinance].

SECTION 2. Amending Slope Restrictions in the FR-2121.780 Foothills Residential

District. That Section 21A.24.030(G) of the *Salt Lake City Code*, pertaining to slope restrictions in the FR-2121,780 Foothills Residential District be, and hereby is, amended to read as follows:

21A.24.030(G) Slope Restrictions:

Legally existing lots which are vested by the recordation of a subdivision plat through a City subdivision process shall conform with the slope restrictions in effect at the time the subdivision was approved. Slope restrictions negotiated by the Planning Commission as part of the subdivision approval process, which are more restrictive than previous or current zoning requirements, as noted on the plat under "Notice to Purchasers" or shown on the recorded subdivision plat, supersede the zoning or slope requirements that were in place at the time the subdivision was approved.

For metes and bounds parcels in legal existence that were created by deed,, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope. Metes and bounds parcels which were created by deed and without going through a City subdivision process are required to file for and be approved as subdivisions using existing subdivision, zoning and thirty percent (30%) slope restrictions.

All faces of buildings and structures shall be set back from any developable area limitation line a minimum of fifteen feet (15') unless otherwise approved and as documented by a subdivision plat that was recorded prior to [the effective date of this Ordinance].

SECTION 3. Amending Slope Restrictions in the FR-3112.000 Foothills Residential

District. That Section 21A.24.040(G) of the *Salt Lake City Code*, pertaining to slope restrictions in the FR-3112,000 Foothills Residential District be, and hereby is, amended to read as follows:

21A.24.040(G) Slope Restrictions:

Legally existing lots which are vested by the recordation of a subdivision plat through a City subdivision process shall conform with the slope restrictions in effect at the time the subdivision was approved. Slope restrictions negotiated by the Planning Commission as part of the subdivision approval process, which are more restrictive than previous or current zoning requirements, as noted on the plat under "Notice to Purchasers" or shown on the recorded subdivision plat, supersede the zoning or slope requirements that were in place at the time the subdivision was approved.

For metes and bounds parcels in legal existence that were created by deed,, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope. Metes and bounds parcels which were created by deed and without going through a City subdivision process are required to file for and be approved as subdivisions using existing subdivision, zoning and thirty percent (30%) slope restrictions.

All faces of buildings and structures shall be set back from any developable area limitation line a minimum of fifteen feet (15') unless otherwise approved and as documented by a subdivision plat that was recorded prior to [the effective date of this Ordinance].

SECTION 4. Amending Slope Restrictions in the Foothills Protection District. That Section 21A.32.040(H) of the *Salt Lake City Code*, pertaining to slope restrictions in the FP Foothills Protection District be, and hereby is, amended to read as follows:

21A.32.040(H) Slope Restrictions:

Legally existing lots which are vested by the recordation of a subdivision plat through a City subdivision process shall conform with the slope restrictions in effect at the time the subdivision

was approved. Slope restrictions negotiated by the Planning Commission as part of the subdivision approval process, which are more restrictive than previous or current zoning requirements, as noted on the plat under "Notice to Purchasers" or shown on the recorded subdivision plat, supersede the zoning or slope requirements that were in place at the time the subdivision was approved.

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SECTION 5. Amending OS Open Space District. That Section 21A.32.100 of the *Salt Lake* City Code, pertaining to OS Open Space District be, and hereby is, amended to read, in part, as follows:

H. Slope Restrictions: Legally existing lots which are vested by the recordation of a subdivision plat through a City subdivision process shall conform with the slope restrictions in effect at the time the subdivision was approved. Slope restrictions negotiated by the Planning Commission as part of the subdivision approval process, which are more restrictive than previous or current zoning requirements, as noted on the plat under "Notice to Purchasers" or shown on the recorded

subdivision plat, supersede the zoning or slope requirements that were in place at the time the subdivision was approved.

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All faces of buildings and structures shall be set back from any developable area limitation line a minimum of fifteen feet (15') unless otherwise approved and as documented by a subdivision plat that was recorded prior to [the effective date of this Ordinance].

I. Fence Restrictions: Fencing on areas identified as undevelopable areas (because of slope) on any development plan or subdivision plat shall comply with the standards listed in Section 21A.24.010.10 b (Field Fencing of Designated Undevelopable Areas) of this Title. All other fencing shall comply with Section 21A.40.120 (Regulation of Fences, Walls and Hedges) of this Title unless otherwise modified as part of the development approval process.

SECTION 6. Amending Noncomplying Lots. That Section 21A.38.100 of the Salt *Lake* ~~City~~ Code, pertaining to Noncomplying Lots be, and hereby is, amended to read as follows:

21A.38.100 Noncomplying Lots:

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creation of the parcel by deed, 2) the subject property could have met the minimum requirements for the zoning in place at the time of creation by deed and is subsequently administratively so determined by the Planning Director or Zoning Administrator, or, 3) that the subject parcel was created prior to the adoption of the 1927 Zoning Ordinance.

Legal complying lots in residential districts shall be approved for the development of a single-family dwelling regardless of the size of the lot subject to complying with all yard area requirements of the R-115,000 district. Legal complying lots in residential districts shall be approved for any permitted use or conditional use allowed in the zoning district, other than a single-family dwelling, subject to complying with all lot area and minimum yard requirements of the district in which the lot is located. Legal complying lots in nonresidential districts shall be approved for any permitted use or conditional use allowed in the zoning district subject to complying with all yard requirements of the district in which the lot is located.

SECTION 7. 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 _____ 2006.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____

Mayor's **Action:** _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ **of 2006.**

Published: _____

I:\Ordinance 06\Amending 21A.24.020(G), 21A.24.030(G), and 21A.24.040(G) - 09-14-06 clelan.doc

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date September 14, 2006
By Melanie Huf

3. NOTICE OF CITY COUNCIL PUBLIC HEARING

**3. A. NOTICE OF CITY COUNCIL HEARING
POSTING AND MAILING DRAFT**

Posted _____
By _____

NOTICE OF PUBLIC HEARING

On _____, the Salt Lake City Council will hold a public hearing to consider petition number 400-06-13, a text amendment request to the Salt Lake City Zoning Ordinance relative to clarifying the application of steep slope restrictions in the Foothill Residential (FR-I, FR-2, and FR-3) and Foothill Protection (FP) Zoning Districts, adding steep slope and special fencing regulations to the Open Space (OS) Zoning District, refining the definition of a legal lot and revising the building setback from undevelopable areas in the Foothill Zoning Districts from a minimum of ten feet (10') and an average of **twenty** feet (20') to a minimum of 15 feet.

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:
PLACE: ROOM 315
 City and County Building
 451 South State Street
 Salt Lake City

If you have any questions relating to this proposal, please attend the meeting or call Ray McCandless at 535-7282 Monday through Friday or ray.mccandless@slcgov.com.

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this public hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact Mr. Ray McCandless at 535-7282; TDD 535-6220.

**3. B. NOTICE OF PUBLIC HEARING NEWSPAPER
PUBLICATION TRANSMITTAL**

MEMORANDUM

To: Lynn Valdez
Newspaper Corporation
From: Salt Lake City Council's Office
Re: **SPECIAL NOTICES - 010 - CLASSIFIED ADS**
Date:

Please run the following ad, one time on _____, in both papers

NOTICE OF PUBLIC HEARING

On _____, the Salt Lake City Council will hold a public hearing to consider petition number 400-06-13, a text amendment request to the Salt Lake City Zoning Ordinance relative to clarifying the application of steep slope restrictions in the Foothill Residential (FR-1, FR-2, and FR-3) and Foothill Protection (FP) Zoning Districts, adding steep slope and special fencing regulations to the Open Space (OS) Zoning District, refining the **definition** of a **legal** lot and revising the building setback from undevelopable areas in the Foothill Zoning Districts from a minimum of ten feet (10') and an average of twenty feet (20') to a minimum of 15 feet.

The public meeting of the City Council begins at _____ p.m. in R o o m _____, City and County Building, 451 South State Street, Salt Lake City, Utah. For more information or special arrangements, call Mr. Ray **McCandless** at 535-7282.

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this public hearing. Accommodations may include alternate **formats**, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact Mr. Ray **McCandless** at 535-7282; TDD 535-6220.

3. C. MAILING LIST AND LABELS

KEN FULZ
WESTPOINTE CHAIR
1217 NORTH BRIGADIER CIR
SALT LAKE CITY UT 84116

KENNETH L NEAL
ROSE PARK CHAIR
1071 NORTH TOPAZ
SALT LAKE CITY UT 84116

ANGIE VORHER
JORDAN MEADOWS CHAIR
1988 SIR JAMES DRIVE
SALT LAKE CITY UT 84116

VICKY ORME
FAIRPARK CHAIR
159 NORTH 1320 WEST
SALT LAKE CITY UT 84116

MIKE HARMAN
POPLAR GROVE CHAIR
1044 WEST 300 SOUTH
SALT LAKE CITY UT 84104

RANDY SORENSON
GLENDALE CHAIR
1184 SOUTH REDWOOD DR
SLAT LAKE CITY UT 84104

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

STEVE MECHAM
GREATER AVENUES CHAIR
1180 FIRST AVENUE
SALT LAKE CITY UT 84103

BILL DAVIS
DOWNTOWN CHAIR
329 HARRISON AVENUE
SALT LAKE CITY UT 84115

DELBERT RUSHTON
PEOPLE'S FREEWAY CHAIR
18 WEST HARTWELL AVE
SALT LAKE CITY UT 84115

THOMAS MUTTER
CENTRAL CITY CHAIR
228 EAST 500 SOUTH #100
SALT LAKE CITY UT 84111

CHRIS JOHNSON
EAST CENTRAL CHAIR
PO BOX 520641
SALT LAKE CITY UT 84106

JIM FISHER
LIBERTY WELLS CHAIR
428 CLEVELAND AVE
SALT LAKE CITY UT 84105

JON DEWEY
YALECREST CHAIR
1724 PRINCETON AVE
SALT LAKE CITY UT 84108

DANIEL JENSEN
WASATCH HOLLOW CHAIR
1670 EAST EMERSON AVE
SALT LAKE CITY UT 84105

ELIOT BRINTON
SUNNYSIDE EAST CHAIR
849 SOUTH CONNOR STREET
SALT LAKE CITY UT 84108

ELLEN REDDICK
BONNEVILLE HILLS CHAIR
2177 ROOSEVELT AVENUE
SALT LAKE CITY UT 84108

MICHAEL AKERLOW
FOOTHILL/SUNNYSIDE CHAIR
1940 HUBBARD AVE
SALT LAKE CITY UT 84108

SHAWN MCMILLEN
H. ROCK CHAIR
1855 SOUTH 2600 EAST
SALT LAKE CITY UT 84108

DAVE MORTENSEN
ARCADIA HEIGHTS/BENCHMARK
CHAIR
2278 SIGNAL POINT CIRCLE
SALT LAKE CITY UT 84109

MARK HOLLAND
SUGAR HOUSE CHAIR
1942 BERKELEY STREET
SALT LAKE CITY UT 84108

PAUL TAYLOR
OAK HILLS CHAIR
1165 OAKHILLS WAY
SALT LAKE CITY UT 84108

BRUCE COHNE
EAST BENCH CHAIR
2384 SOUTH SUMMIT CIRCLE
SLAT LAKE CITY, UT 84109

PAMPENDERSON
EAST LIBERTY PARK CHAIR
1140 S 900 E 84105
SALT LAKE CITY, UT

TIM DEE
SUNSET OAKS CHAIR
1575 DEVONSHIRE DRIVE
SALT LAKE CITY UT 84108

INDIAN HILLS CHAIR
Vacant

ST. MARY'S CHAIR
Vacant

Salt Lake City Planning
ATTN Ray McCauley
451 South State Street 406
Salt Lake City Utah 84111

~~Doug Wheelwright~~

Salt Lake City Planning
ATTN. Doug Wheelwright
451 South State Room 406
Salt Lake City Utah
84111

ORGANIZATIONS:
Updated: 41112005 sj

DOWNTOWN ALLIANCE
BOB FARRINGTON, DIRECTOR
175 EAST 400 SOUTH, #100
SALT LAKE CITY, UT 84111

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

ATTN: CAROL DIBBLEE
DOWNTOWN MERCHANTS ASSN.
10 W. BROADWAY, SUITE #420
P.O. BOX
SALT LAKE CITY, UT 84101

HISPANIC CHAMBER OF
COMMERCE
P.O. BOX 1805
SALT LAKE CITY, UT 84110

VEST POCKET BUSINESS
COALITION
P.O. BOX 521357
SALT LAKE CITY, UT 84152-1357

SUGAR HOUSE MERCHANTS ASSN
c/o BARBARA GREEN
SMITH-CROWN
2000 SOUTH 1100 EAST
SALT LAKE CITY, UT 84106

WESTSIDE ALLIANCE
c/o NEIGHBORHOODHOUSING SVS.
MARIA GARCIA
622 WEST 500 NORTH
SALT LAKE CITY, UT 84116

Susan Loffler
940 Donner Way #590
Salt Lake City, UT 84108

Roland Robison
940 Donner Way #480
Salt Lake City, UT 84108

Susan McFarland
940 Donner Way #190
Salt Lake City, UT 84108

Donald Lewon
2748 Wilshire Drive
Salt Lake City, UT 84109

Charlene & Kees Tims
2240 South Belaire Drive
Salt Lake City, UT 84109

Mary Zackison
895 South Donner Circle #C
Salt Lake City, UT 84108

Betty Brewer
895 South Donner Circle #A
Salt Lake City, UT 84108

KEN FULZ
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1217 NORTH BRIGADIER CIR
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WASATCH HOLLOW CHAIR
1670 EAST EMERSON AVE
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PAM PENDERSON
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1140 S 900 E 84105
SALT LAKE CITY, UT

TIM DEE
SUNSET OAKS CHAIR
1575 DEVONSHIRE DRIVE
SALT LAKE CITY UT 84108

INDIAN HILLS CHAIR
Vacant

ST. MARY'S CHAIR
Vacant

Salt Lake City Planning
ATTN Ray McCannless on
451 South State Street Apt
Salt Lake City Utah 84111

~~Doug Wheelwright~~

Salt Lake City Planning
ATTN. Doug Wheelwright,
451 South State Room 406
Salt Lake City Utah
84111

ORGANIZATIONS:

Updated: 4/11/2005 sj

DOWNTOWN ALLIANCE
BOB FARRINGTON, DIRECTOR
175 EAST 400 SOUTH, #100
SALT LAKE CITY, UT 84111

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

ATTN: CAROL DIBBLEE
DOWNTOWN MERCHANTS ASSN.
10 W. BROADWAY, SUITE #420
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SALT LAKE CITY, UT 84101

HISPANIC CHAMBER OF
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VEST POCKET BUSINESS
COALITION
P.O. BOX 521357
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SALT LAKE CITY, UT 84106

WESTSIDE ALLIANCE
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Salt Lake City, UT 84109

Mary Zackison
895 South Donner Circle #C
Salt Lake City, UT 84108

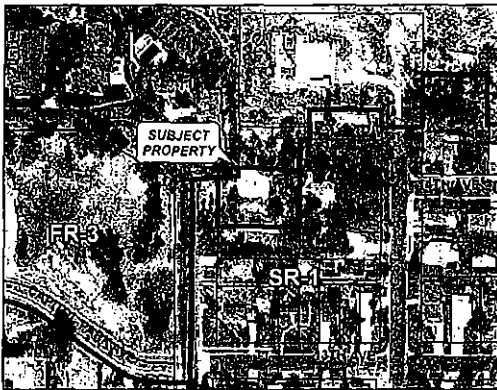
Betty Brewer
895 South Donner Circle #A
Salt Lake City, UT 84108

**4. PLANNING COMMISSION AGENDA
FOR AUGUST 23,2006**

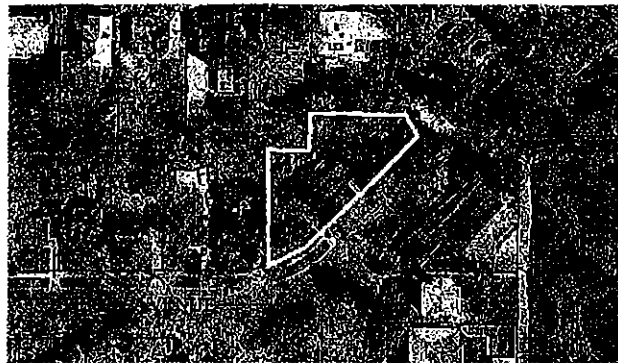
AMENDED
AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the **City & County Building** at 451 South State Street
Wednesday, August 23, 2006, at **5:45 p.m.**

Dinner will be served to the Planning Commissioners and Staff 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 is open to the public for observation.

1. APPROVAL OF MINUTES from Wednesday, August 9, 2006.
2. REPORT OF THE CHAIR AND VICE CHAIR
 - a. Election of Chair and Vice Chair
 - b. Service Acknowledgement for John Diamond and Laurie Noda
3. REPORT OF THE DIRECTOR
 - a. Northwest Quadrant Advisory Committee Review
4. PUBLIC NOTICE AGENDA Salt Lake City Property Conveyance Matters (Staff- Doug Wheelwright at 535-6178 or doug.wheelwright@slcgov.com and John Spencer at 535-6398 or john.spencer@slcgov.com)
 - a. **Jameson Properties, LLC and Salt Lake City Public Utilities Division**—Jameson Properties is requesting that Property Management approve a lease agreement to allow overhead and subsurface encroachments into the public way on both the 200 East and 200 South street frontages, for an existing building which is being remodeled and is approved for condominium conversion, abutting the property located at 169 East 200 South Street. The adjacent property is zoned Central Business District (D-1). Property Management staff intends to approve the lease agreement.
5. PUBLIC HEARINGS
 - a. Petition **480-06-02** – A request by **Armen Taroian** requesting preliminary condominium approval for a proposed five-unit multi-family development located at approximately 38 West Merrimac Avenue in a Moderate Density Multi-Family Residential (RMF-35) Zoning District. (Staff - Ray McCandless at 535-7282 or rav.mccandless@slcgov.com)
 - b. Petition 400-06-13 – A text amendment request to the Salt Lake City Zoning Ordinance relative to clarifying the application of steep slope restrictions in the Foothill Residential (FR-1, FR-2, and FR-3) and Foothill Protection (FP) Zoning Districts, adding steep slope and special fencing regulations to the Open Space (OS) Zoning District, refining the definition of a legal lot and revising the building setback from undevelopable areas in the Foothill Zoning Districts from a minimum of ten feet (10') and an average of twenty feet (20') to a minimum of 15 feet. (Staff - Ray McCandless at 535-7282 or rav.mccandless@slcgov.com)
 - c. Petition 490-06-22 – A request by the property owner, Ferguson Martin, LLC for approval of a two (2) lot subdivision located at approximately 688 "F" Street. The subject property is approximately 0.42 acres in size and is zoned SR-1A (Special Development Pattern Residential District). The applicant proposes Lot 1 to be 0.23 acres and Lot 2 to be 0.19 acres in size. (Staff - Lex Traughber at 535-6184 or lex.traughber@slcgov.com)



Petition 490-06-22



Petition 490-06-26

6. UNFINISHED BUSINESS
 - a. Petition No. 490-06-26 – A request by Gary Nordhoff to amend the Federal Heights Subdivision by subdividing the property located at approximately 1455 East Perry Avenue into two lots to facilitate the demolition of the existing building and the construction of two new single-family homes in a Single Family Residential (R-115000) Zoning District. (Staff - Sarah Carroll at 535-6260 or sarah.carroll@slcgov.com)

**5. STAFF REPORT FOR THE AUGUST 23,2006
PLANNING COMMISSION MEETING**

DATE: August 23,2006

TO: Salt Lake City Planning Commission

FROM: Ray **McCandless**, Principal Planner at 535-7282 or ray.mccandless@slcgov.com

RE: Petition 400-06-13, a text amendment request to the Salt Lake City Zoning Ordinance relative to clarifying the application of steep slope restrictions in the Foothill Residential (FR-1, FR-2, and FR-3) and Foothill Protection (FP) Zoning Districts, adding steep slope and special fencing regulations to the Open Space (**OS**) Zoning District, **refining** the definition of a legal lot and revising the **building** setback from **undevelopable** areas **in the Foothill Zoning** Districts **from** a minimum of ten feet (10') and an average of twenty feet (20') to a minimum of **15** feet.

PETITION NUMBER: 400-06-13

APPLICANT: Salt Lake City Planning Commission

STATUS OF APPLICANT: Salt Lake City Planning Commission

PROJECT LOCATION: Citywide

COUNCIL DISTRICTS: All Council Districts

REQUESTED ACTION:

The proposed **text** amendment involves several revisions to the Salt Lake City Zoning Ordinance. The proposed changes include the following four actions:

- 1) Clarifying the application of steep slope restrictions in the Foothill Residential (FR-1, FR-2, and FR-3) and Foothill Protection (FP) Zoning Districts.
- 2) Adding steep slope and special fencing regulations to the Open Space (OS) Zoning District.
- 3) Refining the definition of a legal lot.
- 4) Revising the building setback from undevelopable areas in the Foothill Residential Zoning Districts from a minimum of ten feet (10') and an average of twenty feet (20') to a minimum of fifteen (15) feet.

PROPOSED ZONING TEXT AMENDMENT:

The proposed zoning text language is attached as Exhibit 1

APPLICABLE LAND USE REGULATIONS:

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

- 21A.24.020 G. FR-1143,560 Foothills Estate Residential District - Slope Restrictions
- 21A.24.030 G. FR-2121,780 Foothills Residential District - Slope Restrictions
- 21A.24.040 G. FR-3112,000 Foothills Residential District - Slope Restrictions
- 21A.32.040 H. FP Foothills Protection District - Slope Restrictions
- 21A.32.100 H. OS Open Space District - Slope Restrictions
- 21A.32.100 I. OS Open Space District - Proposed New Section
- 21A.38.100 Noncomplying Lots

MASTER PLAN SPECIFICATIONS:

The Salt Lake City Capitol Hill Master Plan applies to this proposed text amendment. One of the Policies of The Foothill Protection and Development Section of the Capitol Hill Master Plan, (Page 20) is to "Maintain and strictly enforce existing regulations which prohibit development of land with 30% or greater slope."

COMMENTS:

The following applicable City agencies were contacted regarding the proposed text amendment. The following is a summary of the **comments/concerns** received by the Planning Division:

Transportation: The Transportation Division has no concerns with the proposed text amendment.

Public Utilities: Public Utilities did not respond to the request for departmental comments.

Building Services: Building Services did not respond to the request for departmental comments.

Police Department: The Police Department does not have any concerns with the proposed text amendment.

Salt Lake City Engineering: Salt Lake City Engineering does not have any concerns with the proposed text amendment.

Fire Department: The Fire Department did not respond to the request for departmental comments.

Community Council(s): The Planning Division held an Open House for Community Councils and interested parties on July 12, 2006. Eight residents from the Donner Way and Kennedy Drive area attended the meeting. Most of their concerns were related to proposed developments on Kennedy Drive and Donner Way. However, there were no specific modifications or revisions suggested to the proposed ordinance. There was some concern expressed about allowing existing platted subdivision lots (that predated the current 30% slope restrictions) to be developed on slopes exceeding 30%. However, those in attendance generally favored the proposed text amendment.

ANALYSIS:

Staff is recommending a request to amend Sections 21A.24.020 G., 21A.24.030 G, 21A.24.040 G, 21A.32.040 H., 21A.32.100 H., 21A.32.100 I., and 21A.38.100 of the Salt Lake City Zoning Ordinance.

The purpose of this zoning text amendment petition is to clarify and standardize the application of steep slope restrictions in the FR and FP Zoning Districts, implement steep slope regulations in the Open Space Zoning District, establish fencing standards for the Open Space (OS) Zoning District, further define what a legal lot is, and revise the required building setback in Foothills Zoning Districts from an averaged setback to a set distance of fifteen (15) feet. Each of these proposed actions are discussed in the following sections:

1) Clarification of the application of steep slope restrictions in the Foothill Residential (FR-1, FR-2, and FR-3) and Foothill Protection (FP) Zoning Districts.

The existing steep slope standards apply to lots that were created after 1994 but do not address lots that were created before then, nor do they address lots that were created by deed. The proposed text amendment addresses this issue by implementing language that applies to all subdivision activity that has occurred in the Foothill Zoning Districts regardless of when the property was subdivided.

The current language regarding slope restrictions in the FR-1, FR-2 and FR-3 Zoning Districts reads as follows:

Slope Restrictions: For lots subdivided after November 4, 1994, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope. All faces of buildings and structures shall be set back from any nonbuildable area line, as

shown on the plat if any, a minimum of ten feet (10') and an average of twenty feet (20').

The slope restriction language of the FP Zoning District is similar, but reads as follows:

Slope Restrictions: To protect the visual and environmental quality of foothill areas, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope for lots in subdivisions granted preliminary approval by the Planning Commission after November 4, 1994.

The proposed text amendment allows lots that were approved through a City subdivision process to be developed at the slope requirement in effect at the time the subdivision was approved. However, all metes and bounds parcels, whether created through a City subdivision process or created by deed, must meet the current 30% maximum slope restrictions (see Exhibit 1 - Proposed **Draft Ordinance**).

As noted above, the steep slope language in the FR and FP Zoning Districts is similar in content but reads differently. The proposed text amendment makes the steep slope language identical for all Foothill Zoning Districts (Exhibit 1).

2) Steep slope and special **fencing** regulations to the Open **Space (OS)** Zoning District.

The Salt Lake City Planning Commission has requested that the Planning Staff develop slope restrictions for the Open Space (OS) Zoning District as there currently are none. The proposed revisions implement steep slope requirements that are identical to those proposed for the FR and FP Zoning Districts (see Exhibit 1 - Proposed Draft Ordinance).

The Planning Commission has also requested that the Planning Staff look at creating new fencing standards for the City's Open Space (OS) Zoning District since there currently are none. Staff is proposing new fencing standards that would require that any new fencing on nonbuildable areas, including fencing on steep slopes, must comply with the same fencing standards required for steep slopes in the foothills Zoning Districts, Section 21A.24.010.0.10 b., Field Fencing Of Designated **Undevelopable** Areas, of the Zoning Ordinance. All other fencing in the Open Space (OS) Zoning District would comply with the general fencing standards found in section 21A.40.120 Regulation of Fences, Walls and Hedges, of the Salt Lake City Zoning Ordinance.

3) Refine the definition of a legal lot.

The current Zoning Ordinance does have various standards for noncomplying lots, but it does not define specifically what a noncomplying lot is. For this reason, the following language is being proposed to be added to Section 21A.38.100 -Noncomplying Lots, of the Salt Lake City Zoning Ordinance to resolve this concern:

- 1) The subject property went through and was approved through the City subdivision approval process required at the time of creation of the parcel by deed,
- 2) The property could have met the minimum requirements for the zoning in place at the time of creation by deed and is subsequently administratively so determined by the Planning Director or Zoning Administrator, or
- 3) That the parcel was created prior to the adoption of the 1927 Zoning Ordinance.

These definitions are reflected in the proposed text amendment language as shown in Exhibit 1 of this Report.

4) Revision of the **building** setback from **undevelopable** areas to a minimum of **15 feet**.

The proposed text amendment amends the averaging requirement that requires buildings to be set back from any nonbuildable area from a minimum of ten feet (10') and an average of twenty (20') to fifteen feet (15') in the Foothills Zoning Districts. The purpose of this revision is that a minimum of fifteen feet (15') is easier to administer and is less ambiguous than the current averaging method.

CODE CRITERIA I DISCUSSION I FINDINGS

Since the proposed text amendment 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:

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 the Salt Lake City Open Space Plan, stating that the City seeks to implement "site sensitive regulations (architectural controls and aesthetics) that protect the hillside", as found on page 6.

Findings:

The proposed text change is consistent with Salt Lake City Open Space Plan policies of protecting the hillside.

- 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 creates consistency in the application of steep slope regulations in the Foothills and Open Space Zoning Districts making development harmonious with the overall character of existing development in

these zones. The proposed text amendment also establishes fencing requirements for the Open Space Zoning District and clarifies the definition of a legal lot. The text amendment also simplifies the setback requirement from unbuildable areas in the Foothills Zoning Districts.

Findings: The proposed text amendment meets this standard.

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

Discussion: Although the proposed text amendment has City-wide implications as Open Space Zoning Districts are found throughout the City, the proposed amendment will not adversely affect properties located in or around the Foothills or Open Space Zoning Districts. The proposed text amendment implements steep slope and fencing regulations which will further protect environmentally sensitive areas in the Foothills and Open Space Zoning Districts.

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 new subdivisions and fences in the Open Space Zoning District 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 services.

Exhibit 1 - Proposed Draft Ordinance

ZONING ORDINANCE SECTIONS AFFECTED

- Section 21A.24.020 G. Slope Restrictions (FR-1143,560 Foothills Estate Residential District)
- Section 21A.24.030 G. Slope Restrictions (FR-2121,780 Foothills Residential District)
- Section 21A.24.040 G. Slope Restrictions (FR-3112,000 Foothills Residential District)

EXISTING ORDINANCE LANGUAGE FOR SECTIONS 21A.24.020 G., 21A.24.030 G. AND 21A.24.040 G.

Slope Restrictions: For lots subdivided after November 4, 1994, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope. All faces of buildings and structures shall be set back from any nonbuildable area line, as shown on the plat if any, a minimum of ten feet (10') and an average of twenty feet (20').

PROPOSED ORDINANCE LANGUAGE FOR SECTIONS 21A.24.020 G., 21A.24.030 G. AND 21A.24.040 G.

Slope Restrictions: Legally existing lots which are vested by the recordation of a subdivision plat through a City subdivision process shall conform with the slope restrictions in effect at the time the subdivision was approved. Slope restrictions negotiated by the Planning Commission as part of the subdivision approval process, which are more restrictive than previous or current zoning requirements, as noted on the plat under "Notice to Purchasers" or shown on the recorded subdivision plat, supersede the zoning or slope requirements that were in place at the time the subdivision was approved.

For metes and bounds parcels in legal existence that were created by deed, ~~For~~ lots subdivided after November 4, 1994, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope. **Metes and bounds parcels which were created by deed and without going through** a City subdivision process are required to file for and be approved as subdivisions using existing subdivision, zoning and thirty percent (30%) slope restrictions.

~~All faces of buildings and structures shall be set back from any nonbuildable area line, as shown on the plat if any, a minimum of ten feet (10') and an average of twenty feet (20').~~

All faces of buildings and structures shall be set back from any developable area limitation line a minimum of fifteen feet (15') unless otherwise approved and as documented by a subdivision plat that was recorded prior to {effective date of this ordinance}.

ZONING ORDINANCE SECTION AFFECTED

- 21A.32.040 H. Slope Restrictions (FP Foothills Protection District)

EXISTING ORDINANCE LANGUAGE FOR SECTION 21A.32.040 H.

- H. Slope Restrictions: To protect the visual and environmental quality of foothill areas, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope for lots in subdivisions granted preliminary approval by the Planning Commission after November 4, 1994.

PROPOSED ORDINANCE LANGUAGE FOR SECTION 21A.32.040 H.

- H. **Slope Restrictions:** ~~To protect the visual and environmental quality of foothill areas, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope for lots in subdivisions granted preliminary approval by the Planning Commission after November 4, 1994.~~ **Legally existing lots which are vested by the recordation of a subdivision plat through a City subdivision process shall conform with the slope restrictions in effect at the time the subdivision was approved. Slope restrictions negotiated by the Planning Commission as part of the subdivision approval process, which are more restrictive than previous or current zoning requirements, as noted on the plat under "Notice to Purchasers" or shown on the recorded subdivision plat, supersede the zoning or slope requirements that were in place at the time the subdivision was approved.**

For metes and bounds parcels in legal existence that were created by deed, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope. Metes and bounds parcels which were created by deed and without going through a City subdivision process are required to file for and be approved as subdivisions using existing subdivision, zoning and thirty percent (30%) slope restrictions.

All faces of buildings and structures shall be set back from any developable area limitation line a minimum of fifteen feet (15') unless otherwise approved and as documented by a subdivision plat that was recorded prior to (effective date of this ordinance).

ZONING ORDINANCE SECTION AFFECTED

- 21A.32.100OS Open Space District:

EXISTING ORDINANCE LANGUAGE FOR SECTION 21A.32.100

None

PROPOSED ORDINANCE LANGUAGE FOR NEW SECTIONS 21A.32.100 H and I

- H. Legally existing lots which are vested **by the recordation of a subdivision plat** through a City subdivision process **shall conform with the slope restrictions in effect at the time the subdivision was approved. Slope restrictions negotiated by the Planning Commission as part of the subdivision approval process, which are more restrictive than previous or current zoning requirements, as noted on the plat under "Notice to Purchasers" or shown on the recorded subdivision plat, supersede the zoning or slope requirements that were in place at the time the subdivision was approved.**

For metes and bounds parcels in legal existence **that were created by deed, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope. Metes and bounds parcels which were created by deed and without going through a City subdivision process are required to file for and be approved as subdivisions using existing** Subdivision, zoning and thirty percent (30%) slope restrictions.

All faces of buildings and structures shall be set back from any developable area limitation line a minimum of fifteen feet (15') unless otherwise approved and as documented by a subdivision plat that was recorded prior to Jeffective date of this ordinance.

- I. **Fence Restrictions: Fencing on areas identified as undevelopable areas (because of slope) on any development plan or subdivision plat shall comply with the standards listed in Section 21A.24.010.0.10 b. Field Fencing Of Designated Undevelopable Areas of this Title. All other fencing shall comply with Section 21A.40.120 Regulation of Fences, Walls and Hedges section of this Title unless otherwise modified as part of the development approval process.**

EXISTING ORDINANCE LANGUAGE FOR SECTION 21A.38.100
NONCOMPLYING LOTS

A lot that is noncomplying as to lot area or lot frontage that was in legal existence on the effective date of any amendment to this title that makes the existing lot noncomplying shall be considered a legal complying lot. Legal complying lots in residential districts shall be approved for the development of a single-family dwelling regardless of the size of the lot subject to complying with all yard area requirements of the R-115,000 district. Legal complying lots in residential districts shall be approved for any permitted use or conditional use allowed in the zoning district, other than a single-family dwelling, subject to complying with all lot area and minimum yard requirements of the district in which the lot is located. Legal complying lots in nonresidential districts shall be approved for any permitted use or conditional use allowed in the zoning district subject to complying with all yard requirements of the district in which the lot is located. (Ord. 15-05 § 1, 2005)

PROPOSED ORDINANCE LANGUAGE FOR SECTION 21A.38.100

A lot that is noncomplying as to lot area or lot frontage that was in legal existence on the effective date of any amendment to this title that makes the existing lot noncomplying shall be considered a legal complying lot. **In legal existence means that: 1) The subject property went through and was approved through the City subdivision approval process required at the time of creation of the parcel by deed, 2) The property could have met the minimum requirements for the zoning in place at the time of creation by deed and is subsequently administratively so determined by the Planning Director or Zoning Administrator, or, 3) That the parcel was created prior to the adoption of the 1927 Zoning Ordinance.**

Legal complying lots in residential districts shall be approved for the development of a single-family dwelling regardless of the size of the lot subject to complying with all yard area requirements of the R-115,000 district. Legal complying lots in residential districts shall be approved for any permitted use or conditional use allowed in the zoning district, other than a single-family dwelling, subject to complying with all lot area and minimum yard requirements of the district in which the lot is located. Legal complying lots in nonresidential districts shall be approved for any permitted use or conditional use allowed in the zoning district subject to complying with all yard requirements of the district in which the lot is located. (Ord. 15-05 § 1, 2005)

Exhibit 2 - Open House Notification

SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING AND ZONING DIVISION

ALEXANDER C. IKEFUNA
PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

CHERI COFFEY, AICP
DEPUTY PLANNING DIRECTOR

ROSS C. ANDERSON
MAYOR

A. LOUIS ZUNGUZE
COMMUNITY DEVELOPMENT DIRECTOR

June 27, 2006

NOTICE OF OPEN HOUSE

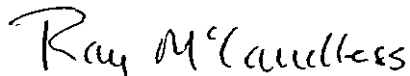
On May 24, 2006, the Salt Lake City Planning Commission initiated petition number 400-06-13 to study revisions to the text of the Zoning Ordinance relative to: (1) clarifying the application of steep slope restrictions, as part of any subdivision or building permit process, in the Foothill Residential (FR-I, FR-2, and FR-3) and Foothill Protection (FP) Zoning Districts, (2) adding specific foothills restrictions and special fencing restrictions to the Open Space (OS) Zoning District and (3) defining a lot in legal existence.

An Open House will be held to give the public an opportunity to provide input concerning this petition. The Open House will be held on:

**Wednesday, July 12, 2006
Salt Lake City County Building
451 South State Street
5th Floor Law Library
Between the hours of 5:00 and 6:00 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 other potentially interested parties, and informing them of the open house. If you have any questions on this issue, please call Ray McCandless at 535-7282 or email ray.mccandless@slcgov.com

Respectfully,



Ray McCandless
Principal Planner

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this public hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact Mr. Ray McCandless at 535-7282; TDD 535-6021.

Exhibit 3 - Department Comments

McCandless, Ray

From: Walsh, Barry
Sent: Monday, July 03, 2006 10:22 AM
To: McCandless, Ray
Cc: Young, Kevin; Weiler, Scott; Butcher, Larry
Subject: RE: Petition 400-06-13 - FR,FP,OS Slope and Fencing Zoning Text Amendment
Categories: Program/Policy

July 3, 2006

Ray McCandless, Planning

Re: Petition 400-06-13 – FR, FP, OS, Slope and Fencing Zoning Text Amendment.

The transportation division review comments and recommendations for the proposed Petition are as follows;

We see no impact to transportation issues for access, parking, staging, or circulations as presented with these revisions to define slope / setbacks, Legal lots, and fencing.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Larry Butcher, Permits
Scott Weiler, P.E.
File.

From: McCandless, Ray
Sent: Thursday, June 29, 2006 10:29 AM
To: Stewart, Brad; Larson, Bradley; Walsh, Barry; Weiler, Scott; Butcher, Larry; Johnson, Linda; Smith, JR
Cc: Boskoff, Nancy; Burbank, Chris; Clark, Luann; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Oka, Dave; Williams, Roy; Querry, Chuck; Rutan, Ed; Zunguze, Louis; Ikefuna, Alexander; LoPiccolo, Kevin; Wheelwright, Doug
Subject: Petition 400-06-13 - FR,FP,OS Slope and Fencing Zoning Text Amendment

All:

On May 24, 2006, the Salt Lake City Planning Commission initiated petition number 400-06-13 to study revisions to the text of the Zoning Ordinance relative to: (1) clarifying the application of steep slope restrictions, as part of any subdivision or building permit process, in the Foothill Residential (FR-I, FR-2, and FR-3) and Foothill Protection (FP) Zoning Districts, (2) adding specific foothills restrictions and special fencing restrictions to the Open Space (OS) Zoning District and (3) defining a lot in legal existence.

Attached is draft language detailing the proposed changes to the Zoning Ordinance. Would you please let me know by e-mail if you have any departmental concerns. Your response by July 14, 2006 would be appreciated.

McCandless, Ray

From: Smith, JR
Sent: Monday, July 10, 2006 9:02 AM
To: McCandless, Ray
Subject: RE: Petition 400-06-13 - FR,FP,OS Slope and Fencing Zoning Text Amendment
Categories: Program/Policy

Ray,

No concerns re: this proposed Zoning Ordinance change

J.R. Smith
SLCPD
Community Action Team

From: McCandless, Ray
Sent: Thursday, June 29, 2006 10:29 AM
To: Stewart, Brad; Larson, Bradley; Walsh, Barry; Weiler, Scott; Butcher, Larry; Johnson, Linda; Smith, JR
Cc: Boskoff, Nancy; Burbank, Chris; Clark, Luann; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Oka, Dave; Williams, Roy; Querry, Chuck; Rutan, Ed; Zunguze, Louis; Ikefuna, Alexander; LoPiccolo, Kevin; Wheelwright, Doug
Subject: Petition 400-06-13 - FR,FP,OS Slope and Fencing Zoning Text Amendment

All:

On May 24, 2006, the Salt Lake City Planning Commission initiated petition number 400-06-13 to study revisions to the text of the Zoning Ordinance relative to: (1) clarifying the application of steep slope restrictions, as part of any subdivision or building permit process, in the Foothill Residential (FR-I, FR-2, and FR-3) and Foothill Protection (FP) Zoning Districts, (2) adding specific foothills restrictions and special fencing restrictions to the Open Space (OS) Zoning District and (3) defining a lot in legal existence.

Attached is **draft** language detailing the proposed changes to the Zoning Ordinance. Would you please let me know by e-mail if you have any departmental concerns. Your response by July 14, 2006 would be appreciated.

Ray McCandless
Planning Division
535-7757

McCandless, Ray

From: Weiler, Scott
Sent: Wednesday, July 26, 2006 5:31 PM
To: McCandless, Ray
Subject: RE: Petition 400-06-13 - FR,FP,OS Slope and Fencing Zoning Text Amendment
Categories: Program/Policy

Ray,

Engineering has no comment.

Scott

From: McCandless, Ray
Sent: Thursday, June 29, 2006 10:29 AM
To: Stewart, Brad; Larson, Bradley; Walsh, Barry; Weiler, Scott; Butcher, Larry; Johnson, Linda; Smith, JR
Cc: Boskoff, Nancy; Burbank, Chris; Clark, Luann; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Oka, Dave; Williams, Roy; Querry, Chuck; Rutan, Ed; Zunguze, Louis; Ikefuna, Alexander; LoPiccolo, Kevin; Wheelwright, Doug
Subject: Petition 400-06-13 - FR,FP,OS Slope and Fencing Zoning Text Amendment

All:

On May **24**, 2006, the Salt Lake City Planning Commission initiated petition number 400-06-13 to study revisions to the text of the Zoning Ordinance relative to: **(1)** clarifying the application of steep slope restrictions, as part of any subdivision or building permit process, in the Foothill Residential (FR-1, FR-2, and FR-3) and Foothill Protection (FP) Zoning Districts, **(2)** adding specific foothills restrictions and special fencing restrictions to the Open Space (OS) Zoning District and **(3)** defining a lot in legal existence.

Attached is draft language detailing the proposed changes to the Zoning Ordinance. Would you please let me know by e-mail if you have any departmental concerns. Your response by July 14, 2006 would be appreciated.

Ray McCandless
Planning Division
535-7757

**6. PLANNING COMMISSION MINUTES FOR
MAY 24,2006 AND AUGUST 23,2006**

REPORT OF THE PLANNING DIRECTOR

(This *item* was heard at 5:56 p.m.)

Mr. Ikefuna requested clarification from the Commissioners regarding their previous request for budget information and for the year they were interested in. The Commission agreed that they had requested budget information for the upcoming year. Mr. Ikefuna stated that an email will be sent to the Commission with the proposed budget, as City Council is working through the approval process.

Mr. Ikefuna recognized Mr. Wheelwright as Staff representative for a situation regarding subdivision recognition and the slope requirements. He stated that the request from Planning Staff is to initiate a petition to amend the Zoning Ordinance in order to address the situation. A property on Kennedy Drive had requested a building permit, but Staff was not certain if the lot was legally subdivided. Mr. Wheelwright stated that upon researching further it was found that the Planning Commission approved a subdivision in April 1976 for the four parcels located above the condominium in the area. Mr. Wheelwright stated that the conflict occurs due to the 1995 Zoning Ordinance rewrite and the slope regulations. On November 4, 1994, the City altered the buildable area on a slope from 40 percent to 30 percent, with the ordinance language being very specific to the Foothill Residential and Foothill Preservation Districts. Mr. Wheelwright requested the Planning Commission initiate a petition in order for Staff to research and clarify the Zoning Ordinance, to completely reflect the various categories of land based on the various regulations that existed at certain times. Additionally, as part of the Romney Annexation petition, the City Council has asked Planning Staff to research the zoning of the buffer parcels and the potential fencing differences between the Foothill Preservation and Open Space Zones.

Commissioner Chambless noted that the approval for the Kennedy Drive subdivision had been granted in April 1976, over 30 years ago and requested if a time approval period was in place.

Mr. Wheelwright stated that research has been conducted, but the approval had been given for a minor subdivision at that time, not requiring the subdivision to be platted. He noted that the property is south of the mouth of Emigration Canyon and the Mountain Bell Utility Facility. Mr. Wheelwright clarified that a statute of limitations is not set on some of the events that occurred early in the planning stages of the City's development.

Commissioner De Lay stated that the potential developer for the Kennedy property had appeared in her office recently, requiring her to recuse herself from the vote.

Chairperson Noda agreed to her comments, and noted that Commissioner De Lay would not be voting on the matter.

Petition 400-06-13 – A text amendment request to the Salt Lake City Zoning Ordinance relative to clarifying the application of steep slope restrictions in the Foothill Residential (FR-1, FR-2, and FR-3) and Foothill Protection (FP) Zoning Districts, adding steep slope and special fencing regulations to the Open Space (OS) Zoning District, refining the definition of a legal lot and revising the building setback from undevelopable areas in the Foothill Zoning Districts from a minimum of ten feet (10') and an average of twenty feet (20') to a minimum of fifteen feet (15').

(This item was heard at 6:34 p.m.)

Chairperson McDonough recognized Ray McCandless as staff representative. Mr. McCandless provided a brief background to the petition. He added that the petition was initiated by the Planning Commission, due to proposed residential development near Kennedy Drive. He shared the history of the parcels that prompted the Planning Commission to initiate the petition. A review of the language for lots approved prior to the 1994 Ordinance requiring a slope no greater than thirty percent was provided by Mr. McCandless.

He noted that the slope restrictions for the Foothill Residential (FR-1, FR-2, FR-3) Zoning Districts are the same, however the verbiage is different for the Foothill Preservation (FP) Zone; therefore, staff has created a more consistent verbiage with the proposed ordinance. Staff has also implemented the same standards into the Open Space (OS) Zoning Districts. Mr. McCandless stated that there are three types of subdivisions: (1) subdivisions approved as part of a subdivision plat, (2) subdivision plats approved and recorded by deed, and (3) subdivisions created by deed but not approved through a formal city process. He stated that the new language will apply to all subdivisions, but will clear up the ordinance to read as direct interpretation for the grade regulations. Mr. Wheelwright added that staff has prepared a uniform, comprehensive approach for the new ordinance regulations.

Mr. McCandless read briefly from the draft ordinance and added that any metes and bounds parcels, in legal existence, cannot be developed unless compliance of the thirty percent slope restriction is met. He also stated that the new ordinance reflects a change for subdivisions created by deed but not approved through a formal city process. There will now be a requirement to complete a formal subdivision process and meet the thirty percent slope regulations in order to legitimize the subdivision.

Mr. McCandless also noted that the present ordinance allows for averaging the setback. He added that this has been difficult to administer because house plans are not required at the time of subdivisions; therefore, the new ordinance will require a standard fifteen foot setback.

Mr. Ikefuna provided a brief history of the petition and the slope restrictions. He stated that a developer of residential property on Kennedy Drive was sent to the Planning Office from the Building Permits office due to the existing slope on the property, which exceeded thirty percent. He stated that the developer insisted that the City approved the subdivision and that he should not be required to comply with the thirty percent restrictions. Mr. Ikefuna added that the issue went to the Mayor. Mr. Ikefuna stated that Mr. Wheelwright researched the issue and determined that this petition being discussed today was necessary to resolve the issue of slope restrictions on subdivisions that were previously approved. He added the developer of the Kennedy Drive property had completed a grade change request through the Board of Adjustment, but that it would not occur again if the new ordinance is approved.

Mr. McCandless added that fencing restrictions will be added in the Open Space (OS) Zoning District and that if a thirty percent slope exists on the property, the fencing must comply with the type normally seen in the Foothill Zoning Districts. He concluded by stating that the proposed ordinance further defines a legally existing lots.

At 6:47 p.m., Chairperson McDonough requested comments from the community council chairs and the public.

Susan Loffler, 940 South Donner Way, commended the Planning Commission for the changes that are recommended. She reflected some of her thoughts regarding the density of development in foothill areas and the residents in the surrounding area. She recalled the event of the foothill fire that occurred recently, adding that it was started by development. Ms. Loffler requested that the development in the area be strictly controlled to protect the environment. She suggested that an Architectural Review Board be created in order to allow a property owner to develop the parcel in accordance to the regulations placed

at the time of purchase (or within five to ten years), and only to revise standards at that time. Ms. Loffler concluded that if the City does not act wisely and impartially now, the future of the area might be ruined. She stated her support of the petition.

Mr. Ikefuna clarified that lots on Kennedy Drive were not promised to anyone, but that the lots were subdivided in 1976 without slope restrictions. He stated that because of the pre-1994 forty percent slope requirement, the developer had the right to develop the lots according to the law at the time.

Ms. Loffler stated that there is something that the City can do to regulate development. She requested a comprehensive plan be implemented to further guide the development of the area.

At 6:55 p.m., Hearing or seeing no further request to comment, Chairperson McDonough closed the public hearing.

Commissioner Scott requested clarification regarding the former ten foot minimum setback with a twenty foot average. She requested the reasoning regarding the twenty foot average setback requirement.

Mr. McCandless stated that the new proposed setback would be a fifteen foot minimum requirement from the no-build line. Mr. Wheelwright added that the new proposed setback was determined because people would build structures on the no-build line because of the allowance of an average in the existing ordinance. He added that the average could not be determined until a house plan was developed, with potential problems for interpretation through the old ordinance.

Commissioner Chambless asked if the requirements being requested now had existed years before, if the Romney issue would have been altered.

Mr. Wheelwright stated that it would not have made a difference to the Romney property.

Regarding Petition **400-06-13**, Commissioner Chambless made a motion that the Planning Commission transmit a positive recommendation to the City Council to adopt the proposed text amendment. The motion was seconded by Commissioner **Forbis**. All voted "Aye". The motion passed.

**7. NOTICES FOR THE AUGUST 23,2006
PLANNING COMMISSION MEETING AND
JULY 12,2006 OPEN HOUSE**

AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, August 23, 2006, at 5:45 p.m.

Dinner will be served to the Planning Commissioners and Staff 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 is open to the public for observation.

1. APPROVAL OF MINUTES from Wednesday, August 9, 2006.

2. REPORT OF THE CHAIR AND VICE CHAIR

- a. Election of Chair and Vice Chair

3. REPORT OF THE DIRECTOR

4. PUBLIC NOTICE AGENDA Salt Lake City Property Conveyance Matters (Staff - Doug Wheelwright at 535-6178 or doug.wheelwright@slcgov.com and John Spencer at 535-6398 or john.spencer@slcgov.com)

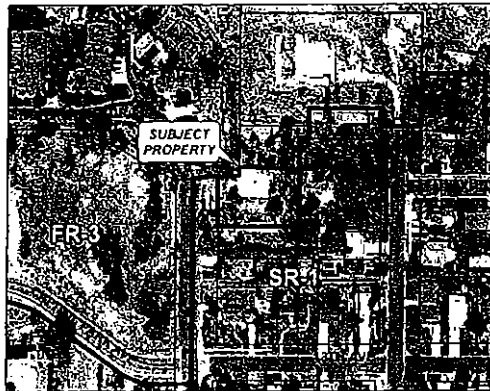
- a. Jameson Properties, LLC and Salt Lake City Public Utilities Division— Jameson Properties is requesting that Property Management approve a lease agreement to allow overhead and subsurface encroachments into the public way on both the 200 East and 200 South street frontages, for an existing building which is being remodeled and is approved for condominium conversion, abutting the property located at 169 East 200 South Street. The adjacent property is zoned Central Business District (D-1). Property Management staff intends to approve the lease agreement.

5. PUBLIC HEARINGS

- a. Petition 480-06-02 – A request by Armen Taroian requesting preliminary condominium approval for a proposed five-unit multi-family development located at approximately 38 West Merrimac Avenue in a Moderate Density Multi-Family Residential (RMF-35) Zoning District. (Staff - Ray McCandless at 535-7282 or ray.mccandless@slcgov.com)

- *b. Petition 400-06-13 – A text amendment request to the Salt Lake City Zoning Ordinance relative to clarifying the application of steep slope restrictions in the Foothill Residential (FR-1, FR-2, and FR-3) and Foothill Protection (FP) Zoning Districts, adding steep slope and special fencing regulations to the Open Space (OS) Zoning District, refining the definition of a legal lot and revising the building setback from undevelopable areas in the Foothill Zoning Districts from a minimum of ten feet (10') and an average of twenty feet (20') to a minimum of 15 feet. (Staff - Ray McCandless at 535-7282 or ray.mccandless@slcgov.com)

- c. Petition 490-06-22 – A request by the property owner, Ferguson Martin, LLC for approval of a two (2) lot subdivision located at approximately 688 "F" Street. The subject property is approximately 0.42 acres in size and is zoned SR-1A (Special Development Pattern Residential District). The applicant proposes Lot 1 to be 0.23 acres and Lot 2 to be 0.19 acres in size. (Staff - Lex Traughber at 535-6184 or lex.traughber@slcgov.com)



6. UNFINISHED BUSINESS

PUBLIC HEARING NOTICE

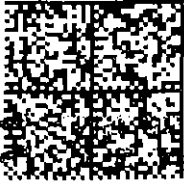
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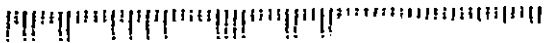
SALT LAKE CITY

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

Salt Lake City Planning Division - RM

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**, hearing 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 **three** (3) minuter per person, per item. A spokesperson who has already **been** asked by a **group** to summarize **their concerns** will be allowed five (5) minuter to speak. Writen **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. Writen comments should be sent to:
Salt Lake City Planning Commission
451 South State Street, R w m 406
Salt Lake City UT 84111
4. Spcakers 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. Spcakers 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. Spcakers should **focus** their commcnts 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 complier will all ADA **guidelines**. People with disabilities may **make requests** for **reasonable** accommodation no later than 48 hours in **advance** in order to **attend** this **meeting**. **Accommodations** may include **alternate** formats, **interpreters**, and other auxiliary aids. **This** is an accessible **facility**. For ques-
tions, **requests**, or additional **information**, please contact the Planning Office at 535-7757; TDD 5354021.

The next Planning Commirson meeting will be held on September 13,2006. For additional information, please visit www.slcgov.com/ced/planning



84111/3102

SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING AND ZONING DIVISION

ALEXANDER C. IKEFUNA
PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

CHERI CDFFEY, AICP
DEPUTY PLANNING DIRECTOR

ROSS C. ANDERSON
MAYOR

A. LOUIS ZUNGUZE
COMMUNITY DEVELOPMENT DIRECTOR

June 27, 2006

NOTICE OF OPEN HOUSE

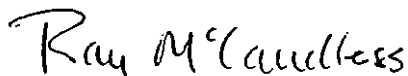
On May 24, 2006, the Salt Lake City Planning Commission initiated petition number 400-06-13 to study revisions to the text of the Zoning Ordinance relative to: (1) clarifying the application of steep slope restrictions, as part of any subdivision or building permit process, in the Foothill Residential (FR-1, FR-2, and FR-3) and Foothill Protection (FP) Zoning Districts, (2) adding specific foothills restrictions and special fencing restrictions to the Open Space (OS) Zoning District and (3) defining a lot in legal existence.

An Open House will be held to give the public an opportunity to provide input concerning this petition. The Open House will be held on:

Wednesday, July 12, 2006
Salt Lake City County Building
451 South State Street
5th Floor Law Library
Between the hours of 5:00 and 6:00 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 other potentially interested parties, and informing them of the open house. If you have any questions on this issue, please call Ray McCandless at 535-7282 or email ray.mccandless@slcgov.com

Respectfully,



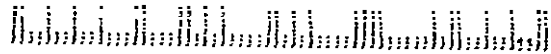
Ray McCandless
Principal Planner

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this public hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact Mr. Ray McCandless at 535-7282; TDD 535-6021.

.. U1 [REDACTED]

NOTICE OF OPEN HOUSE

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Salt Lake City Planning Division
Attn.RM
451 South State Street, Room 406
Salt Lake City, Utah 84111



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JIM FISHER
LIBERTY BELLS CHAIR

8. ORIGINAL PETITION

PETITION NO. 400-06-13

PETITION CHECKLIST

<u>Date</u>	<u>Initials</u>	<u>Action Required</u>
<u>5/30/06</u>	<u>MSH</u>	Petition delivered to Planning
<u>5/30/06</u>	<u>DJW</u>	Petition assigned to: <u>Ray McCarroll</u> Rec'd 5/30/06
<u>8/23/06</u>	<u>Rm</u>	Planning Staff or Planning Commission Action Date
<u>9/20/06</u>	<u>Rm</u>	Return Original Letter and Yellow Petition Cover
<u>9/20/06</u>	<u>Rm</u>	Chronology
<u>N/A</u>	<u>Rm</u>	Property Description (marked with a post it note)
<u>N/A</u>	<u>Rm</u>	Affected Sidwell Numbers Included
<u>9/20/06</u>	<u>Rm</u>	Mailing List for Petition, include appropriate Community Councils
<u>9/20/06</u>	<u>Rm</u>	Mailing Postmark Date Verification
<u>9/20/06</u>	<u>Rm</u>	Planning Commission Minutes
<u>9/20/06</u>	<u>Rm</u>	Planning Staff Report
<u>9/20/06</u>	<u>Rm</u>	Cover letter outlining what the request is and a brief description of what action the Planning Commission or Staff is recommending.
<u>9/14/06</u>	<u>Rm</u>	Ordinance Prepared by the Attorney's Office
<u>N/A</u>	<u>Rm</u>	Ordinance property description is checked, dated and initialed by the Planner. Ordinance is stamped by Attorney.
<u>Ray McCarroll</u>		Planner responsible for taking calls on the Petition
_____	_____	Date Set for City Council Action _____
_____	_____	Petition filed with City Recorder's Office

Martin, Deborah

From: Rockwood, Cindy
Sent: Tuesday, May 30, 2006 7:28 AM
To: Hansen, Diana; Martin, Deborah
Cc: Taylor, Lucille; Wheelwright, Doug
Subject: Petition Initiated at the May 24 Planning Commission Meeting
Categories: Program/Policy

*Petition
400-06-13*

Good morning Diana and Deborah.

I have copied and pasted the information relating to a petition initiated at the previous Planning Commission meeting. If there is anything else I should do, please let me know.

Thank you.

Cindy Rockwood
Planning Commission Secretary
cindy.rockwood@slcgov.com or 535-6171

At 6:04 p.m., Commissioner **Chambless** made a motion to initiate a petition to study revisions to the text of the Zoning Ordinance relative to: **(1)** clarifying the application of steep slope restrictions, as part of any subdivision or building permit process, in the Foothill Residential (**FR-1**, FR-2, and FR-3) and Foothill Protection (FP) Zoning Districts, and **(2)** adding specific foothills restrictions and Special Fencing Restrictions to the Open **Space (OS)** Zoning District. The motion was seconded by Commissioner **Forbis**. Commissioner **Chambless**, Commissioner **Diamond**, Commissioner **Forbis**, **Commissioner McDonough**, Commissioner Muir, Commissioner Scott, and Commissioner **Wirthlin** voted "Aye". Commissioner De Lay was recused from the vote. The motion passed.

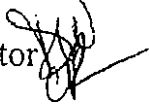
MEMORANDUM

451 South State Street, Room 406
Salt Lake City, Utah 84111
(801) 535-7757



Planning and Zoning Division
Department of Community Development

TO: Planning Commission

FROM: Doug Wheelwright, Deputy Planning Director 

DATE: May 24, 2006

CC: Alex Ikefuna, Planning Director
Cheri Coffey, Deputy Planning Director

SUBJECT: Slope Restriction Ordinance Review

Planning Staff is requesting the Planning Commission to initiate a petition, directing the Planning Staff to study revisions to the text of the Zoning Ordinance relative to: (1) Clarifying the application of steep slope restrictions, as part of any subdivision or building permit process, in the Foothill Residential (FR-1, FR-2, and FR-3) and Foothill Protection (FP) Zoning Districts, and (2) adding Specific Foothills Restrictions and Special Fencing Restrictions to the Open Space (OS) Zoning District.

Petition No. 400-06-13

By Planning Commission

Is requesting a petition to study revisions to the text of the Zoning Ordinance relative to: (1) clarifying the application of steep slope restrictions, as part of any subdivision or building permit process, in the Foothill Residential (FR-1, FR-2, and **FR-3**) and Foothill Protection (FP) Zoning Districts, and (2) adding specific foothills restrictions and Special Fencing Restrictions to the Open Space (OS) Zoning District.

Date Filed _____

Address _____