
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: May 6, 2008

SUBJECT: Petition No. 400-06-35 - A request by the Salt Lake City Planning Commission to allow certain utility installations to be handled as Routine & Uncontested Matters in all residential zoning districts, the Neighborhood Commercial District, the Mixed Use District, the Mobile Home Park District, and the Open Space District, and to allow utility installations as permitted uses in all other zoning districts.

STAFF REPORT BY: Jennifer Bruno, Policy Analyst

AFFECTED COUNCIL DISTRICTS: City-wide

**ADMINISTRATIVE DEPT:
AND CONTACT PERSON:** Community Development
Everett Joyce, Senior Planner & Nick Britton, Principal Planner

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

NEW INFORMATION:

- A. The Administration has forwarded a new ordinance for Council Consideration that handles Utility Box Installations in a slightly different manner from the previous proposal that was reviewed on April 8th (see Memo from Administration, dated April 28, 2008, attached).
- B. The new proposal defines three categories of ground-mounted utility boxes:
 1. Small - equal to or less than 15 cubic feet in volume, no higher than 48" (4 ft).
 2. Medium - between 15 and 40 cubic feet in volume, no higher than 60" (5 ft).
 3. Large - greater than 40 cubic feet in volume, no higher than 72" (6 ft).
- C. The proposed ordinance establishes standards and requirements for each of these categories, based on the zoning district:
 1. Residential Districts, Neighborhood Commercial (CN), Mixed Use (MU), Mobile Home Park (MH), and Open Space (OS) districts:
 - a. Small boxes are considered routine and uncontested matters subject to the following standards:
 - Screening - screening materials are provided in a matter that minimizes the visual impact of the installation but also addresses Crime Prevention Through Environmental Design (CPTED) principles.
 - Location - location of the installation does not block views within sight distance triangles, minimizes blocking views from and of the principle adjacent structure, and are located near clusters of other boxes whenever possible.
 - b. Medium boxes are considered routine and uncontested matters in the above zoning districts when they are located within an existing parking lot or within the lot of an existing commercial or institutional use (these boxes are also subject to screening and location standards outlined above). If boxes are not located in an existing parking lot or an existing commercial/institutional use, they are handled as conditional uses.
 - c. Large boxes are not permitted.

2. Commercial, Downtown, Gateway, and Special Purpose Districts not mentioned above (Research Park, Business Park, Foothills Protection, Agricultural, Public Lands, Institutional, Urban Institutional, Extractive Industries):
 - a. Small and medium boxes are considered permitted uses.
 - b. Large boxes are considered routine and uncontested matters, subject to the screening and location standards listed above.
 3. Manufacturing Districts – all boxes are considered permitted uses (*this is currently what is allowed per the zoning ordinance*).
 4. Historic Preservation Overlay District – any box within an Historic Preservation Overlay District shall require Administrative Certificate of Appropriateness review and approval.
 5. No utility boxes are permitted in the Natural Open Space (NOS) zoning district.
- D. The proposed ordinance contains an intent statement regarding screening, which reads as follows: **<confirm text with revised ordinance>** “The intent of the screening standards are to minimize negative visual impact while giving consideration to maintenance access and general safety standards.”
- E. It should be noted that the routine and uncontested process requires the signatures of abutting property owners. The utility companies would have to work with these property owners to find a satisfactory solution to screening and location in order to obtain the necessary signatures.
- F. Both Rocky Mountain Power and Qwest were given copies of this latest proposal on Thursday, May 1. As of the deadline for this staff report, neither have provided comments. It should be noted that the boxes that Qwest was proposing for it’s upcoming installation needs would fit into the “small” category.
- G. It is the opinion of the Attorney’s office that the process outlined in this new ordinance would not need to go back to the Planning Commission for review.
- H. The Council may wish to discuss this new proposed ordinance, identifying any issues to address that may still be outstanding.

POTENTIAL MOTIONS:

1. **["I move that the Council"]** Adopt an ordinance to allow utility installations as routine and uncontested matters in certain zoning districts, and to establish criteria and standards for these installations in particular zoning districts.
2. **["I move that the Council"]** Not adopt an ordinance to allow utility installations as routine and uncontested matters in certain zoning districts, and to establish criteria and standards for these installations in particular zoning districts..

The following information was provided previously for the Council Work Session on April 8, 2008. It is provided again for your reference.

KEY ELEMENTS:

- I. An ordinance has been prepared for Council consideration to amend the Salt Lake City Zoning Ordinance to clarify and simplify the process by which utility installations are handled by the Planning Division. The ordinance would:

1. Allow utility installations equal to or less than 50" high x 61" deep x 68" wide (4.2 feet high x 5.1 feet deep x 5.7 feet wide - 122 cubic feet in volume) to be considered as routine and uncontested matters in ALL residential zoning districts, the Neighborhood Commercial (CN), Mixed Use (MU), Mobile Home Park (MH), and Open Space (OS) Districts. ****see item B for updated information on sizes****
 - a. Any utility installation larger than the aforementioned dimensions in the aforementioned zoning districts would be considered as a conditional use.
 - b. Utilities are currently exempted from the Council's recently-enacted conditional use regulations.
 - c. Previously all utility installations in these zoning districts were handled as conditional uses.
2. Allow utility installations in all other zoning districts, except Natural Open Space (NOS), as a permitted use. Currently utility installations in some of these zoning districts are handled as conditional uses (see C.5.).
3. Include utility installations as an allowed obstruction in required front, corner, side, and rear yards. Previously utility installations were not mentioned at all on this table of allowed obstructions. This amendment is an attempt to codify in the zoning ordinance what is the practice, which is that they are allowed as obstructions in required yards, with specific conditions as defined by staff.
4. *Continue* to exempt all utilities/installations owned and operated by a governmental entity or public utility. Utilities that are installed by a private entity and then turned over to a governmental entity would not be exempt.

J. **New Information/possible ordinance changes**

1. Council Staff had initially checked in with Council Members regarding this ordinance due to the large increase in size of boxes that would be permitted (10 cubic feet in volume to 122 cubic feet). Council Members did have concerns regarding the large size proposed and directed staff to continue to work on the issue to try and identify alternatives or solutions to mitigate the potential negative impacts of the large sizes proposed.
2. Since then, both Qwest and Rocky Mountain Power have contacted Council Staff, and have informed staff that smaller dimensions than those in the current ordinance would still be beneficial, and that they would like the Council to consider adopting an ordinance with a smaller size increase.
3. As such, the Council may wish consider this same ordinance, with *15 cubic feet in volume* in place of the existing size limitations. This would accommodate current boxes proposed by Qwest (44" high x 36" wide x 14" deep - 3.6' high x 3' wide x 1.2' deep) as well as Rocky Mountain Power's single-phase sectionalizing cabinets (33" high x 36" wide x 22" deep or 2.75' high x 3' wide x 1.8' deep).
4. The Council may also wish to add language requiring screening and/or consideration of neighborhood aesthetics in site placement.
5. Staff can request the Attorney's Office make these changes prior to the public hearing, currently scheduled for April 15.
6. The Council may also wish to incorporate regulation of these installations into the overall review of all conditional uses in residential zones. The Council could request further regulations including:
 - a. Size allowances when in a more compatible area (parking lot, institutional use, etc.)
 - b. Increased screening requirements when located in a residential district.

K. The Administration's transmittal notes the following:

1. The goal of the proposed ordinance is to clarify and standardize the process for utility installations. The proposed amendment identifies which zoning districts should permit utility installations outright and which zoning districts should require a process to approve them, based on an assessment by Planning Staff which districts have the greatest potential for negative impacts.
2. The proposed amendment broadens the number of zoning districts in which utility installations are permitted uses, based on the policy assumption that utility installations in commercial districts do not have a significant negative impact and therefore do not necessitate the level of review required in other zoning districts.
3. The current process for utility installations follows 1 of 3 possible scenarios:
 - a. Exempt Installations (*used less often*):
 1. installed below or at grade; or
 2. less than 20 square feet horizontally if above grade; or
 3. less than 10 cubic feet in volume if above grade; or
 4. less than 3 feet above grade.
 - b. Special Exception (*hardly used, as it would have to meet all of the following criteria*) – special exceptions have an 85 ft notice requirement:
 1. Be installed on private property;
 2. Be installed below grade;
 3. not be installed in a public utility easement;
 4. serve properties outside the immediate subdivision; and
 5. be greater than 24 inches in cross-section.
 - c. Conditional Use (*the vast majority of utility installations are currently handled as conditional uses, and are processed at the Administrative Hearing level, with an appeal going to the Planning Commission*). Conditional uses have a 300 ft notice requirement.
4. The following are zoning districts where utility installations are currently permitted outright and are proposed to continue to be permitted outright (with no stated size regulations):
 - a. Corridor Commercial (CC)
 - b. Community Shopping (CS)
 - c. General Commercial (CG)
 - d. Transit Corridor (TC-75)
 - e. Airport District (A)
5. The following are zoning districts where utility installations are currently always handled as conditional uses, and are proposed to be permitted outright (with no stated size regulations):
 - a. Downtown Districts (D-1, D-2, D-3, D-4)
 - b. Commercial Districts: (CB), (CSHBD)
 - c. Gateway Mixed Use District (G-MU)
 - d. Special Purpose Districts: Research Park (RP), Business Park (BP), Foothills Protection (FP), Agricultural Districts (AG, AG-2, AG-5, AG-20), Public Lands Districts (PL, PL-2), Institutional (I), Urban Institutional (UI), Extractive Industries (EI)
6. The following are zoning districts where utility installations are currently handled as conditional uses, and are proposed to be permitted as “routine and uncontested matters” (with the size limitations referenced in **A.1**):
 - a. All residential districts (except SR-2)
 - b. Neighborhood Commercial (CN)
 - c. Open Space (OS)

- d. Mobile Home Park (MH)
 - e. Mixed Use (MU)
7. Utility Installations are not currently and are not proposed to ever be allowed in the Natural Open Space (NOS) district.
 8. **Attached** are the tables of permitted and conditional uses for all zoning districts referenced above, as it relates to utility installations, and the changes that are proposed.
 9. A "Routine and Uncontested" matter is a process by which applications are handled administratively if the applicant has received signatures from all property owners that about the subject property.
 - a. The signatures waive the public hearing and the Planning Staff reviews the application to ensure compliance with Ordinance criteria.
 - b. If the applicant does not gain the signatures necessary, it would become a special exception and would be forwarded to an administrative hearing or the Board of Adjustment.
 - c. A special exception has an 85 ft notice requirement, as opposed to a conditional use, which has a 300 ft notice requirement.
 10. The proposed size limitation (50" high x 61" deep x 68" wide *4.2 feet high x 5.1 feet deep x 5.7 feet wide*) for a routine an uncontested matter in the above districts is greater than the sizes in the current ordinance which would exempt a utility installation from review. Using the same units of measure as a comparison, under the proposed ordinance, a utility installation in the above districts would be processed as a routine and uncontested matter if it was equal to or less than 29 square feet horizontally, 120 cubic feet in volume, and/or 5.67 feet high.
 11. All installations, regardless of zoning district or other process, would require approval from the Permits Office.
 12. Utility installations in the zoning districts mentioned in numbers 4 and 5 (predominantly downtown, commercial, and mixed use districts), will only be required to get approval from the Permits Office and will not include any additional community input. Planning Staff communicated to Council Staff that the vast majority of these applications in these zoning districts are approved and generate minimal controversy.
- L. This action was initiated by the Planning Commission, at the request of the Planning Division.
- M. All necessary departments and divisions reviewed the proposed text amendment. No negative comments were received, although the Fire Department did suggest that the applications be handled with review and input by the community council and/or the Development Review Team.
- N. The Public Process included the following:
1. The Planning Division held an open house on November 13, 2006. No comments were received.
 2. The Planning Commission held a hearing on January 24, 2007. No comments were received from the Community Councils or the general public. The Planning Commission voted unanimously to forward a positive recommendation regarding the proposed text amendment. The following items were noted at the hearing:
 - a. The Planning Division rarely, if ever, receives a request for a utility installation larger than the maximum size for a routine and uncontested matter under the proposed ordinance.
 - b. Planning Staff noted that residential utility installations have been highly contested in the past, and indicated that under the proposed ordinance,

these conflicts would not necessarily be mitigated. They would however, be identified.

MATTERS AT ISSUE:

- A. The Council may wish to consider changes to the proposed ordinance outlined in **Key Elements item B**.
- B. The Council may wish to ask the Administration what is the policy basis for including utility installations as an allowed obstruction in required yards.
- C. "Private/Public Utility Buildings and Structures" would be added as a category to the table of allowed obstructions in required yards, and is proposed to be allowed in Front, Corner, Side, and Rear Yards. The Council may wish to discuss this further with the Administration. Planning staff has indicated that utility installations have in the past been allowed as obstructions despite not being explicitly stated as an allowed obstruction in the zoning ordinance.
- D. The Council may wish to ask the Administration about allowing utility installations as a permitted use in the Institutional (I) zoning district. Schools are included in this zone, and a recent petition for a cell phone tower on top of an elementary school generated some discussion in the community. The cell phone tower was approved as a conditional use through an administrative hearing, where additional requirements were placed on the applicant to alleviate some of the concerns raised by the community council. The Council may wish to inquire with the Administration what, if any, opportunity there will be for community comment if this text amendment is passed, and utility installations become permitted outright.
- E. The Council may wish to ask the Administration about zoning districts that are suggested to have utility installations that are permitted outright, where there may be a chance for impact on residential units or other negative impacts (G-MU, TC-75, CSHBD, FP)? The Council may wish to ask if there is a policy basis for not applying the same or similar standards for allowing utility installations as are applied in the MU zone (to allow surrounding property owners an opportunity for a process). The Administration has indicated that their delineation in terms of permitted outright, or permitted with size limitations, were zones which were either primarily residential or almost always abutted residential (CN), should have a greater process to overcome than zones which are primarily commercial or other non-residential.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. Most of the master plans in Salt Lake City encourage public utilities to be placed under ground whenever possible. None of the City's Master Plans address a policy for size or location of private utility installations.
 - 1. The Capitol Hill Master Plan (2001), encourages the following goal: "provide well maintained public utilities, buildings and facilities which are visually compatible with the surrounding area, provide adequate service, and environmentally safe".
 - 2. The Central Community Master Plan (2005) encourages the provision and maintenance of "dependable infrastructure, public facilities and utilities that ensure adequate services and a safe environment in the community."

CHRONOLOGY:

Please refer to the Administration's transmittal for a complete chronology of events relating to the proposed text amendment.

- September 26, 2006 Petition initiated by the Planning Commission
- November 13, 2006 Open House held
- January 24, 2007 Planning Commission Hearing
- February 8, 2007 Ordinance received from City Attorney's Office
- June 19, 2007 Transmittal received in Council Office

cc: David Everitt, Esther Hunter, Lyn Creswell, Ed Rutan, Lynn Pace, Melanie Reif, Tim Harpst, Mary De La Mare-Schaefer, Cheri Coffey, Kevin LoPiccolo, Nick Britton, Orion Goff, Larry Butcher, Barry Esham, Janice Jardine, Russell Weeks

File Location: Community Development Dept., Planning Division, Zoning Text Amendment, Utility Installations as Routine and Uncontested Matters

Communication to the City Council



To: David Everitt, Mayor's Chief of Staff

Department of Community Development
Office of the Director

From: Mary De La Mare-Schaefer, Acting Community Development Director

A handwritten signature in black ink, appearing to read "MDS".

Date: April 28, 2008

CC: Joel Paterson, Acting Assistant Planning Director

Re: City Council Transmittal - Petition 400-06-35: Zoning Text Amendment
by the Salt Lake City Planning Commission to allow certain utility
installations to be handled as Routine & Uncontested Matters

Staff Contact: Everett L. Joyce, 535-7930, Senior Planner, Planning Division

The following information is provided in response to the City Council Staff Report, dated April 8, 2008 for Petition 400-06-35 - Zoning Text Amendment to allow certain utility installations to be handled as Routine & Uncontested Matters.

I. Ordinance Changes

The Administration, in response to issues discussed in the City Council Staff Report (Pg. 2, Key Elements – B New Information**/possible ordinance changes), has drafted a revised ordinance that is attached to this transmittal.

The revised ordinance also defines certain ground-mounted utility boxes as accessory uses and prohibits the utility installation exemption found in Salt Lake Zoning Ordinance Section 21A.02.050.

The revised ordinance defines three tiers of ground-mounted utility boxes: small, medium and large. These facilities are permitted as either, Routine and Uncontested Matters or as Conditional Uses dependent upon zoning district, utility box size and location. Additional standards of review have been included to address site design and screening as discussed within the City Council Staff Report.

II. Additional Zoning Districts

The original transmitted ordinance addressed Residential, Neighborhood Commercial (CN), Mixed Use (MU), Mobile Home Park (MH) and the

Open Space zoning districts. However, the previous ordinance changes did not address other Commercial, Manufacturing, Downtown, Gateway and Special Purpose districts other than those specifically mentioned. The revised ordinance provides process requirements for ground-mounted utility boxes within all other zoning districts not previously addressed in the original ordinance amendment related to Petition 400-06-35.

III. Further Zoning Changes

Planning staff recognizes that certain small ground-mounted utility boxes could be processed as permitted uses subject to the provision of adequate design and location standards. However, according to the Salt Lake City Attorney's Office, these changes would be beyond the scope of the present petition and would require consideration by the Planning Commission in a public hearing prior to consideration by the City Council. The Planning Staff will work towards making these further changes.

SALT LAKE CITY ORDINANCE

No. _____ of 2008

(Amending and Enacting Provisions Related To Utility Installations in Title 21A)

AN ORDINANCE AMENDING SECTION 21A.02.050, *SALT LAKE CITY CODE*, PERTAINING TO APPLICABILITY, TABLE 21A.24.190, *SALT LAKE CITY CODE*, PERTAINING TO PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL DISTRICTS, TABLE 21A.26.080, *SALT LAKE CITY CODE*, PERTAINING TO PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS, TABLE 21A.30.050, *SALT LAKE CITY CODE*, PERTAINING TO PERMITTED AND CONDITIONAL USES FOR DOWNTOWN DISTRICTS, TABLE 21A.31.050, *SALT LAKE CITY CODE*, PERTAINING TO PERMITTED AND CONDITIONAL USES IN THE GATEWAY DISTRICT, TABLE 21A.32.140, *SALT LAKE CITY CODE*, PERTAINING TO PERMITTED AND CONDITIONAL USES FOR SPECIAL PURPOSE DISTRICTS, TABLE 21A.36.020(B), *SALT LAKE CITY CODE*, PERTAINING TO OBSTRUCTIONS IN REQUIRED YARDS, AND ENACTING SECTION 21A.40.160, *SALT LAKE CITY CODE*, PERTAINING TO GROUND-MOUNTED UTILITY BOXES, PURSUANT TO PETITION NO. 400-06-35.

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. That Section 21A.02.050 of the *Salt Lake City Code*, pertaining to applicability be, and hereby is, amended to read as follows:

21A.02.050 Applicability:

A. General Applicability: The provisions of this Title shall apply to all of the land area within the corporate limits of Salt Lake City, as indicated on the Zoning Map as provided in Chapter 21A.22 of this Title. Except as expressly provided in this Title, no development shall be undertaken without prior zoning approval pursuant to the provisions of this Title.

B. Exemptions: The following properties, uses and structures shall, to the extent provided by law, be exempt from the regulations of this Title:

1. Properties Of The State Of Utah Or Federal Government: Properties owned and occupied by the State of Utah or the United States. Where laws applicable to such properties require the property owner to take reasonable steps to comply with local regulations, this exemption shall not be construed to abrogate that requirement.

2. Utility Installations: Wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas or water, or the collection of sewage or storm water when owned, operated and/or maintained by a governmental entity or a public utility. Such installations shall comply with Federal Communications Commission and Federal Aviation Administration rules and regulations and those of other authorities having jurisdiction. This exemption shall not apply to Section 21A.40.160 (Ground-Mounted Utility Boxes) of this Title utility structures which are, at grade, or above grade more than either twenty (20) square feet horizontally, ten (10) cubic feet in volume or three feet (3') above grade. Utility structures, other than those specifically exempted above, which are on private property, below grade, not within a utility easement, intended to serve properties other than the immediate subdivision and greater than twenty four inches (24") in

~~cross section, shall be approved as a special exception. When considering a request for special exception approval, the Board of Adjustment shall consider the general compatibility and impact that the proposed utility structure will have on surrounding properties.~~

3. Railroad Facilities: Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right of way, and maintenance and repair work on such facilities and equipment.

SECTION 2. That the table, entitled Table of Permitted and Conditional Uses for Residential Districts, which is located at 21A.24.190 of the *Salt Lake City Code*, shall be, and hereby is, amended to read as set forth in the attached Exhibit A.

SECTION 3. That the table, entitled Table of Permitted and Conditional Uses for Commercial Districts, which is located at 21A.26.080 of the *Salt Lake City Code*, shall be, and hereby is, amended to read as set forth in the attached Exhibit B.

SECTION 4. That the table, entitled Table of Permitted and Conditional Uses for Downtown Districts, which is located at 21A.30.050 of the *Salt Lake City Code*, shall be, and hereby is, amended to read as set forth in the attached Exhibit C.

SECTION 5. That the table, entitled Table of Permitted and Conditional Uses in the Gateway District, which is located at 21A.31.050 of the *Salt Lake City Code*, shall be, and hereby is, amended to read as set forth in the attached Exhibit D.

SECTION 6. That the table, entitled Table of Permitted and Conditional Uses for Special Purpose Districts, which is located at 21A.32.140 of the *Salt Lake City Code*, shall be, and hereby is, amended to read as set forth in the attached Exhibit E.

SECTION 7. That the table, entitled Obstructions in Required Yards, which is located at 21A.36.020(B) of the *Salt Lake City Code*, shall be, and hereby is, amended to read as set forth in the attached Exhibit F.

SECTION 8. That Section 21A.40.160 of the *Salt Lake City Code*, pertaining to ground-mounted utility boxes be, and hereby is, enacted as follows:

21A.40.160 Ground-Mounted Utility Boxes.

All ground-mounted utility boxes shall be subject to the following regulations unless exempted within Section 21A.02.050 (Applicability) or where limited by other provisions of this Title.

A. Ground-Mounted Utility Boxes. Ground-mounted utility boxes shall mean such facilities, including pedestals, boxes, vaults, cabinets, meters or other ground-mounted facilities and associated equipment such as condensing units and generators that directly serve the property or local area in which the facility is placed, that are not primarily for transmission or distribution to other locations, or otherwise are customarily found in such areas.

1. Ground-mounted utility boxes are separated into three tiers: small, medium and large.

a. Small ground-mounted utility boxes are equal to or less than fifteen cubic feet (15 cu. ft.) in volume with a limit of forty-eight inches (48") in height.

b. Medium ground-mounted utility boxes are equal to or greater than fifteen cubic feet (15 cu. ft.) in volume and equal to or less than forty cubic feet (40 cu. ft.) in volume with a limit of sixty inches (60") in height.

c. Large ground-mounted utility boxes exceed 40 cubic feet (40 cu. ft.) in volume with a limit of seventy-two inches (72") in height.

2. Residential districts and Neighborhood Commercial (CN), Mixed Use (MU), Mobile Home Park (MH), and Open Space (OS) districts are subject to the following requirements:

a. Small ground-mounted utility boxes shall be considered routine and uncontested matters as outlined in Chapter 21A.14 of this Title, subject to the following standards:

i. Screen Standards. The intent of these screening standards is to minimize negative visual impacts while taking into consideration maintenance, access, and public safety.

(A) Screening materials are to be provided in a manner that minimizes the visual impact of the utility installation but also addresses crime prevention through environmental design (CPTED) principles of maintaining views of the subject area from public locations such as sidewalks and streets.

(B) Solid or opaque screening materials are permitted when part of an existing design element of the site.

ii. Location Standards.

(A) Location does not block views within sight distance angles of sidewalks, driveways and intersections.

(B) Located to minimize blocking views from and of the principal structure(s).

(C) Cluster utility installations within the streetscape whenever possible.

b. Medium ground-mounted utility boxes and large ground-mounted utility boxes shall be considered routine and uncontested matters as outlined in Chapter 21A.14 of this Title

when such facilities are located within an existing parking lot or when within the buildable lot area of an institutional or commercial use, and such facilities shall be subject to the screening and location standards of subsections 2(a)(i)(A)-(B) and 2(A)(ii)(A)-(C) of this Section.

3. Commercial, Downtown, Gateway and Special Purpose Districts other than those listed in subsection 21A.40.160(2) herein shall be subject to the following requirements:

a. Small and medium ground-mounted utility boxes shall be considered permitted uses.

b. Large ground-mounted utility boxes shall be considered routine and uncontested matters as outlined in Chapter 21A.14, and subject to the screening and location standards of subsections 2(a)(i)(A)-(B) and 2(A)(ii)(A)-(C) of this Section.

4. Ground-mounted utility boxes in manufacturing districts are permitted uses.

5. In addition to subsection 2(a) and 3 of this Section, any ground-mounted utility box located within an area subject to Section 21A.34.020 Historic Preservation Overlay District (H) shall require Certificate of Appropriateness review and approval with respect to location and screening.

SECTION 9. 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 _____, 2008.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2008.

Published: _____.

HB_ATTYY-#4119-v1-Amending_and_enacting_provisions_related_to_utility_installations_in_Title_21A_-_04-29-08_draft.DOC

EXHIBIT A

21A.24.190 Table of Permitted and Conditional Uses For Residential Districts

USE	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R- MU- 35	R- MU- 45	R-MU	RO
Public/private utility buildings and structures ⁵	€ P ⁵	€ P ⁵	€ P ⁵	€ P ⁵	€ P ⁵	€ P ⁵	€ P ⁵		€ P ⁵	€ P ⁵	€ P ⁵	€ P ⁵	€ P ⁵	€ P ⁵	€ P ⁵	€ P ⁵	€ P ⁵	€ P ⁵	€ ⁹ P ^{5,9}

EXHIBIT B

21A.26.080 Table of Permitted and Conditional Uses For Commercial Districts

USE	CN	CB	CC	CS	CSHBD	CG	TC-75
Public/private utility buildings and structures ²	€ P ²	€ P ²	P ²	P ²	€ P ²	P ²	P ²

EXHIBIT C

21A.30.050 Table of Permitted and Conditional Uses For Downtown Districts

USE	D-1	D-2	D-3	D-4
Public/private utility buildings and structures ¹	∈ P ¹	∈ P ¹	∈ P ¹	∈ P ¹

Qualifying Provisions:

1. Subject to conformance to the provisions in 21A.02.050B of this title.

EXHIBIT D

21A.31.050 Table of Permitted and Conditional Uses For Gateway Districts

USE	G-MU		
Public/private utility buildings and structures ¹	€ P ¹		

Qualifying Provisions

1. Subject to conformance to the provisions in 21A.02.050B of this title.

EXHIBIT E

21A.32.140 Table of Permitted and Conditional Uses For Special Purpose Districts

USE	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Public/private utility buildings and structures ¹	EP ¹	EP ¹	EP ¹	EP ¹	EP ¹	EP ¹	EP ¹	EP ¹		P ¹	EP ¹	EP ¹	EP ¹	EP ¹	EP ¹	EP ¹	EP ¹

Qualifying Provisions

1. Subject to conformance to the provisions in 21A.02.050B of this title.

EXHIBIT F

Table 21A.36.020B Obstructions in Required Yards

Type of Structure or Use Obstruction	Front And Corner Side Yards	Side Yard	Rear Yard
Porches (attached, covered and unenclosed) projecting 5 feet or less			X
Ground-mounted utility boxes subject to the provisions of Section 21A.40.160 of this title	X	X	X
Recreational (playground) equipment			X

CLEAN

SALT LAKE CITY ORDINANCE

No. _____ of 2008

(Amending and Enacting Provisions Related To Utility Installations in Title 21A)

AN ORDINANCE AMENDING SECTION 21A.02.050, *SALT LAKE CITY CODE*, PERTAINING TO APPLICABILITY, TABLE 21A.24.190, *SALT LAKE CITY CODE*, PERTAINING TO PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL DISTRICTS, TABLE 21A.26.080, *SALT LAKE CITY CODE*, PERTAINING TO PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS, TABLE 21A.30.050, *SALT LAKE CITY CODE*, PERTAINING TO PERMITTED AND CONDITIONAL USES FOR DOWNTOWN DISTRICTS, TABLE 21A.31.050, *SALT LAKE CITY CODE*, PERTAINING TO PERMITTED AND CONDITIONAL USES IN THE GATEWAY DISTRICT, TABLE 21A.32.140, *SALT LAKE CITY CODE*, PERTAINING TO PERMITTED AND CONDITIONAL USES FOR SPECIAL PURPOSE DISTRICTS, TABLE 21A.36.020(B), *SALT LAKE CITY CODE*, PERTAINING TO OBSTRUCTIONS IN REQUIRED YARDS, AND ENACTING SECTION 21A.40.160, *SALT LAKE CITY CODE*, PERTAINING TO GROUND-MOUNTED UTILITY BOXES, PURSUANT TO PETITION NO. 400-06-35.

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. That Section 21A.02.050 of the *Salt Lake City Code*, pertaining to applicability be, and hereby is, amended to read as follows:

21A.02.050 Applicability:

A. General Applicability: The provisions of this Title shall apply to all of the land area within the corporate limits of Salt Lake City, as indicated on the Zoning Map as provided in Chapter 21A.22 of this Title. Except as expressly provided in this Title, no development shall be undertaken without prior zoning approval pursuant to the provisions of this Title.

B. Exemptions: The following properties, uses and structures shall, to the extent provided by law, be exempt from the regulations of this Title:

1. Properties Of The State Of Utah Or Federal Government: Properties owned and occupied by the State of Utah or the United States. Where laws applicable to such properties require the property owner to take reasonable steps to comply with local regulations, this exemption shall not be construed to abrogate that requirement.

2. Utility Installations: Wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas or water, or the collection of sewage or storm water when owned, operated and/or maintained by a governmental entity or a public utility. Such installations shall comply with Federal Communications Commission and Federal Aviation Administration rules and regulations and those of other authorities having jurisdiction. This exemption shall not apply to Section 21A.40.160 (Ground-Mounted Utility Boxes) of this Title

3. Railroad Facilities: Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right of way, and maintenance and repair work on such facilities and equipment.

SECTION 2. That the table, entitled Table of Permitted and Conditional Uses for Residential Districts, which is located at 21A.24.190 of the *Salt Lake City Code*, shall be, and hereby is, amended to read as set forth in the attached Exhibit A.

SECTION 3. That the table, entitled Table of Permitted and Conditional Uses for Commercial Districts, which is located at 21A.26.080 of the *Salt Lake City Code*, shall be, and hereby is, amended to read as set forth in the attached Exhibit B.

SECTION 4. That the table, entitled Table of Permitted and Conditional Uses for Downtown Districts, which is located at 21A.30.050 of the *Salt Lake City Code*, shall be, and hereby is, amended to read as set forth in the attached Exhibit C.

SECTION 5. That the table, entitled Table of Permitted and Conditional Uses in the Gateway District, which is located at 21A.31.050 of the *Salt Lake City Code*, shall be, and hereby is, amended to read as set forth in the attached Exhibit D.

SECTION 6. That the table, entitled Table of Permitted and Conditional Uses for Special Purpose Districts, which is located at 21A.32.140 of the *Salt Lake City Code*, shall be, and hereby is, amended to read as set forth in the attached Exhibit E.

SECTION 7. That the table, entitled Obstructions in Required Yards, which is located at 21A.36.020(B) of the *Salt Lake City Code*, shall be, and hereby is, amended to read as set forth in the attached Exhibit F.

SECTION 8. That Section 21A.40.160 of the *Salt Lake City Code*, pertaining to ground-mounted utility boxes be, and hereby is, enacted as follows:

21A.40.160 Ground-Mounted Utility Boxes.

All ground-mounted utility boxes shall be subject to the following regulations unless exempted within Section 21A.02.050 (Applicability) or where limited by other provisions of this Title.

A. Ground-Mounted Utility Boxes. Ground-mounted utility boxes shall mean such facilities, including pedestals, boxes, vaults, cabinets, meters or other ground-mounted facilities and associated equipment such as condensing units and generators that directly serve the property or local area in which the facility is placed, that are not primarily for transmission or distribution to other locations, or otherwise are customarily found in such areas.

1. Ground-mounted utility boxes are separated into three tiers: small, medium and large.

a. Small ground-mounted utility boxes are equal to or less than fifteen cubic feet (15 cu. ft.) in volume with a limit of forty-eight inches (48”) in height.

b. Medium ground-mounted utility boxes are equal to or greater than fifteen cubic feet (15 cu. ft.) in volume and equal to or less than forty cubic feet (40 cu. ft.) in volume with a limit of sixty inches (60”) in height.

c. Large ground-mounted utility boxes exceed 40 cubic feet (40 cu. ft.) in volume with a limit of seventy-two inches (72”) in height.

2. Residential districts and Neighborhood Commercial (CN), Mixed Use (MU), Mobile Home Park (MH), and Open Space (OS) districts are subject to the following requirements:

a. Small ground-mounted utility boxes shall be considered routine and uncontested matters as outlined in Chapter 21A.14 of this Title, subject to the following standards:

i. Screen Standards. The intent of these screening standards is to minimize negative visual impacts while taking into consideration maintenance, access, and public safety.

(A) Screening materials are to be provided in a manner that minimizes the visual impact of the utility installation but also addresses crime prevention through environmental design (CPTED) principles of maintaining views of the subject area from public locations such as sidewalks and streets.

(B) Solid or opaque screening materials are permitted when part of an existing design element of the site.

ii. Location Standards.

(A) Location does not block views within sight distance angles of sidewalks, driveways and intersections.

(B) Located to minimize blocking views from and of the principal structure(s).

(C) Cluster utility installations within the streetscape whenever possible.

b. Medium ground-mounted utility boxes and large ground-mounted utility boxes shall be considered routine and uncontested matters as outlined in Chapter 21A.14 of this Title when such facilities are located within an existing parking lot or when within the buildable lot area of an institutional or commercial use, and such facilities shall be subject to the screening and location standards of subsections 2(a)(i)(A)-(B) and 2(A)(ii)(A)-(C) of this Section.

3. Commercial, Downtown, Gateway and Special Purpose Districts other than those listed in subsection 21A.40.160(2) herein shall be subject to the following requirements:

a. Small and medium ground-mounted utility boxes shall be considered permitted uses.

b. Large ground-mounted utility boxes shall be considered routine and uncontested matters as outlined in Chapter 21A.14, and subject to the screening and location standards of subsections 2(a)(i)(A)-(B) and 2(A)(ii)(A)-(C) of this Section.

4. Ground-mounted utility boxes in manufacturing districts are permitted uses.

5. In addition to subsection 2(a) and 3 of this Section, any ground-mounted utility box located within an area subject to Section 21A.34.020 Historic Preservation Overlay District (H) shall require Certificate of Appropriateness review and approval with respect to location and screening.

SECTION 9. 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 _____, 2008.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2008.
Published: _____.

APPROVED AS TO FORM
Salt Lake City, Attorney's Office
Date: May 1, 2008
By: Melanie Hjel

HB_ATT#4167-v1-Amending_and_enacting_provisions_related_to_utility_installations_in_Title_21A_-_05-01-08_clean.DOC

EXHIBIT C

21A.30.050 Table of Permitted and Conditional Uses For Downtown Districts

USE	D-1	D-2	D-3	D-4
Public/private utility buildings and structures ¹	P ¹	P ¹	P ¹	P ¹

Qualifying Provisions:

1. Subject to conformance to the provisions in 21A.02.050B of this title.

EXHIBIT D

21A.31.050 Table of Permitted and Conditional Uses For Gateway Districts

USE	G-MU		
Public/private utility buildings and structures ¹	P ¹		

Qualifying Provisions

1. Subject to conformance to the provisions in 21A.02.050B of this title.

EXHIBIT E

21A.32.140 Table of Permitted and Conditional Uses For Special Purpose Districts

USE	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Public/private utility buildings and structures ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹		p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹

Qualifying Provisions

1. Subject to conformance to the provisions in 21A.02.050B of this title.

EXHIBIT F

Table 21A.36.020B Obstructions in Required Yards

Type of Structure or Use Obstruction	Front And Corner Side Yards	Side Yard	Rear Yard
Porches (attached, covered and unenclosed) projecting 5 feet or less			X
Ground-mounted utility boxes subject to the provisions of Section 21A.40.160 of this title	X	X	X
Recreational (playground) equipment			X

A. LOUIS ZUNGUZE
DIRECTOR
BRENT B. WILDE
DEPUTY DIRECTOR

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

ROSS C. "ROCKY" ANDERSON
MAYOR

CITY COUNCIL TRANSMITTAL

TO: Lyn Creswell, Chief Administrative Officer **DATE:** June 13, 2007
FROM: Louis Zunguze, Community Development Director
RE: Petition 400-06-35: Zoning Text Amendment by the Salt Lake City Planning Commission to allow certain utility installations to be handled as Routine & Uncontested Matters in all residential districts, the Neighborhood Commercial District, the Mixed Use District, the Mobile Home Park District, and the Open Space District. The zoning text change will also allow utility installations as permitted uses in all other zoning districts.

STAFF CONTACTS: Nick Britton, Principal Planner, at 535-7932 or
nick.britton@slcgov.com

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

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: At the Planning Commission meeting on September 27, 2006, the Planning Commission initiated a petition, at the request of the Planning Division, to review the potential for utility installations to be processed as Routine and Uncontested matters.

Analysis: The Zoning Ordinance currently outlines three separate processes by which utility installations are handled. The three processes are discussed below:

1. Exempt Installations

City ordinance currently **exempts** utility installations from formal permitting review processes if they are owned, operated, and/or maintained by a governmental entity or a public utility, and are:

- below or at grade; or
- less than 20 square feet horizontally if above grade; or
- less than 10 cubic feet in volume if above grade; or
- less than 3 feet above grade.

2. Special Exception Process

The second potential process for utility installations is the Special Exception process outlined in Section 21A.10.020A. Utility installations which require a Special Exception must meet all of the following criteria:

- Be installed on private property, and
- Be installed below grade, and
- Not be installed in a public utility easement, and
- Serve properties outside the immediate subdivision, and
- Be greater than 24 inches in cross-section.

Because it is highly uncommon for a utility installation to meet all five of these requirements, the Special Exception process is rarely utilized. As a result, nearly all utility installations that require approval are handled through the third process, the conditional use process.

3. Conditional Use Process

The tables of Permitted and Conditional Uses found in each of the zoning district chapters dictate whether or not a utility installation requires approval. A utility installation is defined in these tables as a “public/private utility building or structure”. In these tables, installations are identified as permitted uses, conditional uses, or not permitted at all. Currently, the Zoning Ordinance allows utility installations that require conditional use approval to be approved at an Administrative Hearing level, with appeals being heard by the Planning Commission.

In order to simplify and clarify the process for reviewing utility installations, the proposed amendment identifies which zoning districts should permit utility installations outright and which zoning districts should require a process to approve them. In addition, the proposed text amendment broadens the number of zoning districts in which utility installations are permitted uses. Installations will continue to be allowed in all zones where they are already permitted uses. In all zones in which they are currently allowed as conditional uses, installations will now be allowed as permitted uses. However, in certain zoning districts (listed below), utility installations, depending on size, will be subject to either the routine and uncontested process or the conditional use process outlined in the proposed changes to Section 21A.02.050(2). These applicable zones are as follows:

- Residential Districts
 - FR-1/43,560 (Foothills Estate Residential District)
 - FR-2/21,780 (Foothills Residential District)
 - FR-3/12,000 (Foothills Residential District)
 - R-1/12,000 (Single-Family Residential District)
 - R-1/7,000 (Single-Family Residential District)
 - R-1/5,000 (Single-Family Residential District)
 - SR-1 (Special Development Pattern Residential District)
 - SR-3 (Special Development Pattern Residential District)
 - R-2 (Single- and Two-Family Residential District)
 - RMF-30 (Low Density Multi-Family Residential District)

- RMF-35 (Moderate Density Multi-Family Residential District)
 - RMF-45 (Moderate/High Density Multi-Family Residential District)
 - RMF-75 (High Density Multi-Family Residential District)
 - RB (Residential/Business District)
 - R-MU-35 (Residential/Mixed Use District)
 - R-MU-45 (Residential/Mixed Use District)
 - R-MU (Residential/Mixed Use District)
 - RO (Residential/Office District)
- Commercial Districts
 - CN (Neighborhood Commercial District)
 - Special Purpose Districts
 - OS (Open Space District)
 - MH (Mobile Home Park District)
 - MU (Mixed Use District)

The proposed text amendment will clarify the process by which utility installations are handled by setting a single size threshold of smaller than or equal to 68 inches in width, 61 inches in depth, and 50 inches in height for utility installations in the aforementioned zones. This size threshold corresponds to the typical size of a “switchgear” installation; this type of installation is normally required to distribute power from a main electricity line into a large subdivision.

If the installation is within the established size threshold, it will be processed administratively by Planning Staff as a Routine and Uncontested Matter, which enables the applicant to obtain the signatures of all property owners abutting the subject property in lieu of a public hearing. The proposal is then analyzed by Planning Staff to ensure that it adheres to the special exception regulations.

If the installation is larger than the specified size threshold, it would be considered a conditional use and require a public hearing.

Under the proposed text amendment, utility installations would also be allowed to be installed in required yard areas. All installations, regardless of the zoning district, will require approval from the Permits Office. Analysis of the proposed amendment can be found on pages 4 through 8 of the Planning Commission staff report (see Exhibit 5b).

Information regarding these proposed changes was routed to all applicable City Departments and Divisions. The Division and Department contacts who responded were generally supportive, although Public Utilities requested more information regarding how the proposed amendment would impact their installations. Planning Staff responded that all installations owned or maintained by the government would be exempt from the regulations set forth in the Zoning Ordinance as indicated in Section 21A.02.050(2). No further inquiry was received from Public Utilities.

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

PUBLIC PROCESS:

An Open House was held on November 13, 2006, to gather community input. Notice was sent to Community Council chairpersons and other interested organizations and individuals. No members of the community attended.

The Planning Commission held a Public Hearing on January 24, 2007. No issues were raised at the Public Hearing. The Planning Commission voted unanimously to forward a positive recommendation to the City Council regarding the proposed zoning text amendment.

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 Zoning Ordinance (Section 21A.50.050 A-E). The five standards are discussed in detail starting on page 6 of the Planning Commission Staff Report (see Exhibit 5b).

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 - a. Original Notice and Postmark
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 - c. Minutes: January 24, 2007
6. Original Petition

Exhibit 1 Chronology

Petition #400-06-35
Chronology

- September 27, 2006:** Petition initiated by the Salt Lake City Planning Commission.
- October 13, 2006:** Petition assigned to Nick Britton.
- October 27, 2006:** Open House notice mailed.
- November 13, 2006:** Open House held.
- December 20, 2006:** Information routed to applicable City departments.
- January 18, 2007:** Notice of Planning Commission public hearing mailed to Planning Commission mailing list.
- January 24, 2007:** Planning Commission voted to forward a positive recommendation to the City Council.
- January 26, 2007:** The resolution was requested from the City Attorney's Office.
- February 8, 2007:** The final stamped resolution was received from the City Attorney's Office.

Exhibit 2
Proposed Ordinance

SALT LAKE CITY ORDINANCE
No. _____ of 2007
(Amending Provisions Related To Utility Installations in Title 21A)

AN ORDINANCE AMENDING SECTION 21A.02.050, *SALT LAKE CITY CODE*, PERTAINING TO APPLICABILITY, TABLE 21A.24.190, *SALT LAKE CITY CODE*, PERTAINING TO PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL DISTRICTS, TABLE 21A.26.080, *SALT LAKE CITY CODE*, PERTAINING TO PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS, TABLE 21A.30.050, *SALT LAKE CITY CODE*, PERTAINING TO PERMITTED AND CONDITIONAL USES FOR DOWNTOWN DISTRICTS, TABLE 21A.31.050, *SALT LAKE CITY CODE*, PERTAINING TO PERMITTED AND CONDITIONAL USES IN THE GATEWAY DISTRICT, TABLE 21A.32.140, *SALT LAKE CITY CODE*, PERTAINING TO PERMITTED AND CONDITIONAL USES FOR SPECIAL PURPOSE DISTRICTS, TABLE 21A.36.020(B), *SALT LAKE CITY CODE*, PERTAINING TO OBSTRUCTIONS IN REQUIRED YARDS, PURSUANT TO PETITION NO. 400-06-35.

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. That Section 21A.02.050 of the *Salt Lake City Code*, pertaining to applicability be, and hereby is, amended to read as follows:

21A.02.050 Applicability:

A. General Applicability: The provisions of this Title shall apply to all of the land area within the corporate limits of Salt Lake City, as indicated on the Zoning Map as provided in Chapter 21A.22 of this Title. Except as expressly provided in this Title, no development shall be undertaken without prior zoning approval pursuant to the provisions of this Title.

B. Exemptions: The following properties, uses and structures shall, to the extent provided by law, be exempt from the regulations of this Title:

1. Properties Of The State Of Utah Or Federal Government: Properties owned and occupied by the State of Utah or the United States. Where laws applicable to such properties require the property owner to take reasonable steps to comply with local regulations, this exemption shall not be construed to abrogate that requirement.

2. Utility Installations: Wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas or water, or the collection of sewage or storm water when owned, operated and/or maintained by a governmental entity or a public utility. Such installations shall comply with Federal Communications Commission and Federal Aviation Administration rules and regulations

and those of other authorities having jurisdiction. ~~This exemption shall not apply to utility structures which are, at grade, or above grade more than either twenty (20) square feet horizontally, ten (10) cubic feet in volume or three feet (3') above grade. Utility structures, other than those specifically exempted above, which are on private property, below grade, not within a utility easement, intended to serve properties other than the immediate subdivision and greater than twenty four inches (24") in cross section, shall be approved as a special exception. All other utility installations in residential districts and in the Neighborhood Commercial (CN) District, the~~

Mixed Use (MU) District, the Mobile Home Park (MH) District, and the Open Space (OS) District, and equal to or less than 68 inches in width, 61 inches in depth, and 50 inches in height, shall be considered routine and uncontested matters as outlined in Chapter 21A.14. Utility installations exceeding 68 inches in width, 61 inches in depth, and 50 inches in height in the residential districts and in the Neighborhood Commercial (CN) District, the Mixed Use (MU) District, the Mobile Home Park (MH) District, and the Open Space (OS) District shall be considered conditional uses pursuant to the standards set forth in Section 21A.54.080 of this Title. When considering a request for special exception approval, the Board of Adjustment shall consider the general compatibility and impact that the proposed utility structure will have on surrounding properties.

3. Railroad Facilities: Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right of way, and maintenance and repair work on such facilities and equipment.

SECTION 2. That the table, entitled Table of Permitted and Conditional Uses for Residential Districts, which is located at 21A.24.190 of the *Salt Lake City Code*, shall be, and hereby is, amended to read as set forth in the attached Exhibit A.

SECTION 3. That the table, entitled Table of Permitted and Conditional Uses for Commercial Districts, which is located at 21A.26.080 of the *Salt Lake City Code*, shall be, and hereby is, amended to read as set forth in the attached Exhibit B.

SECTION 4. That the table, entitled Table of Permitted and Conditional Uses for Downtown Districts, which is located at 21A.30.050 of the *Salt Lake City Code*, shall be, and hereby is, amended to read as set forth in the attached Exhibit C.

SECTION 5. That the table, entitled Table of Permitted and Conditional Uses in the Gateway District, which is located at 21A.31.050 of the *Salt Lake City Code*, shall be, and hereby is, amended to read as set forth in the attached Exhibit D.

SECTION 6. That the table, entitled Table of Permitted and Conditional Uses for Special Purpose Districts, which is located at 21A.32.140 of the *Salt Lake City Code*, shall be, and hereby is, amended to read as set forth in the attached Exhibit E.

SECTION 7. That the table, entitled Obstructions in Required Yards, which is located at 21A.36.020(B) of the *Salt Lake City Code*, shall be, and hereby is, amended to read as set forth in the attached Exhibit F.

SECTION 8. 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 _____, 2007.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date Feb. 20, 2007
By Melanie Rief

(SEAL)

Bill No. _____ of 2007.
Published: _____.

I:\Ordinance 07\Amending 21A.02.050, 21A.24.190, 21A.26.080, 21A.30.050, 21A.31.050, 21A.32.140, and 21A.36.020(B) - 02-06-07
draft.doc

EXHIBIT A

21A.24.190 Table of Permitted and Conditional Uses For Residential Districts

USE	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R- MU- 35	R- MU- 45	R-MU	RO
Public/private utility buildings and structures	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰		€ P ¹⁰	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰

Qualifying Provisions

10. Subject to conformance to the provisions in 21A.02.050B(2) of this title.

EXHIBIT B

21A.26.080 Table of Permitted and Conditional Uses For Commercial Districts

USE	CN	CB	CC	CS	CSHBD	CG	TC-75
Public/private utility buildings and structures	CP ⁷	CP	P	P	CP	P	P

Qualifying Provisions

7. Subject to conformance to the provisions in 21A.02.050B(2) of this title.

EXHIBIT C

21A.30.050 Table of Permitted and Conditional Uses For Downtown Districts

USE	D-1	D-2	D-3	D-4
Public/private utility buildings and structures	GP	GP	GP	GP

EXHIBIT D

21A.31.050 Table of Permitted and Conditional Uses For Gateway Districts

USE	G-MU	
Public/private utility buildings and structures	C P	

EXHIBIT E

21A.32.140 Table of Permitted and Conditional Uses For Special Purpose Districts

USE	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Public/private utility buildings and structures	GP	GP	GP	GP	GP	GP	GP	GP ¹⁰		P	GP	GP	GP	GP	GP ¹⁰	GP	GP ¹⁰

Qualifying Provisions

10. Subject to conformance to the provisions in 21A.02.050B(2) of this title.

EXHIBIT F

Table 21A.36.020B Obstructions in Required Yards

Type of Structure or Use Obstruction	Front And Corner Side Yards	Side Yard	Rear Yard
Porches (attached, covered and unenclosed) projecting 5 feet or less			X
Public/private utility buildings and structures	X	X	X
Recreational (playground) equipment			X

Exhibit 3
City Council Public Hearing Notice

NOTICE OF PUBLIC HEARING

The Salt Lake City Council will hold a public hearing and consider adopting an ordinance to amend the Salt Lake City Zoning Ordinance regarding utility installations. This amendment would change the Zoning Ordinance so that utility installations in all residential districts, the Neighborhood Commercial district, the Open Space District, the Mobile Home Park District, and the Mixed Use District would require Routine and Uncontested approval if they were smaller than a certain size. Any installations larger than that size in those zones would require conditional use approval. Installations in all other zoning districts are permitted uses.

The City Council hearing will be held:

Date:

Time: 7:00 PM

Place: Room 315 (City Council Chambers)
Salt Lake City and County Building
451 South State Street
Salt Lake City, UT 84111

You are invited to attend this hearing, ask questions, or provide input concerning the topic listed above. If you have any questions, contact Nick Britton at 535-7932 between the hours of 8:00 AM and 5:00 PM, or send an e-mail to nick.britton@slcgov.com.

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact (801) 535-7971; TDD (801) 535-6021.

Exhibit 4
Mailing List

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

POLLY HART
CAPITOL HILL CHAIR
355 NORTH QUINCE STREET
SALT LAKE CITY UT 84103

MICHAEL HUGHES
GREATER AVENUES CHAIR
PO BOX 11858
SALT LAKE CITY UT 84147-1858

CHRIS VIVANT
DOWNTOWN CHAIR
404 SOUTH 400 WEST
SALT LAKE CITY UT 84111

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

THOMAS MUTTER
CENTRAL CITY CHAIR
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INDIAN HILLS CHAIR
Vacant

ST. MARY'S CHAIR
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Nick Britton
Planning Division
451 S. State St. RM 406
Salt Lake City, UT 84111



ORGANIZATIONS:

Updated: 4/1/2005 sj

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Exhibit 5-a
Planning Commission Hearing
Original Notice and Postmark

PLANNING DIVISION
451 SO. STATE ST. ROOM 406
SALT LAKE CITY, UT 84111

1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing.
3. In order to be considerate of everyone attending the meeting, the Chair may limit the time each person may have to address the Commission, per item. A spokesperson who has already been asked by a group to summarize their concerns may be given additional time. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting.
Written comments should be sent to:
Salt Lake City Planning Commission
451 South State Street, Room 406
Salt Lake City UT 84111
4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. The Salt Lake City Corporation complies with 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 questions, requests, or additional information, please contact the Planning Office at 535-7757; TDD 535-6220.

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

SALT LAKE CITY UT 84111

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AMENDED AGENDA NOTICE

Note: The Field Trip Scheduled to leave at 4:00 p.m.

**AMENDED
AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, January 24, 2007, 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, January 10, 2007.
2. REPORT OF THE CHAIR AND VICE CHAIR
3. REPORT OF THE DIRECTOR
4. UNFINISHED BUSINESS
5. PUBLIC HEARINGS
 - a. Petition 400-06-35-A petition by the Salt Lake City Planning Commission to amend the Salt Lake City Zoning Ordinance text regarding utility installations. The proposed text amendment will permit utility installations in most non-residential districts and allow as Routine & Uncontested Matters utility structures within all residential Zoning Districts, the Neighborhood Commercial District, the Open Space District, the Mobile Home Park District, and the Mixed Use District depending on installation size. (Staff-Nick Britton at 535-7932 or nick.britton@slcgov.com).
 - b. **Petition No. 410-06-28** —A request by Robert Bunnel for Conditional Use approve for a Rooming House located at approximately 149 South 900 East, in an RMF-30 (Low Density Multi-Family Residential) Zoning District. The applicant proposes to convert an existing single family residence into a Rooming House for seven tenants. The Planning Commission took action to deny this case on September 13, 2006. The Salt Lake City Land Use Appeals Board has remanded the case back to the Planning Commission to reconsider and identify that either the anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated with the imposition of reasonable conditions or to approve the request with or without conditions of approval. (Staff—Kevin LoPiccolo at 535-6003 or email at kevin.lopiccolo@slcgov.com).
6. ISSUES ONLY HEARING
 - a. The Planning Commission will continue to discuss and receive public comment regarding aspects of the City Creek Center development from West Temple to 200 East, and South Temple to 100 South, proposed by Property Reserve, Inc. and The Taubman Company (Staff—Doug Dansie at 535- 6182 or doug.dansie@slcgov.com).

Exhibit 5-b
Planning Commission Hearing
Staff Report: January 24, 2007

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

PETITION #: 400-06-35
APPLICANT: Salt Lake City Planning Commission
REQUESTED ACTION: The Salt Lake City Planning Commission's role in this process is to determine if the proposed zoning text amendments meet the standards set forth in Section 21A.50.050: Standards for General Amendments, and forward a recommendation to the Salt Lake City Council.
PROJECT LOCATION: Citywide
COUNCIL DISTRICT: All Council Districts

PROJECT DESCRIPTION:

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

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

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

The following utility installations require a Special Exception:

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

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

PROPOSED ZONING TEXT AMENDMENT:

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

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

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

APPLICABLE LAND USE REGULATIONS:

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

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

MASTER PLAN SPECIFICATIONS:

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

COMMENTS:

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

City Department/Division Comments

A. Building Services Division (Larry Butcher)

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

B. Engineering

No comments were received from Engineering.

C. Fire Department (Wayne Leydsman)

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

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

D. Police Department

No comments were received from the Police Department.

E. Property Management

No comments were received from Property Management.

F. Public Services

No comments were received from Public Services.

G. Public Utilities Department (Peggy Garcia)

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

H. Transportation Division (Barry Walsh)

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

Open House Comments

A. Salt Lake City Planning Division Open House

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

ANALYSIS AND FINDINGS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21A.50.05: Standards for General Amendments

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

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

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

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

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

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

Findings: The proposed text amendment meets this standard.

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

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

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

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

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

Findings: The proposed text amendment meets this standard.

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

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

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

RECOMMENDATION:

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

Nick Britton, Principal Planner
January 10, 2007

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

Exhibit A
Proposed Zoning Ordinance
Text Amendments

ZONING ORDINANCE SECTION AFFECTED

21A.02.050: Applicability

EXISTING ORDINANCE LANGUAGE FOR SECTION 21A.02.050

A. General Applicability: The provisions of this Title shall apply to all of the land area within the corporate limits of Salt Lake City, as indicated on the Zoning Map as provided in Chapter 21A.22 of this Title. Except as expressly provided in this Title, no development shall be undertaken without prior zoning approval pursuant to the provisions of this Title.

B. Exemptions: The following properties, uses and structures shall, to the extent provided by law, be exempt from the regulations of this Title:

1. Properties Of The State Of Utah Or Federal Government: Properties owned and occupied by the State of Utah or the United States. Where laws applicable to such properties require the property owner to take reasonable steps to comply with local regulations, this exemption shall not be construed to abrogate that requirement.

2. Utility Installations: Wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas or water, or the collection of sewage or storm water when owned, operated and/or maintained by a governmental entity or a public utility. Such installations shall comply with Federal Communications Commission and Federal Aviation Administration rules and regulations and those of other authorities having jurisdiction. This exemption shall not apply to utility structures which are, at grade, or above grade more than either twenty (20) square feet horizontally, ten (10) cubic feet in volume or three feet (3') above grade. Utility structures, other than those specifically exempted above, which are on private property, below grade, not within a utility easement, intended to serve properties other than the immediate subdivision and greater than twenty four inches (24") in cross section, shall be approved as a special exception. When considering a request for special exception approval, the Board of Adjustment shall consider the general compatibility and impact that the proposed utility structure will have on surrounding properties.

3. Railroad Facilities: Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right of way, and maintenance and repair work on such facilities and equipment. (Ord. 26-95 § 2(1-5), 1995)

PROPOSED ORDINANCE LANGUAGE FOR SECTION 21A.02.050

A. General Applicability: The provisions of this Title shall apply to all of the land area within the corporate limits of Salt Lake City, as indicated on the Zoning Map as provided in Chapter 21A.22 of this Title. Except as expressly provided in this Title, no development shall be undertaken without prior zoning approval pursuant to the provisions of this Title.

B. Exemptions: The following properties, uses and structures shall, to the extent provided by law, be exempt from the regulations of this Title:

1. Properties Of The State Of Utah Or Federal Government: Properties owned and occupied by the State of Utah or the United States. Where laws applicable to such properties require the property owner to take reasonable steps to comply with local regulations, this exemption shall not be construed to abrogate that requirement.

2. Utility Installations: Wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas or water, or the collection of sewage or storm water when owned, operated and/or maintained by a governmental entity or a public utility. Such installations shall comply with Federal Communications Commission and Federal Aviation Administration rules and regulations and those of other authorities having jurisdiction. ~~This exemption shall not apply to utility structures which are, at grade, or above grade more than either twenty (20) square feet horizontally, ten (10) cubic feet in volume or three feet (3') above grade. Utility structures, other than those specifically exempted above, which are on private property, below grade, not within a utility easement, intended to serve properties other than the immediate subdivision and greater than twenty-four inches (24") in cross-section, shall be approved as a special exception.~~ **All other utility installations in residential districts and in the Neighborhood Commercial (CN) District, and equal to or less than 68 inches in width, 61 inches in depth, and 50 inches in height, shall be considered routine and uncontested matters as outlined in Chapter 21A.14. Utility installations exceeding 68 inches in width, 61 inches in depth, and 50 inches in height shall be considered conditional uses pursuant to the standards set forth in Section 21A.54.080 of this Title.** When considering a request for special exception approval, the Board of Adjustment shall consider the general compatibility and impact that the proposed utility structure will have on surrounding properties.

3. Railroad Facilities: Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right of way, and maintenance and repair work on such facilities and equipment. (Ord. 26-95 § 2(1-5), 1995)

ZONING ORDINANCE SECTION AFFECTED

21A.24.190: Table of Permitted and Conditional Uses for Residential Districts

EXISTING ORDINANCE LANGUAGE FOR SECTION 21A.24.190

21A.24.190 Table of Permitted and Conditional Uses For Residential Districts

USE	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR- 1	SR- 2	SR- 3	R-2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R- MU- 35	R- MU- 45	R- MU	RO
Public/private utility buildings and structures	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C

PROPOSED ORDINANCE LANGUAGE FOR SECTION 21A.24.190

21A.24.190 Table of Permitted and Conditional Uses For Residential Districts

USE	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R- MU- 35	R- MU- 45	R-MU	RO
Public/private utility buildings and structures	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰		€ P ¹⁰	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰	€ P ¹⁰

Qualifying Provisions

10. Subject to conformance to the provisions in 21A.02.050B(2) of this title.

ZONING ORDINANCE SECTION AFFECTED

21A.26.080: Table of Permitted and Conditional Uses for Commercial Districts

EXISTING ORDINANCE LANGUAGE FOR SECTION 21A.26.080

21A.26.080 Table of Permitted and Conditional Uses For Commercial Districts

USE	CN	CB	CC	CS	CSHBD	CG	TC-75
Public/private utility buildings and structures	C	C	P	P	C	P	P

PROPOSED ORDINANCE LANGUAGE FOR SECTION 21A.26.080

21A.26.080 Table of Permitted and Conditional Uses For Commercial Districts

USE	CN	CB	CC	CS	CSHBD	CG	TC-75
Public/private utility buildings and structures	CP ⁷	CP	P	P	CP	P	P

Qualifying Provisions

7. Subject to conformance to the provisions in 21A.02.050B(2) of this title.

ZONING ORDINANCE SECTION AFFECTED

21A.30.050: Table of Permitted and Conditional Uses for Downtown Districts

EXISTING ORDINANCE LANGUAGE FOR SECTION 21A.30.050

21A.30.050 Table of Permitted and Conditional Uses For Downtown Districts

USE	D-1	D-2	D-3	D-4
Public/private utility buildings and structures	C	C	C	C

PROPOSED ORDINANCE LANGUAGE FOR SECTION 21A.30.050

21A.30.050 Table of Permitted and Conditional Uses For Downtown Districts

USE	D-1	D-2	D-3	D-4
Public/private utility buildings and structures	CP	CP	CP	CP

ZONING ORDINANCE SECTION AFFECTED

21A.31.050: Table of Permitted and Conditional Uses for Gateway Districts

EXISTING ORDINANCE LANGUAGE FOR SECTION 21A.31.050

21A.31.050 Table of Permitted and Conditional Uses For Gateway Districts

USE	G-MU	
Public/private utility buildings and structures	C	

PROPOSED ORDINANCE LANGUAGE FOR SECTION 21A.31.050

21A.31.050 Table of Permitted and Conditional Uses For Gateway Districts

USE	G-MU	
Public/private utility buildings and structures	G P	

ZONING ORDINANCE SECTION AFFECTED

21A.32.140: Table of Permitted and Conditional Uses for Special Purpose Districts

EXISTING ORDINANCE LANGUAGE FOR SECTION 21A.32.140

21A.32.140 Table of Permitted and Conditional Uses For Special Purpose Districts

USE	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Public/private utility buildings and structures	C	C	C	C	C	C	C	C		P	C	C	C	C	C	C	C

PROPOSED ORDINANCE LANGUAGE FOR SECTION 21A.32.140

21A.32.140 Table of Permitted and Conditional Uses For Special Purpose Districts

USE	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Public/private utility buildings and structures	€ P	€ P	€ P	€ P	€ P	€ P	€ P	€ P ¹⁰		P	€ P	€ P	€ P	€ P	€ P ¹⁰	€ P	€ P ¹⁰

Qualifying Provisions

10. Subject to conformance to the provisions in 21A.02.050B(2) of this title.

ZONING ORDINANCE SECTION AFFECTED

21A.36.020B: Obstructions in Required Yards (Table 21A.36.020B)

PROPOSED ORDINANCE LANGUAGE FOR TABLE 21A.36.020B

Table 21A.36.020B Obstructions in Required Yards

Type of Structure or Use Obstruction	Front And Corner Side Yards	Side Yard	Rear Yard
Porches (attached, covered and unenclosed) projecting 5 feet or less			X
Recreational (playground) equipment			X

EXISTING ORDINANCE LANGUAGE FOR TABLE 21A.36.020B

Table 21A.36.020B Obstructions in Required Yards

Type of Structure or Use Obstruction	Front And Corner Side Yards	Side Yard	Rear Yard
Porches (attached, covered and unenclosed) projecting 5 feet or less			X
Public/private utility buildings and structures	X	X	X
Recreational (playground) equipment			X

Exhibit B
Current Zoning Ordinance Language

regulations, this exemption shall not be construed to abrogate that requirement.

* 2. **Utility Installations:** Wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas or water, or the collection of sewage or storm water when owned, operated and/or maintained by a governmental entity or a public utility. Such installations shall comply with Federal Communications Commission and Federal Aviation Administration rules and regulations and those of other authorities having jurisdiction. This exemption shall not apply to utility structures which are, at grade, or above grade more than either twenty (20) square feet horizontally, ten (10) cubic feet in volume or three feet (3') above grade. Utility structures, other than those specifically exempted above, which are on private property, below grade, not within a utility easement, intended to serve properties other than the immediate subdivision and greater than twenty four inches (24") in cross section, shall be approved as a special exception. When considering a request for special exception approval, the Board of Adjustment shall consider the general compatibility and impact that the proposed utility structure will have on surrounding properties.

3. **Railroad Facilities:** Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right of way, and maintenance and repair work on such facilities and equipment. (Ord. 26-95 § 2(1-5), 1995)

21A.02.060 Transition Rules:

To avoid undue hardship, nothing in this Title shall be deemed to require a change in the plans, construction or designated use of any building for which a complete building permit application and appropriate fees were received prior to the effective hereof, April 12, 1995, or any amendment hereto, unless the permit is allowed to expire. If the applicant allows the permit to expire, the applicant shall be subject to the provisions of this Title. If such building permit pertains to a phase of development only, any subsequent phase for which a building

permit is required shall comply with the parking and landscaping requirements of this Title.

Any complete application for a development project that has been filed with either the Board of Adjustment, Planning Commission, Historical Landmark Commission or City Council shall be allowed to comply with the zoning regulations in effect at the time that the complete application was filed. At the conclusion of the applicable process, an applicant shall file for the appropriate permits and pursue them to completion. If the applicant allows the permit to expire, the applicant shall be subject to the provisions of this Title. (Ord. 26-95 § 2(1-8), 1995)

Chapter 21A.04

TITLE STRUCTURE, INTERPRETATION AND LEGAL EFFECT

Sections:

- 21A.04.010 Organization Of Title
- 21A.04.020 Interpretation
- 21A.04.030 Building/Demolition Permits Required

21A.04.010 Organization Of Title:

This Title is organized into seven (7) parts as described in subsection A of this Section and includes different types of zoning districts and regulations for the use and development of land as described in subsections B and C of this Section.

A. Structure Of This Title: This Title consists of:

- Part I: Introductory Provisions
- Part II: Administration And Enforcement
- Part III: Specific District Regulations
- Part IV: Regulations Of General Applicability
- Part V: Amendments And Special Approvals
- Part VI: General Terms
- Part VII: Zoning Fees

B. Types Of Zoning Districts In This Title: This Title establishes three (3) types of zoning districts: 1) base zoning districts; 2) special purpose districts; and 3) overlay districts. These districts are

LEGEND		PERMITTED AND CONDITIONAL USES, BY DISTRICT														RO					
		RESIDENTIAL DISTRICTS																			
C = Conditional Use P = Permitted Use		FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R-MU-35	R-MU-45	R-MU		
Use																					
Parking, off site facilities (accessory to permitted uses)		C	C							C		C	C	C	C	C	C	C	C	C	C
Public/private utility buildings and structures		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C ^y
Public/private utility transmission wires, lines, pipes and poles ¹		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Reuse of church and school buildings		C ^e	C ^e	C ^e	C ^e	C ^e	C ^e	C ^e	C ^e	C ^e	C ^e	C ^e	C ^e	C ^e	C ^e	C ^e	C ^e	C ^e	C ^e	C ^{e,p}	
Veterinary offices																	C	C	C	P ³	P ^y
Wireless telecommunications facilities (see table 21A.40.090E of this title)																					

Qualifying Provisions:

1. A single apartment unit may be located above first floor retail/office.
2. Provided that no more than 2 two-family buildings are located adjacent to one another and no more than 3 such dwellings are located along the same block face (within subdivisions approved after April 12, 1995).
3. Subject to conformance with the provisions of subsection 21A.24.170E of this chapter.
4. Construction for a nonresidential use shall be subject to all provisions of subsections 21A.24.160I and J of this chapter.
5. See subsection 21A.02.050B of this title for utility regulations.
6. Subject to conformance of the provision in section 21A.36.170 of this title.



21A.26.080

LEGEND		PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS						
USE	CN	CB	CC	CS ¹	CSHBD ¹	CG	TC-75	
C = Conditional Use P = Permitted Use								
Park and ride lots		C	C	C	P	P	C	
Park and ride, parking shared with existing use		P	P	P	P	P	P	
Pet cemeteries ⁴						P		
Off site parking, as per chapter 21A.44 of this title			P		C	P	C	
Outdoor sales and display		C	P	C	P	P	C	
Outdoor storage			C			P		
Outdoor storage, public			C			P		
Precision equipment repair shops			P			P		
Public/private utility buildings and structures	C	C	P	P	C	P	P	
Public/private utility transmission wires, lines, pipes and poles ²	P	P	P	P	P	P	P	
Radio, television station				C	P	P	P	
Recreational vehicle park (minimum 1 acre)			C					
Recycling collection station	P	P	P	P	P	P		
Reverse vending machines	P	P	P	P	P	P	P	
Taxicab facilities, dispatching, staging and maintenance						P		
Temporary labor hiring office						P		
Vehicle auction use						P		
Vending carts on private property as per chapter 5.65 of this code						P		
Wireless telecommunications facility (see table 21A.40.090E of this title)						P		

*

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT			
C = Conditional Use P = Permitted Use	DOWNTOWN DISTRICTS			
USE	D-1	D-2	D-3	D-4
Graphic/design business	P	P	P	P
Heliports, accessory	C	C		
Homeless shelter			C	
Hotels and motels	P	P	P	P
Industrial assembly		C	C	
Limousine service		P		
Microbreweries		C		
Miniwarehouse		P	P	
Off site parking	P	P	P	P
Outdoor sales and display	C	P	P	C
Precision equipment repair shops		P	C	
Public/private utility buildings and structures	C	C	C	C
Public/private utility transmission wires, lines, pipes and poles ¹	P	P	P	P
Publishing company	P	P	P	P
Radio stations	P	P	P ²	P
Railroad passenger station	P	P	P	P
Social service missions and charity dining halls		P	P	
Street vendors (see chapter 5.64 of this code)				
TV stations	P	P		P
Temporary labor hiring office		P	C	
Vending carts on private property as per chapter 5.65 of this code	P	P	P	P
Warehouse		P	P	
Warehouse, accessory	P	P	P	P
Wholesale distribution		P	P	
Wireless telecommunications facilities (see table 21A.40.090E of this title)				

*

Qualifying Provisions:

1. See subsection 21A.02.050B of this title for utility regulations.
2. Radio station equipment and antennas shall be required to go through the site plan review process to ensure that the color, design and location of all proposed equipment and antennas are screened or integrated into the architecture of the project and are compatible with surrounding uses.
3. Uses allowed only within the boundaries and subject to the provisions of the downtown Main Street core overlay district (section 21A.34.110 of this part).
4. Any car wash located within 165 feet (including streets) of a residential use shall only be permitted as a conditional use.

LEGEND		Permitted And Conditional Uses, By District Gateway District	
C = Conditional Use P = Permitted Use			
Use	G-MU		
Funeral home			
Graphic/design business	P		
Heliports, accessory	C		
Hotels and motels	P		
Limousine service			
Microbreweries			
Off site parking	P		
Outdoor sales and display	C		
Park and ride lots	C		
Park and ride, parking shared with existing use	P		
Precision equipment repair shops			
Public/private utility buildings and structures	C		
Public/private utility transmission wires, lines, pipes and poles	C		
Radio stations	C		
Railroad passenger station	C		
Railroad "spur" delivery facility	C		
Recycling collection station			
Reverse vending machines			
Social service missions and charity dining halls	C		
Street vendors (see chapter 5.64 of this code)			
Taxicab facilities, dispatching, staging and maintenance			
Television station	C		
Temporary labor hiring office	P		
Vending carts on private property as per chapter 5.65 of this code	P		
Wireless telecommunications facilities (see table 21A.40.090E of this title)			

(Ord. 13-04 § 10 (Exh. E), 2004; Ord. 4-04 § 2 (Exh. B), 2004; Ord. 23-02 § 6 (Exh. D), 2002; Ord. 38-99 § 8, 1999; Ord. 83-98 § 6 (Exh. D), 1998)

LEGEND		PERMITTED AND CONDITIONAL USES SPECIAL PURPOSE DISTRICTS															
USE	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Production related to on site research	P																C
Public/private utility buildings and structures	C	C	C	C	C	C	C	C		P	C	C	C	C	C	C	C
Public/private utility transmission wires, lines, pipes and poles ¹	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P
Radio station		P ⁶										P					
Stable, private				P	P	P	P										
Stable, public						C	C										
Storage of extracted material																P	
Transportation terminals, including bus, rail and trucking										P			C				
Trucking, repair, storage, etc., associated with extractive industries																P	
Vending carts on private property as per chapter 5.65 of this code	P	P															
Warehouse, accessory to retail and wholesale business (5,000 square foot or greater floor plate)																	C
Warehouse, accessory to retail and wholesale business (maximum 5,000 square foot floor plate)																	P



b. The existing lot and site layout is not conducive to private street development. (Ord. 71-04 § 5, 2004; Ord. 35-99 § 45, 1999; Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(18-1), 1995)

21A.36.020 Conformance With Lot And Bulk Controls:

A. Conformance With District Requirements:
No structure or lot shall be developed, used or occupied unless it meets the lot area, lot width, yards, building height, floor area ratio, and other requirements established in the applicable district regulations, except where specifically established otherwise elsewhere in this title.

In any residential district, on a lot legally established prior to April 12, 1995, a single-family dwelling may be erected regardless of the size of

the lot, subject to complying with all yard area requirements of the R-1/5,000 district. Legal conforming 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 area requirements of the district in which the lot is located.

B. Obstructions In Required Yards: Accessory uses and structures, and projections of the principal structure, may be located in a required yard only as indicated ("X") in table 21A.36.020B of this section. No portion of an obstruction authorized in table 21A.36.020B of this section shall extend beyond the authorized projection. Dimensions shall be measured from the finished surface of the building or structure.

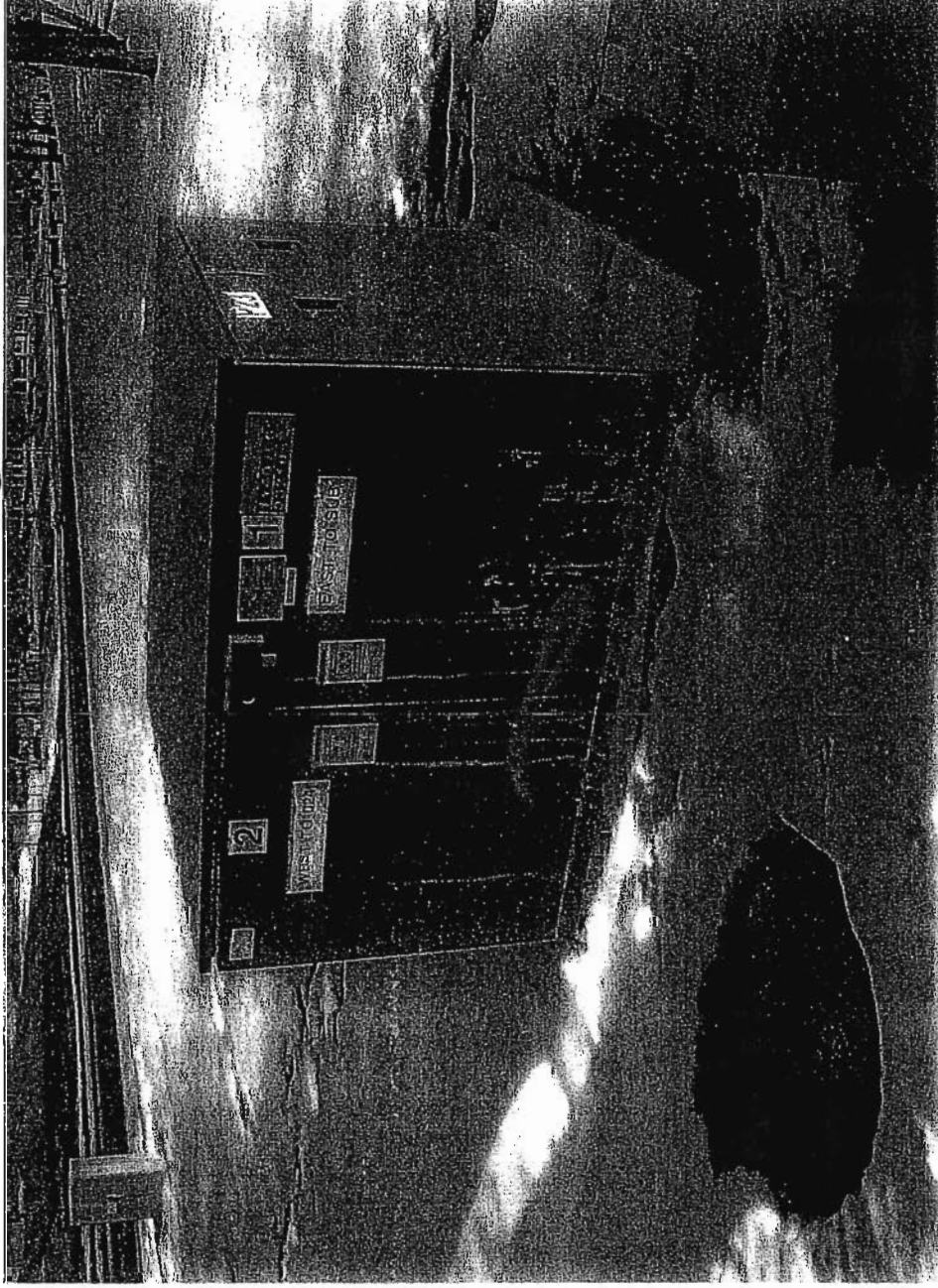
**Table 21A.36.020B
OBSTRUCTIONS IN REQUIRED YARDS¹**

Type Of Structure Or Use Obstruction	Front And Corner Side Yards	Side Yard	Rear Yard
Accessory buildings subject to the provisions of chapter 21A.40 of this part, and located at least 1 foot from the side property line except for the FP and FR districts where no accessory building is permitted in any yard. Accessory buildings shall be at least 10 feet from a principal residential building on an adjacent lot.			X
Arbors and trellises not to exceed 12 feet in height or 120 square feet in residential districts. This requirement shall also apply to nonresidential districts unless otherwise authorized.	X	X	X
Architectural ornament not elsewhere regulated projecting not more than 4 inches	X	X	X
Awnings and canopies, extending not more than 2½ feet into front, corner side, or side yards and not more than 5 feet into rear yards allowed in residential districts only	X	X	X
Balconies projecting not more than 5 feet			X
Basketball hoop and backboard on or adjacent to permitted driveways	X	X	X
Bay windows which are 1-story high, not more than 10 feet long, project 2 feet or less and are located not less than 4 feet from a lot line	X	X	X
Below grade encroachments ²	X	X	X
Breezeways and open porches			X
Central air conditioning systems, heating, ventilating, pool and filtering equipment, the outside elements shall be located not less than 4 feet from a lot line. Structures less than 4 feet from the property line shall be reviewed as a special exception according to the provisions of section 21A.52.030 of this title.		X	X
Chimneys projecting 2 feet or less into the yard must be located not less than 2 feet from a lot line.		X	X
Decks (open) 2 feet high or less	X	X	X

Type Of Structure Or Use Obstruction	Front And Corner Side Yards	Side Yard	Rear Yard
Eaves, not including gutters projecting 2 feet or less into the yard. 4 foot eave may project into a 20 foot yard area.	X	X	X
Fallout shelters (completely underground), conforming to applicable civil defense regulations and located not less than 4 feet from a lot line			X
Fences or walls subject to applicable height restrictions of chapter 21A.40 of this part	X	X	X
Fire escapes projecting 4 feet or less			X
Flagpoles Residential districts: 1 permanent flagpole per street frontage Nonresidential districts: 3 flagpoles per street frontage Subject to provisions of table 21A.36.020C of this section	X X	X X	X X
Grade changes of 2 feet or less except for the FP and FR districts which shall be subject to the provisions of subsection 21A.24.0100 of this title. (All grade changes located on a property line shall be supported by a retaining wall.)	X	X	X
Ham radio antennas subject to provisions of subsection 21A.40.090D of this part			X
Landscaping, including decorative berms 4 feet or less in height with no grade change along any property line, provided that if such landscaping obstructs the visibility of an intersection the city may require its pruning or removal.	X	X	X
Laundry drying equipment (clothesline and poles)			X
Parking, carports and covered parking spaces except as otherwise expressly authorized by table 21A.44.050 of this part			X
Patios on grade	X	X	X
Patios on grade (attached, covered and unenclosed) maintaining a minimum 15 foot setback from the rear property line			X
Porches (attached, covered and unenclosed) projecting 5 feet or less			X
Recreational (playground) equipment			X
Refuse dumpster			X
Removable ramp for persons with disabilities (when approved as a special exception)	X	X	X
Satellite dish antennas		X	X
Signs, subject to the provisions of chapter 21A.46 of this part	X	X	X
Steps and required landings 4 feet or less above or below grade which are necessary for access to a permitted building and located not less than 4 feet from a lot line	X	X	X
Swimming pools (measured to the water line), tennis courts, game courts, and similar uses shall not be located less than 10 feet from a property line.		X	X
Window mounted refrigerated air conditioners and evaporative "swamp" coolers located at least 2 feet from the property line. Window mounted refrigerated air conditioner units and "swamp" coolers less than 2 feet from the property line shall be reviewed as a special exception according to the provisions of section 21A.52.030 of this title.	X	X	X
Window wells not over 6 feet in width and projecting not more than 3 feet from structure	X	X	X

Exhibit C
Typical Installations
Found in Residential Districts

Switchgear



High Voltage Junction Point
68" Wide – 61" Deep – 45-50" High

Single Phase Transformer



Small Transformer

33" Wide – 30" Deep – 24" High

Ground Sleeve



High Voltage Junction Box
66 1/2" Wide – 22" Deep – 45-50" High

Exhibit D
Department/Division Comments

Britton, Nick

From: Garcia, Peggy
Sent: Wednesday, December 27, 2006 12:26 PM
To: Britton, Nick
Subject: Petition #410-06-35 Modification to Zoning Ordinance regarding utility installations
Categories: Program/Policy

Nick,

We've got a few questions before we can respond to the petition. It is our understanding that the proposed ordinance would make Public Utilities exempt from obtaining conditional use permits for our underground facilities. Salt Lake City Public Utilities has numerous above ground facilities such as sewer lift stations, pump stations, etc. Will we be required to obtain conditional use permits for these? Also as developers are required to build new above ground facilities to support their development which in turn are turned over to us to maintain, will we or they be required to obtain a conditional use permit for these facilities?

Let me know and I'll write a formal response.

Thanks
Peggy

Britton, Nick

From: Britton, Nick
Sent: Wednesday, January 03, 2007 4:38 PM
To: Garcia, Peggy
Cc: LoPiccolo, Kevin
Subject: RE: Petition #410-06-35 Modification to Zoning Ordinance regarding utility installations
Categories: Program/Policy

Peggy,

All utility installations owned, operated, and/or maintained by government will be exempt. The portion of the proposed code that indicates this is as follows: "Wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas or water, or the collection of sewage or storm water when owned, operated and/or maintained by a governmental entity or a public utility. Such installations shall comply with Federal Communications Commission and Federal Aviation Administration rules and regulations and those of other authorities having jurisdiction." All of that falls under the "Exemption" heading. The remainder of the ordinance

If developers build above ground facilities that exceed the size limitation we settle on (we're still working on that part), then they will need to get a conditional use, even if they eventually turn it over to Public Utilities. That is, of course, if they're in residential districts or in the CN district.

I hope this helps. Let me know if you have any questions.

Nick Britton

From: Garcia, Peggy
Sent: Wednesday, December 27, 2006 12:26 PM
To: Britton, Nick
Subject: Petition #410-06-35 Modification to Zoning Ordinance regarding utility installations

Nick,

We've got a few questions before we can respond to the petition. It is our understanding that the proposed ordinance would make Public Utilities exempt from obtaining conditional use permits for our underground facilities. Salt Lake City Public Utilities has numerous above ground facilities such as sewer lift stations, pump stations, etc. Will we be required to obtain conditional use permits for these? Also as developers are required to build new above ground facilities to support their development which in turn are turned over to us to maintain, will we or they be required to obtain a conditional use permit for these facilities?

Let me know and I'll write a formal response.

Thanks
Peggy

Britton, Nick

From: Leydsman, Wayne
Sent: Tuesday, December 26, 2006 2:03 PM
To: Britton, Nick
Subject: Petition 410-06-35 Zoning Ordinance Proposal for Utility Structures.
Categories: Confidential

I have reviewed the proposed changes and have no suggestions as to what is reasonable for a utility structure size. My initial thoughts would be to have structure that are accessible for the utility and fire department and pose no risk or extra unusual risks or hazards to the surrounding area. The building should meet IBC standards, and be reviewed and approved by a Board, such as by DRT members with comments by the immediate surrounding community, as well as the Utility that would present their proposal.

W. Leydsman
Inspector/Plans Examiner
SLCFD

Britton, Nick

From: Walsh, Barry
Sent: Thursday, December 21, 2006 5:22 PM
To: Britton, Nick
Cc: Young, Kevin; Wheelwright, Doug; Smith, Craig; Butcher, Larry; Leydsman, Wayne; Stewart, Brad; Graham, Rick; Pace, Lynn
Subject: Pet 410-06-35
Categories: Program/Policy

December 21, 2006

Nick Britton, Planning

Re: Petition 410-06-35 modifications to the Zoning Ordinance regarding utility installations.

(this petition number is also assigned to a Planning commission hearing for Petition 410-06-35 - by Glenn Ingersoll for a Planned Development at approximately 1330 South 700 West in an R-1/7000 zoning district within a Transitional Overlay. The request also requires conditional use approval for development on non-residential uses in the Transitional Overlay Zone. (Staff - Doug Dansie at 535-6182)

Nick

We see no undo impact to the transportation corridor system by allowing the proposed changes to the utility installations subject to standard construction barricading processed and design impact reviews to insure the safety compliance of the transportation corridor.

Sincerely,

Barry Walsh.

Cc Kevin Young, P.E.
Doug Wheelwright, Planning
Craig Smith, Engineering
Larry Butcher, permits
Wayne Leydsman, Fire
Brad Stewart, Public utilities
Rick Graham, Public Services
Lynn Pace, City Attorney
File

Exhibit E
Open House Notice

October 30, 2006

NOTICE OF OPEN HOUSE

The Salt Lake City Planning Commission has initiated a petition requesting changes to the Salt Lake City Zoning Ordinance concerning the process by which utility installations are reviewed by the Planning Divisions. This request would allow all utility installations to be reviewed as Routine & Uncontested matters provided that the abutting property owners have reviewed and signed off on the proposal. Currently, most utility installations require conditional use review.

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

**Monday, November 13, 2006
Salt Lake City & County Building
451 South State Street
Room 126 Conference Room
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 informing them of the open house.

If you have any questions on this issue, please call Nick Britton at (801) 535-7932 or email nick.britton@slcgov.com.

Sincerely,

Kevin LoPiccolo
Zoning Administrator

We comply with all ADA guidelines.
Assistance listening devices and interpreter services provided upon 24-hour advance request.

Exhibit 5-c
Planning Commission Hearing
Minutes: January 24, 2007

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, January 24, 2007**

Present for the Planning Commission meeting were Chair Peggy McDonough, Vice Chair Matthew Wirthlin, Tim Chambless, Babs De Lay, Robert Forbis, Susie McHugh, Prescott Muir, Kathy Scott, and Mary Woodhead.

Present from the Planning Division were Doug Wheelwright, Deputy Planning Director; Cheri Coffey, Deputy Planning Director; Kevin LoPiccolo, Planning Programs Supervisor; Nick Britton, Principal Planner; Joel Paterson, Planning Programs Supervisor; Doug Dansie, Senior Planner; and Tami Hansen, Senior Planning Commission Secretary.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson McDonough called the meeting to order at 5:46 p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. Audio recordings of Planning Commission meetings are retained in the Planning Staff Office for an indefinite period of time.

A field trip scheduled at 4:00 p.m. was canceled due to the postponement of Petition # 410-06-28.

....

PUBLIC HEARINGS

(This item was heard at 7:42 p.m.)

Chairperson McDonough introduced Petition 400-06-35, a request by the Salt Lake City the Planning Commission to amend the Salt Lake City Zoning Ordinance text regarding utility installations. The proposed text amendment will permit utility installations in most non-residential districts and allow as Routine & Uncontested Matters utility structures within all residential Zoning Districts, the Neighborhood Commercial District, the Open Space District, the Mobile Home Park District, and the Mixed Use District depending on installation size.

Chairperson McDonough recognized Nick Britton as representing Staff.

Mr. Britton noted that this petition was generated on September 27, 2006 by the Planning Commission. Utility installations were currently processed as conditional uses in close to half of all the zoning districts; however, it was not very clear why it was considered conditional in some zones and permitted in other zones.

He noted that all utility installations would still require building permits. The residential districts, the commercial neighborhood districts, the mobile home districts, the mixed use district, or open space districts had been determined as being the most impacted by utility installations. The next step was to look at the size of the installation. The maximum size would be 68 inches in width, 61 inches in depth, and 50 inches in height. This size was selected because it matches the size of a switchgear installation. Approximately 95% of the time that size installation is largest in a residential subdivision.

A Conditional Use process would be used for a utility installation if it were required to be bigger than that size. If it was equal to or less than that size, it would be handled as a routine and uncontested matter. This would require the applicant to obtain signatures of all abutting property owners, then the public hearing could be waived and the matter could be dealt with administratively. If the applicant could not secure the signatures, it would become a special exception and be forwarded to an administrative hearing or the Board of Adjustment.

Mr. Britton noted that in any other zone, outside of the ones listed above, the Utility installation would be permitted, and a building permit would be required.

Mr. Kevin LoPiccolo noted that there was a process that the private utilities would go through, but the public utilities would be exempt. He inquired of the Commission if they would like to view this as a conditional use, or have Staff initiate the process and handle them as a permitted use, or in residential districts, a review.

Commissioner Woodhead inquired what the standard would be if the applicant wanted to install a utility unit and could not get the signatures necessary because surrounding property owners had objected.

Mr. Britton noted that it would be considered a special exception and would be sent to the Board of Adjustment.

Mr. LoPiccolo noted that some of the standards were similar to the conditional use, for example; compatibility and scale.

Commissioner Scott noted that there were two Master Plans that addressed these types of installations and the Staff Report included the Central Community Master Plan, which addresses the safety and environmental issues and the Capitol Hill Master Plan which addressed the aesthetic value of the installation. She inquired if Staff had considered pulling the language from the two Master Plans and depositing them in the ordinance.

Mr. Britton noted that the Master Plans were looking more specifically at power lines and utility poles, and did not really address these types of installations.

Mr. LoPiccolo noted that the special exceptions gave Staff the ability to enhance or request a requirement from a utility company to help in that process.

Commissioner Scott noted that the well maintained public utilities, buildings and facilities should be visually compatible with the surrounding area and should provide adequate service and be environmentally safe.

Mr. Britton noted that Chapter 2 of the ordinance which deals with utilities would be the area where Staff would have leeway to specify what the standards and processes are.

Mr. LoPiccolo noted that there was an ability at a Staff level to take care of that without adding additional criteria, and ultimately Staff would be the interpreters of those requirements.

Commissioner De Lay inquired about the most common size of the utility boxes.

Mr. Britton noted it was equal to or smaller to the above mentioned measurements.

Commissioner Forbis inquired about how much conflict with property owners and surrounding neighbors had staff experienced in the past.

Mr. Britton noted that they had been highly contested in the past.

Commissioner Forbis inquired if this would mitigate or eliminate the conflicts.

Mr. Britton noted they would at least identify them.

Mr. LoPiccolo also noted that this petition would eliminate where most of the structures would be going, where today it would need to be reviewed by the Planning Commission as a conditional use.

Chairperson McDonough opened up the public portion of the hearing. She noted that there was no public that wanted to speak in regards to this petition, and she closed the public hearing.

Commissioner De Lay made a motion regarding Petition # 400-06-35 and moved that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed text amendment as reflected in the Staff Report dated January 18, 2007 and presented at the meeting.

Commissioner McHugh seconded the motion.

Commissioner Scott suggested an amendment that some language be added in Chapter 2, found on Page 3 of the Staff Report as well as in the Capital Hill Master Plan such as providing well maintained public utilities which are visual compatible to the surrounding area and provide adequate service and are environmentally safe or as found in the Central Community Master Plan language such as dependable infrastructure that insure adequate services as well as a safe environment in the community; also, a standard in regards to the placement, safety, and visual aspects.

Commissioner De Lay did not accept the amendment.

Chairperson McDonough noted that the motion would stand as originally stated.

All in favor voted, "Aye" the motion passed unanimously.

Exhibit 6
Original Petition

- 2. Request for a petition initiation regarding utility installations.
Mr. Ikefuna stated that utility installations require conditional use review; however, staff is requesting that all utility installations be reviewed as a routine and uncontested matter to allow administrative approval. The approval shall only be given administratively if the affected property owners are notified and consent to the utility installation request.

- 3. Request to amend the original Planning Commission initiated petition relating to a text amendment for the height increase in the Light Manufacturing (M-1) Zoning District.
Mr. Ikefuna stated that the initial request was a site-based petition for the M-1 District and Overlay, and after further evaluation, staff concluded that it would be best to expand the petition to include all of the M-1 Zoning District without the Overlay. Mr. Ikefuna stated that the driving force of the petition is due to the requests of industries trying to locate in the M-1 Zoning District, but are limited by the restrictions on height for air distillation columns.

Commissioner De Lay made a motion to initiate two petitions and amend the existing petition request. All voted "Aye". The motion passed.

PUBLIC NOTICE AGENDA

(There were no items to be reviewed.)

PUBLIC HEARINGS

Petition 490-06-23 – A request by Pilot Travel Centers requesting preliminary subdivision amendment approval to consolidate several meets and bounds parcels and portions of the Charles S. Desky Third Addition Subdivision into a single 6.73 acre parcel of land located at approximately 25 North Redwood Road in a Corridor Commercial (CC) and Light Manufacturing (M-1) Zoning District.

(This item was heard at 5:53 p.m.)

Chairperson McDonough recognized Mr. McCandless as staff representative. Mr. McCandless provided a brief background to the request. He stated that the request before the Planning Commission is to determine whether or not the preliminary subdivision should be approved; provided that the request meets the lot area width and frontage requirements for the applicable zoning districts. Mr. McCandless stated that the request is before the Planning Commission because there was a dispute between the property owners concerning the location of the south property line (Diamond Parking) and Pilot Travel Centers; therefore, an Administrative Hearing was not held because of the opposition. However, Mr. McCandless stated the City is of the understanding that the dispute has been resolved. Staff recommends approval with the following conditions:

- 1. Approval is conditional upon compliance with departmental comments as outlined in the staff report.
- 2. Approval from the Utah Department of Transportation (UDOT) be obtained for any future driveway connections or utilities on Redwood Road.
- 3. Final subdivision platting is required.

Commissioner De Lay requested clarification regarding the letter from Lynn Pace, City Attorney, noting that there is no road existing on South Temple.

Mr. McCandless stated that the reference in the letter is in regards to the South Temple alignment and whether or not the street exists at the location; as it was originally dedicated in the subdivision plats. After completing additional research, Staff found that there was no street, right-of-way, or utilities in the corridor west of Redwood Road; therefore, eliminating the ownership issue.

Chairperson McDonough recognized the applicants, Steve Christensen, Local Counsel for Pilot Travel Centers, and Bill Mulligan, Representative of Pilot Travel.

Petition No. 400-06-35

By SIC Planning Division

Utility Installations to be reviewed
as routine and uncontested

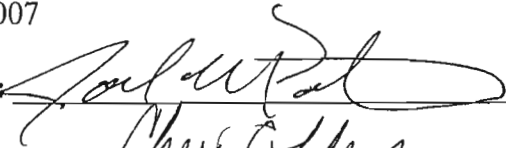
Date Filed 09/27/2006

Address N/A

**COMMUNITY DEVELOPMENT
COUNCIL SUBMITTAL CHECKLIST**

Petition No and Basic Information: Petition #400-06-35 – Zoning text amendment regarding utility installations

Date: February 28, 2007

Supervisor Approval: 

Division Director Approval: Chris Coffey 2/20/07

Contact Person:

Phone No.

- Initiated by
- City Council Member
 - Property Owner
 - Board / Commission
 - Mayor
 - Other

Contact Person

Salt Lake City Planning Commission

Completed Check List attached:

- Alley Vacation
- Planning / Zoning
- Federal Funding
- Condominium Conversion
- Plat Amendment
- Other

Public Process:

- | | |
|---|---|
| <input type="checkbox"/> Community Council (s) | <input type="checkbox"/> City Web Site |
| <input type="checkbox"/> Public Hearings | <input type="checkbox"/> Flyers |
| <input checked="" type="checkbox"/> Planning Commission | <input checked="" type="checkbox"/> Formal Notice |
| <input type="checkbox"/> Historic Landmark Commission | <input type="checkbox"/> Newspaper Advertisement |
| <input type="checkbox"/> HAAB review | <input type="checkbox"/> City Television Station |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> On Location Sign |
| <input type="checkbox"/> City Kiosk | <input type="checkbox"/> City Newsletter |
| <input checked="" type="checkbox"/> Open House | <input type="checkbox"/> Administrative Hearing |
| <input type="checkbox"/> Other | |

Compatible with ordinance:

Modifications to Ordinance:

Sections 21A.02.050; 21A.24.190; 21A.26.080; 21A.30.050; 21A.31.050; 21A.32.140;
21A.36.020(B)

Approvals / Input from Other Departments / Divisions

<u>Division</u>	<u>Contact Person</u>
<input type="checkbox"/> Airport:	
<input type="checkbox"/> Attorney:	
<input type="checkbox"/> Business Licensing:	
<input type="checkbox"/> Engineering:	
<input checked="" type="checkbox"/> Fire:	Wayne Leydsman
<input type="checkbox"/> HAND:	
<input type="checkbox"/> Management Services:	
<input type="checkbox"/> Mayor:	
<input type="checkbox"/> Parks:	
<input checked="" type="checkbox"/> Permits / Zoning:	Larry Butcher
<input type="checkbox"/> Police:	
<input type="checkbox"/> Property Management:	
<input type="checkbox"/> Public Services:	
<input checked="" type="checkbox"/> Public Utilities:	Peggy Garcia
<input checked="" type="checkbox"/> Transportation:	Barry Walsh
<input type="checkbox"/> RDA :	
<input type="checkbox"/> Zoning Enforcement	

PETITION CHECKLIST

Date	Planner Initials	Sup. Initials	Dep. Initials	Dir. Initials	Action Required
10/6	jab		cc		Petition Delivered to Planning
10/13	jab		cc		Petition Assigned to <u>Nick Britton</u>
1/24/07	jab		cc		Planning Staff or Planning Commission Action Date
2/6/07	jab				Transmittal Cover Letter Followed Template (margins, headings, returns etc)
2/6/07	jab		cc		Table of Contents
2/6/07	jab		cc		Chronology
2/20/07	jab		cc		Ordinance Prepared by the Attorney's Office Include general purpose statement of petition (top of ordinance) Include Strike and Bold -(Legislative Copy) (where applicable) Include Clean Copy (Ensure stamped by Attorney) Include Sidwell Numbers (where applicable) Include Legal Description-review, date and initial (where applicable) Ensure most recent ordinance used Ensure Exhibits (tables etc) are attached
2/6/07	jab		cc		Council Hearing Notice Include Purpose of Request Include zones affected (where applicable) Include address of property (where applicable) Include TDD Language
2/6/07	jab		cc		Mailing List of Petition and Labels, (include appropriate Community Councils, applicant and project planner) (include photocopy of labels)
2/6/07	jab		cc		Planning Commission Notice Mailing Postmark Date Verification (on agenda) Newspaper Notice for Rezoning and Master Plan Amendments (proof of publication or actual publication)
2/6/07	jab		cc		Planning Commission Staff Report
			cc		Planning Commission Minutes and Agenda
2/6/07	jab		cc		Yellow Petition Cover and Paperwork Initiating Petition (Include application, Legislative Intent memo from Council, PC memo and minutes or Mayor's Letter initiating petition.)
					Date Set for City Council Action: _____ Petition filed with City Recorder's Office