

FRANK B. GRAY
DIRECTOR

MARY DE LA MARE-SCHAEFER
DEPUTY DIRECTOR


ROBERT FARRINGTON, JR.
DEPUTY DIRECTOR

SALT LAKE CITY CORPORATION
DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR

SCANNED TO: *mayor*
SCANNED BY: *hays*
DATE: *10/13/2010*
RALPH BECKER
MAYOR



CITY COUNCIL TRANSMITTAL



David Everitt, Chief of Staff

Date Received: _____

Date Sent to City Council: 10/14/2010

TO: Salt Lake City Council
JT Martin, Chair

DATE: October 12, 2010

FROM: Frank Gray, Community & Economic
Development Department Director



RE: Request for amendment of the sunset provision of Ordinance 74 of 2006, which enacted an expedited approval process for temporary construction-related activities in a portion of the Downtown area, granting authority to City Administrative staff to modify certain City regulations for construction activities

STAFF CONTACTS: Nick Norris Planning Manager, at 801-535-6173 or
nick.norris@slcgov.com

RECOMMENDATION: The Planning Commission in their November 19, 2008 meeting unanimously supported a recommendation that the City Council review and approve an amendment of the sunset provision for Ordinance 74 of 2006, extending the timeline for the use of temporary expedited permits within the Downtown area from October 21, 2008 to October 21, 2010. On October 13, 2010 the Planning Commission recommended that the City Council extend the ordinance until October 21, 2015.

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: The City Council passed Ordinance 74 of 2006 to facilitate expedited approval processes for temporary construction-related activities in a portion of the Downtown area,

bounded by North Temple, 600 South, Interstate 15, and 200 East and granting the authority to City administrative staff to modify certain City regulations for construction-related activities.

This action was taken because, during the five year period of 2006-2011, more than \$1.5 billion in (public and private) funds will be invested in the City's Downtown, making it one of the most significant periods of redevelopment in the City's history. It was determined that it is in the City's best interest to take a proactive approach to addressing construction process needs and impacts that will likely result from major construction activities in the Downtown area. To that end, the City Council adopted Ordinance 74 of 2006. The Ordinance included a sunset date of October 21, 2008. Ordinance 74 of 2006 was extended in 2008 by the City Council upon recommendation of the Planning Commission. That extension also carried a two year sunset clause and the Ordinance will expire on October 21, 2010, unless the sunset date is extended again.

Analysis: The original purpose of this request was to amend the sunset provision of Ordinance 74 of 2006 from October 21, 2010 to October 21, 2015 in order to continue support of the expedited approval process for major development activity within the Downtown area.

On November 19, 2008, the Planning Commission received a Report of the Director briefing the Commission on the request for extension of the sunset provision of Ordinance 74 of 2006, which enacted an expedited approval process for temporary construction-related activities in a portion of the Downtown area, granting authority to City Administrative staff to modify certain City regulations for construction activities. The Planning Commission unanimously supported the extension of the sunset provision of Ordinance 74 of 2006.

Due to the current economic conditions and the approaching expiration of ordinance 74 of 2006, the Administration is requesting that the City Council extend the expiration date to October 21, 2015. Major construction activity will continue for several more years as the economy improves. This extension would enable the administration to continue the proactive approach to addressing construction process needs and impacts that will likely result from major Downtown construction activities.

Master Plan Considerations: Not applicable

PUBLIC PROCESS: The Planning Commission held a public hearing on October 13, 2010. The public hearing was noticed according to State and City requirements for zoning text amendments.

At the public hearing, the Planning Commission adopted a motion to transmit a positive recommendation to extend Ordinance 74 of 2006 an additional five (5) years to October 21, 2015.

RELEVANT ORDINANCES: An ordinance for an amendment of sunset provision for Ordinance 74 of 2006 is attached.

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1. Chronology

CHRONOLOGY
Expedited Permits Ordinance

September 13, 2006	Petition 400-06-32 submitted by Mayor Rocky Anderson.
September 11, 2006	A public open house was held to receive public input.
September 27, 2006	The Planning Commission votes to forward a positive recommendation to the City Council regarding the expedited process.
October 21, 2006	Ordinance 74 of 2006 adopted by City Council with a sunset clause of October 21, 2008.
November 19, 2008	Planning Commission holds a public hearing to extend Ordinance 74 of 2006 to October 21, 2010.
December 9, 2010	City Council adopts an Ordinance extending Ordinance 74 of 2006 to October 21, 2010.
October 1, 2010	Notice of a public hearing to consider a second extension to Ordinance 74 of 2006 is published in the newspaper and posted on the City's and State's public notice website.
October 13, 2010	Planning Commission public hearing is held. The Planning Commission adopts a motion recommending Ordinance 74 of 2006 be extended.

2. Ordinance

SALT LAKE CITY ORDINANCE

No. ____ OF 2010

(Amending the sunset provision of Ordinance No. 74 of 2006 as amended by Ordinance No. 1 of 2009 pertaining to the expedited approval process of temporary construction related activities)

An ordinance amending the sunset provision set forth in Ordinance No. 74 of 2006 as amended by Ordinance No. 1 of 2009 pertaining to the approval process of temporary construction related activities.

WHEREAS, the Salt Lake City Council ("City Council") enacted Ordinance No. 74 of 2006 on October 17, 2006; and

WHEREAS, that ordinance included an expiration (or "sunset") provision that would cause the ordinance to expire on October 21, 2008 and would cause all permits and approvals granted pursuant to that ordinance to expire twenty-four (24) months from the ordinance's effective date, unless earlier amended, modified or repealed; and

WHEREAS, on January 6, 2009, the City Council adopted Ordinance No. 1 of 2009, which amended Ordinance No. 74 of 2006 to change the sunset date from October 21, 2008 to October 21, 2010; and

WHEREAS, after a hearing before the Salt Lake City Council ("City Council"), the City Council finds good cause to further extend the sunset date of Ordinance No. 74 of 2006 as amended by Ordinance No. 1 of 2009 and has determined that the following ordinance is in the best interest of the City.

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

SECTION 1. Amendment of Sunset Date. That Ordinance No. 74 of 2006 and Ordinance No. 1 of 2009 shall be respectively amended to extend the expiration date of Ordinance 74 of 2006 to October 21, 2015 unless earlier amended, modified or repealed.

SECTION 2. Expiration of Permits. That all permits issued pursuant to Ordinance 74 of 2006 shall expire on the dates stated on such permits, but not later than the expiration date of Ordinance 74 of 2006 as revised by this ordinance.

SECTION 3. 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 _____, 2010.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2010.
Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date OCTOBER 7, 2010
By Paul D. [Signature]

3.A Postmark of Planning Commission Notice
October 13, 2010

AMENDED SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA

In Room 326 of the City & County Building at 451 South State Street

Wednesday, October 13, 2010 at 5:45 p.m.

The field trip is scheduled to leave at 4:00 p.m. Dinner will be served to the Planning Commissioners and Staff at 5:00p.m. In Room 126.

This portion of the meeting is open to the public for observation.

Approval of Minutes

Report of the Chair and Vice Chair

Report of the Director

Unfinished Business

1. **PLNPCM2010-00412: Questar** - A request by Aaron Dunyon, representing Questar, for additional setback for a building located at 333 South State. The subject property is located in an D1 (Downtown) zoning district in Council District 4 represented by Luke Garrott. (Staff contact: Doug Dansie at 801-535-6182 or doug.dansie@slcgov.com)
2. **Petition 410-07-57**: The Boyer Company is requesting a time extension for the planned development approval of a proposed office building located at approximately 50 North Rio Grande.

Public Hearings

3. **Ordinance extension**: A request by Salt Lake City Mayor Ralph Becker to extend Ordinance 74 of 2006 for a period of 5 years. Ordinance 74 of 2006 created an expedited review process for temporary construction related activities in a portion of the Downtown area, which is bounded by North Temple Street, 600 South, Interstate 15 and 200 East. The Ordinance grants the authority to City Administrative Staff to modify certain City regulations for construction activities pursuant to petition no. 400-06-32 Located in City Council District Four, represented by Luke Garrott. (Staff contact: Nick Norris at 801-535-6173 or nick.norris@slcgov.com)
4. **PLNPCM2010-00487: Club Limo Conditional Use** - A request by Marlon Ramirez for conditional use approval of a limousine service at 62 East Cleveland Avenue. The subject property is in the CC (Corridor Commercial) zoning district and in Council District 5, represented by Jill Remington Love. (Staff: Nick Britton at 801-535-6107 or nick.britton@slcgov.com)
5. **PLNPCM2010-00328 Zoning Map Amendment for Open Space (OS)** - A petition initiated by the Mayor Ralph Becker for the rezone of five parcels between 1260 North and 1360 North Redwood Road to expand and improve the City owned Rose Park golf course, and the Jordan River Par 3 golf course. The requested rezone by the Mayor is from Single Family Residential (R-1/7,000) to Open Space (OS). The property is located within City Council District 1, represented by Carlton Christensen, and located within the Rose Park Community Council, chaired by Brad Bartholomew. (Staff contact: Nole Walkingshaw at 801-535-7128 or nole.walkingshaw@slcgov.com; Daunte Rushton at daunte.rushton@slcgov.com)
6. **Apollo Burger, 143 N. Redwood Road** - A proposal by Brandon Lundeen for the new construction of an Apollo Burger drive-thru restaurant at approximately 143 N. Redwood Road. The property is located in the TC-75 Transit Corridor District in Council District 1 represented by Carlton Christensen. The proposal requires the review of the following petitions:
 - a. **PLNPCM2010-00516** Conditional Use for a restaurant with a drive thru; and
 - b. **PLNPCM2010-00488** - Building and Site Design Review requesting a modification of the 25 foot maximum building setback along Redwood Road and Gertie Avenue. (Staff contact: Ana Valdemoros at (801) 535-7236 or ana.valdemoros@slcgov.com)

The files for the above items are available in the Planning Division offices, room 406 of the City and County Building. Please contact the staff planner for information, Visit the Planning Division's website at www.slcgov.com/CED/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission. Planning Commission Meetings may be watched live on SLCTV Channel 17; past meetings are recorded and archived, and may be viewed at www.slctv.com

Norris, Nick

From: Hasenberg, Angela
Sent: Monday, October 11, 2010 3:52 PM
To: Norris, Nick
Subject: FW: Amended ad 10-4-10/better

Categories: Other

From: NAC Legal [mailto:naclegal@mediaoneutah.com]
Sent: Wednesday, September 29, 2010 3:21 PM
To: Hasenberg, Angela
Subject: RE: Amended ad 10-4-10

Amended ad is all set to go.

Ad #624179 is scheduled to run October 4th in Salt Lake Tribune and on the website:
utahlegals.com

Total charge is \$102.50. Please check the ad in the paper.

Thank you,

Lynn Valdez
MediaOne of Utah,
a Newspaper Agency Company
4770 South 5600 West
West Valley City, Utah 84118
Ph.: 801-204-6245
Email: naclegal@mediaoneutah.com

From: Hasenberg, Angela [mailto:Angela.Hasenberg@slcgov.com]
Sent: Wednesday, September 29, 2010 2:20 PM
To: 'NAC Legal'
Subject: Amended ad 10-4-10

Please amend the ad to reflect this copy.. thanks.

Classified ad (Legal Notices) copy for Salt Lake City Planning Commission Public Hearing

Newspaper Agency Fax 237-2776

Run Ad in "Legal Notices" on October 1, 2010 (one time only) in **Salt Lake Tribune**

Billing Address:
ACCT # 9001394298

Deborah Martin
Planning Division
451 S. State Street RM 406
PO Box 145480
Salt Lake City, UT 84114-5480

Contact: Nick Norris 535-6173

[Ad copy as follows]

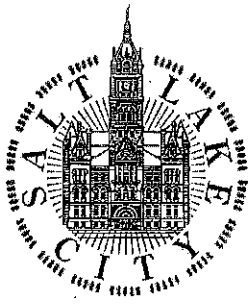
Salt Lake City Ordinance Amendment

On October 13, the Salt Lake City Planning Commission will hold a public hearing to consider making recommendations to the City Council regarding the following petitions:

1. Ordinance extension: A request by Salt Lake City Mayor Ralph Becker to extend Ordinance 74 of 2006 for a period of 5 years. Ordinance 74 of 2006 created an expedited review process for temporary construction related activities in a portion of the Downtown area, which is bounded by North Temple Street, 600 South, Interstate 15 and 200 East. The Ordinance grants the authority to City Administrative Staff to modify certain City regulations for construction activities pursuant to petition no. 400-06-32 Located in City Council District Four, represented by Luke Garrott. (Staff contact: Nick Norris at 801-535-6173 or nick.norris@slcgov.com)
2. PLNPCM2010-00328 Zoning Map Amendment for Open Space (OS) - A petition initiated by the Mayor Ralph Becker for the rezone of five parcels between 1260 North and 1360 North Redwood Road to expand and improve the City owned Rose Park golf course, and the Jordan River Par 3 golf course. The requested rezone by the Mayor is from Single Family Residential (R-1/7,000) to Open Space (OS). The property is located within City Council District 1, represented by Carlton Christensen, and located within the Rose Park Community Council, chaired by Brad Bartholomew. (Staff contact: Nole Walkingshaw at 801-535-7128 or nole.walkingshaw@slcgov.com; Daunte Rushton at daunte.rushton@slcgov.com)

The public hearing will begin at 5:45 p.m. in room 326 of the City County Building, 451 South State Street, Salt Lake City, UT. For more information or for special ADA accommodations, which may include alternate formats, interpreters, and other auxiliary aids or additional information, please contact Casey Stewart at 535-6260 or call TDD 535-6220.

3.B Planning Commission Memo
October 13, 2010



Memorandum

Planning Division
Community & Economic Development Department

To: Planning Commission

From: Nick Norris, Planning Manager

Date: October 5, 2010

Re: Extension of Ordinance 74 of 2006

In 2006, the City Council adopted Ordinance 74, the purpose of which was to enact expedited approval processes for temporary construction related activities in a portion of Downtown. These regulations granted the Community and Economic Development Director the authority to modify specific regulations for the purpose of facilitating streamlined development in Downtown. The Ordinance was in response to major construction activities occurring in Downtown and the desire to be proactive to address construction needs and impacts resulting from the major construction activities.

Specifically, the Ordinance granted the CED Director to modify the following sections:

- Sign regulations in section 21A.46.110;
- General off-street parking requirements as set forth in section 21A.44.020;
- Landscaping and buffering requirements as set forth in Chapter 21A.48
- Permitted temporary uses of construction trailers and temporary contractors storage yards as set forth in Section 21A.42.070(G);
- Setback regulations as set forth in Title 21A; and
- Other land use regulations for temporary construction related activities.

The Ordinance states that in modifying the regulations, the CED Director shall use the standards for either a Special Exception (Chapter 21A.52) or Planned Development (Chapter 21A.55) to evaluate a written request for a modification.

The Ordinance also allows the CED to modify certain engineering and transportation standards not identified in Title 21A.

The Ordinance was approved by the City Council on October 17th 2006 and was originally intended to sunset in two years. In 2008, the City Council approved an additional 2 year extension to Ordinance 74 of 2006. With the expiration date approaching and the fact that major construction work will continue until at least 2012, the Community and Economic Development Department is proposing that the ordinance be extended for an additional 5 years. The purpose for a 5 year extension instead of 2 year extension is the anticipation of ongoing major construction activity, including:

- City Creek Center
- Potential Convention Center Hotel
- Potential Broadway Theater

With the exception of City Creek Center, there are no time frames on other major projects in the downtown area.

The Planning Commission is being asked to make a recommendation to the City Council on extending the sunset date of Ordinance 74 of 2006. The Planning Commission can consider to:

- Transmit a favorable recommendation to the City Council;
- Transmit a favorable recommendation with proposed modifications to the City Council; or
- Transmit a negative recommendation to the City Council.

The City Council has the authority to approve, approve with modifications, or deny the proposal. If the proposal is approved, it will remain in effect until the sunset date, at which time it would expire. If the proposal is denied, the ordinance will expire on Oct. 17th.

Recommended Motion:

Based on the information presented by Planning staff, I move that the Planning Commission transmit a favorable recommendation to extend the sunset date of Ordinance 74 of 2006 for a period of 5 years, with an expiration date of Oct. 17th 2015.

Attachment A: Ordinance 74 of 2006

Attachment B: Map of Downtown where regulations would apply

Attachment A

Ordinance 74 of 2006

SALT LAKE CITY ORDINANCE
No. 74 of 2006

(Expedited Approval Processes for Downtown Reconstruction Projects and Grant of Authority to City Administrative Staff to Modify Certain City Regulations Related to Construction Activities)

AN ORDINANCE ENACTING EXPEDITED APPROVAL PROCESSES FOR TEMPORARY CONSTRUCTION-RELATED ACTIVITIES IN A PORTION OF THE DOWNTOWN AREA, WHICH IS BOUNDED BY NORTH TEMPLE STREET; 600 SOUTH; INTERSTATE 15 AND 200 EAST, AND GRANTING THE AUTHORITY TO CITY ADMINISTRATIVE STAFF TO MODIFY CERTAIN CITY REGULATIONS FOR CONSTRUCTION ACTIVITIES, PURSUANT TO PETITION NO. 400-06-32.

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 ordinance is in the best interest of the City;

WHEREAS, during the next two (2) to five (5) years more than one and a half billion dollars (\$1,500,000,000.00) in public and private funds will be invested in the City's downtown, making it one of the most significant periods of redevelopment in the City's history;

WHEREAS, the City finds that taking a proactive approach to address construction needs and impacts that will likely result from major construction activities in the downtown area is in the best interest of the City; and

WHEREAS, the City finds that facilitating expedited approval processes for temporary construction-related activities in the downtown area is in the best interest of the City.

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

SECTION 1. Application for Expedited Process: Notwithstanding other provisions in the Salt Lake City Code, any person may request an expedited approval process, which may include a request for a change, alteration, modification or waiver of any one or more of the regulations set forth in Section 2 of this ordinance.

Such request shall be in writing, addressed to the Community Development Director, shall describe the anticipated construction related activity and any modifications requested with reasonable specificity, and shall be accompanied by a \$300.00 application fee. This provision shall apply to only those projects which are located between North Temple Street; 600 South; Interstate 15 and 200 East.

SECTION 2. Authority to Modify Regulations: Upon receipt of a written application for an expedited approval process for a project which is located in the area referred to in the foregoing section, the Community Development Director, after consultation with the Planning Director, Transportation Engineer and/or City Engineer, as appropriate, has the authority to change, alter, modify or waive any one or more of the regulations set forth herein.

A. For the regulations listed below, any request for a change, alteration, modification or waiver shall be evaluated upon consideration of the standards for either a Special Exception set forth in Chapter 21A.52 of the Salt Lake City Code, or the standards for a Planned Development set forth in Chapter 21A.54 of the Salt Lake City Code.

1. Sign regulations, as set forth in Section 21A.46.110 of the Salt Lake City Code;

2. General off street parking requirements, as set forth in Section 21A.44.020 of the Salt Lake City Code;

3. Landscaping and buffering requirements, as set forth in Chapter 21A.48 of the Salt Lake City Code;

4. Permitted temporary uses of construction trailers and temporary contractor's storage yards, as set forth in Section 21A.42.070(G) of the Salt Lake City Code, provided that the Zoning Administrator first finds that the project meets the standards set forth in Section 21A.42.070 of the Salt Lake City Code;

5. Setback regulations as set forth in Title 21A; and

6. Other land use regulations for temporary construction related activities.

B. For the additional regulations set forth below, any request for a change, alteration, modification or waiver shall be evaluated based on the standards referenced below.

1. Driveway construction, as set forth in Section 14.32.350 of the Salt Lake City Code, provided that the Transportation Engineer, to the extent required under Section 14.32.350, first issues a favorable recommendation;

2. Driveway restrictions, as set forth in Section 18.80.040 of the Salt Lake City Code;

3. Construction, excavation and obstruction in the public right of way, as set forth in Chapter 14.32 of the Salt Lake City Code, subject to the approval of the City Engineer; and

4. Regulations for controlling construction in the City's public way, subject to the approval of the City Engineer.

Any decision issued by the Community Development Director pursuant to the authority granted herein shall be in writing, delivered to the applicant and to the community council and abutting property owners, and a copy shall be kept in the Community Development Department files.

SECTION 3. Notice to City Council: The Community Development Director shall notify the City Council, in writing, within five (5) days of receipt of an application for expedited process, and the City Council shall have five (5) days thereafter to provide comment on the pending application.

SECTION 4. Appeals: Appeals shall be filed with the Planning Division, in writing, within ten (10) days following the Community Development Director's decision, addressed to the Planning Commission, and shall be accompanied by a \$200.00 appeal fee.

SECTION 5. Sunset Provision: This ordinance, and all permits and approvals granted pursuant to this ordinance, shall expire twenty-four (24) months from the effective date of this ordinance, unless earlier amended, modified or repealed.

SECTION 6. 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 17th day of October, 2006.

Bill No. 74 of 2006.

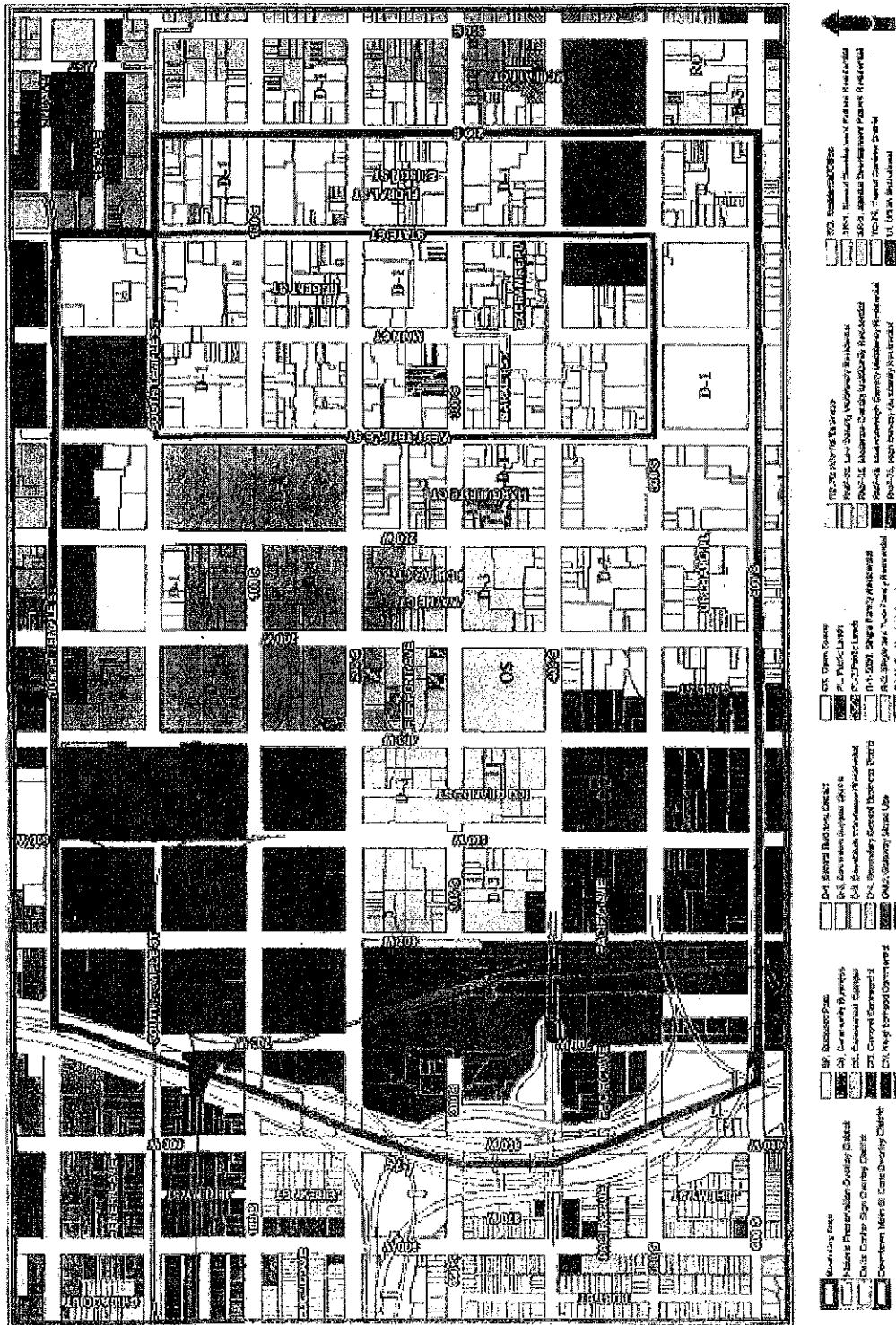
Published: October 21, 2006.

Attachment B

Map of Downtown Area where regulations would apply

Dark line indicates boundary of where regulations would apply

Expedited Approval Process for Temporary Construction-Related Activities in a Portion of the Downtown Area



4. Original Transmittal

FRANK B. GRAY
DIRECTOR

MARY DE LA MARE-SCHAEFER
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.
DEPUTY DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR

RALPH BECKER
MAYOR

CITY COUNCIL TRANSMITTAL

Date Received: _____

David Everitt, Chief of Staff

Date Sent to City Council: _____

TO: Salt Lake City Council
Jill Remington-Love, Chair

DATE: November 24, 2008

FROM: Frank Gray, Community & Economic
Development Department Director

RE: Request for amendment of the sunset provision of Ordinance 74 of 2006, which enacted an expedited approval process for temporary construction-related activities in a portion of the Downtown area, granting authority to City Administrative staff to modify certain City regulations for construction activities

STAFF CONTACTS: Everett Joyce, Senior Planner, at 535-7930 or
everett.joyce@slcgov.com

RECOMMENDATION: The Planning Commission in their November 19, 2008 meeting unanimously supported a recommendation that the City Council review and approve an amendment of the sunset provision for Ordinance 74 of 2006 extending the timeline for the use of temporary expedited permits within the Downtown area from October 21, 2008 to October 21, 2010.

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: The City Council passed Ordinance 74 of 2006 to facilitate expedited approval processes for temporary construction-related activities in a portion of the Downtown area,

451 SOUTH STATE STREET, ROOM 404
P.O. BOX 146486, SALT LAKE CITY, UTAH 84114-5486
TELEPHONE: 801-535-6230 FAX: 801-535-6005
WWW.SLCGOV.COM/CEO



bounded by North Temple, 600 South, Interstate 15, and 200 East and granting the authority to City administrative staff to modify certain City regulations for construction-related activities.

This action was taken because during the five year period of 2006-2011, more than \$1.5 billion in (public and private) funds will be invested in the City's Downtown, making it one of the most significant periods of redevelopment in the City's history. It was determined that it is in the City's best interest to take a proactive approach to addressing construction process needs and impacts that will likely result from major construction activities in the Downtown area. To that end, the City Council adopted Ordinance 74 of 2006.

Analysis: The purpose of this request is to amend the sunset provision of Ordinance 74 of 2006 from October 21, 2008 to October 21, 2010 to continue support of the expedited approval process for major development activity within the Downtown area.

On November 19, 2008, the Planning Commission received a Report of the Director briefing the Commission the request for extension of the sunset provision of Ordinance 74 of 2006, which enacted an expedited approval process for temporary construction-related activities in a portion of the Downtown area, granting authority to City Administrative staff to modify certain City regulations for construction activities. The Planning Commission unanimously supported the extension of the sunset provision of Ordinance 74 of 2006.

Master Plan Considerations: Not applicable

PUBLIC PROCESS: Not applicable

RELEVANT ORDINANCES: An ordinance for an amendment of sunset provision for Ordinance 74 of 2006 is attached.

SALT LAKE CITY ORDINANCE

NO. ____ OF 2008

(Amending the sunset provision of Ordinance 74 of 2006 pertaining to the expedited approval process of temporary construction related activities)

**AN ORDINANCE AMENDING THE SUNSET PROVISION
SET FORTH IN ORDINANCE NO. 74 OF 2006 PERTAINING TO THE
EXPEDITED APPROVAL PROCESS**

WHEREAS, the City Council enacted Ordinance No. 74 of 2006 on October 17, 2006; and

WHEREAS, that ordinance included an expiration (or "sunset") provision that would cause the ordinance to expire on October 21, 2008 and would cause all permits and approvals granted pursuant to that ordinance to expire twenty-four (24) months from the ordinance's effective date, unless earlier amended, modified or repealed; and

WHEREAS, after a hearing before the Salt Lake City Council ("City Council"), the City Council finds good cause to extend the sunset date of Ordinance 74 of 2006 and has determined that the following ordinance is in the best interest of the City.

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

SECTION 1. Amendment of Sunset Date. That Ordinance No. 74 of 2006 shall be and hereby is amended to extend the expiration date of that ordinance from October 21, 2008 to October 21, 2010 unless earlier amended, modified or repealed.

SECTION 2. Expiration of Permits. That all permits issued pursuant to Ordinance 74 of 2006 shall expire on the dates stated on such permits, but not later than the expiration date of Ordinance 74 of 2006.

SECTION 3. 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 AND COUNTERSIGN:

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_ATT-#5526-v1-Ordinance_extending_sunset_on_temp_construction_expedited_approval_process

APPROVED AS TO FORM
Salt Lake City Recorder's Office
Date November 25, 2008
By Paul C. Nielson
Paul C. Nielson, Sr. City Attorney

Communication to the City Council



To: Rocky Fluhart, Chief Administrative Officer

Department of Community Development
Office of the Director

From: Louis Zunguze, Community Development Director

Date: September 13, 2006

CC: Brent Wilde, Community Development Deputy Director
Tim Harpst, Transportation Director
Alex Ikefuna, Planning & Zoning Enforcement Director

Re: Expedited Permitting for Downtown Reconstruction Projects

During the course of working with the mall developers, light rail extension planners, and representatives of other major projects being planned for Downtown, the Administration has determined that it is in the City's best interest to take a proactive approach to addressing construction process needs and impacts that will likely result from major construction activities in the Downtown area. To that end, the Administration is proposing ordinance revisions to facilitate expedited approval processes for temporary construction-related activities.

The information provided below is categorized into:

1. Issues that require immediate City Council action,
2. Issues for City Council consideration, and
3. Issues that require City Council direction.

The intent of this proposal is to anticipate construction-related issues that might negatively impact the timely completion of projects and create an overall negative perception if the City is not in a position to provide an immediate response.

In order to create a frame of reference, the boundaries for the area under discussion are:

North: North Temple
South: 600 South
West: Interstate 15
East: 200 East

1. Issues Requiring City Council Action

- Zoning Issues: Signage (both business advertising and public necessity signs), driveway width and location, landscaping requirements and the size and location of temporary buildings.

Approval Authority: Planning Director

Process & Approval Standards: Expedited Planned Development process and Planned Development evaluation standards as outlined in Chapter 54 of the Salt Lake City Zoning Ordinance. For the purposes of expediting the necessary temporary approvals, the approval process shall include a letter of approval in a "temporary zoning approval" file that shall be maintained in the Planning Division offices for public information during the duration of the temporary approval time frame.

- Temporary Land Uses that Are Not Permitted in the Zoning District: Examples of potential temporary uses include construction trailers, construction staging areas, construction materials storage, parking lots, and construction equipment storage.

Approval Authority: Planning Director

Process & Approval Standards: Standards for a Zoning Amendment as outlined in Chapter 50 of the Salt Lake City Zoning Ordinance. For the purposes of expediting the necessary temporary approvals, the approval process shall include a letter of approval in a "temporary zoning approval" file that shall be maintained in the Planning Division offices for public information during the duration of the temporary approval time frame.

- Public Way Encroachments: This category includes any structure located in the public way to facilitate an applicable Downtown construction project such as signage barricades, ramps, and similar temporary structures.

Approval Authority: City Civil Engineer and/or the City Transportation Engineer

Process & Approval Standards: Where not otherwise authorized by City Ordinance, for the purposes of expediting the necessary temporary approvals, the approval process shall include a letter of approval in a "temporary public way encroachment approval" file that shall be maintained in the City Transportation Division office for public information during the duration of the temporary approval time frame.

2. Issues for City Council Consideration

- Parking Meter Fees: Bagging or removing parking meters during the construction phase of major projects in the Downtown area is an essential part of the construction process. City Ordinance requires that a fee of \$25 per day for each meter that is put out of operation during a construction process. To put this into perspective, \$25 per day for 365 days is \$9,125. As such, this is a significant expense for any major project that will eliminate many meters for an extended period of time. The City Council may want to consider whether it is in the City's best interest to temporarily reduce the cost of taking a meter out of operation for major projects as proposed or put a cap on the total amount charged.

Approval Authority: The City Council

Process & Approval Standards: If the City Council decides to reduce, eliminate, or cap fees for taking parking meters out of service, the approval process shall include a letter of approval in a "Temporary Parking Meter Bagging" file that shall be maintained in the Transportation Division office for public information during the duration of the temporary approval time frame. Upon receiving approval from the City Council for a reduced fee for taking a parking meter out of service, the City Transportation Engineer shall authorize the elimination of functioning parking meters, if the justification presented by the applicant is consistent with the Council's intent.

3. Issues Requiring City Council Direction

- Other Construction-Related Activities that May Require Expedited Approval: This category includes, but is not limited to unique holiday/winter needs, waiver of limitations regarding construction hours of operation, and applicable noise ordinances.

Approval Authority: The authority to authorize exceptions to the various issues as identified above that might arise during a construction process, is varied and for issues such as noise County agencies will be involved.

Process & Approval Standards: The Administration is seeking direction from the City Council regarding this issue. The Administration could begin contacting the applicable agencies to initiate discussions pertaining to likely construction phase regulatory exceptions that may be necessary, or the City Council may prefer to take the lead regarding these issues. In establishing a decision-making process for the types of issues that may arise, the City should designate the authority to make decisions. Such decisions must be based on the justification for the request as presented by the applicant and be weighed against any potential negative impacts on adjacent property owners and uses.

Recommendation

The Administration recommends that an ordinance be created to enable the City to grant temporary approval or regulatory exceptions for a variety of construction-related structures and activities and/or programs in the Downtown area as described above, during the construction phase of major Downtown development projects and light rail construction.

A. LOUIS ZUNGUZE
DIRECTOR

BRENT B. WILDE
DEPUTY DIRECTOR

SALT LAKE CITY CORPORATION

DEPT. OF COMMUNITY DEVELOPMENT
OFFICE OF THE DIRECTOR

ROSS G. "ROCKY" ANDERSON
MAYOR

CITY COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer *RF* **DATE:** October 5, 2006
FROM: Louis Zunguze, Community Development Director *LZ*
RE: Petition 400-06-32 initiated by the Salt Lake City Mayor, requesting amendment to Salt Lake City Ordinances to facilitate expedited approval processes for temporary construction-related activities in a portion of Downtown area, bounded by North Temple; 600 South; Interstate 15 and 200 east, and granting the authority to City administrative staff to modify certain City regulations for construction-related activities.

STAFF CONTACTS: Doug Dansie, Principal Planner, at 535-6182 or
doug.dansie@slcgov.com

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

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: During the next two to five years, more than \$1.5 billion in (public and private) funds will be invested in the City's Downtown, making it one of the most significant periods of redevelopment in the City's history. During the course of working with the mall developers, light rail extension planners, and representatives of other major projects being planned for Downtown, the Administration has determined that it is in the City's best interest to take a proactive approach to addressing construction process needs and impacts that will likely result from major construction activities in the Downtown area. To that end, the Administration is proposing ordinance revisions to facilitate expedited approval processes for temporary construction-related activities.

Analysis: The purpose of this proposal is to anticipate construction-related issues that might negatively impact the timely start and completion of projects and put the City in a position to provide an immediate response. To implement this proposal, the Administration is proposing an ordinance that would be applied to the area bounded by North Temple, 600 South, Interstate 15, and 200 East. The proposed ordinance addresses the following issues:

- **Zoning**
 - Signage
 - Temporary uses
 - Driveway modifications
- **Public Way Encroachments**
 - Construction barricades
 - Construction ramps
 - Construction/Public safety signage
 - Parking meter fees
 - Loading zone restrictions

With respect to parking meter fees, the Administration seeks direction from the Council regarding whether these fees out to be paid in full, reduced, or have a not-to-exceed cap. Should the Council decide to maintain fees in full per current ordinance, the Administration requests the Council's assistance in determining a process for consideration of requests for reduced fees consistent with this proposed expediting ordinance.

- **Impacts of Construction**
 - Construction hours
 - Noise

Under the proposed ordinance, the Director of the Department of Community Development, in consultation with the Planning Director, Transportation Division Director, and/or City Engineer, has the authority to modify regulations in the following portions of City Code:

- Title 21A
- Chapter 14.32
- Chapter 14.12
- Chapter 18.80
- Chapter 12.56
- Chapter 9.28

The decision of the Director of the Department of Community Development can be appealed to the Planning Commission.

The proposed ordinance would expire 24 months from its effective date, unless it is previously amended, modified, or repealed.

Master Plan Considerations: *City Vision and Strategic Plan*, adopted in 1993, states as a goal that the City should "Develop business friendly licensing and regulatory practices." Many of the projects being expedited are consistent with the Downtown Master Plan, such as maintaining a retail core on Main Street and creating a balanced transportation system.

PUBLIC PROCESS:

An open house was held September 21, 2006. There were no people in attendance. The Planning Commission held a public hearing on September 27, 2006. No substantive issues were raised by the Planning Commission or the general public. The Planning Commission unanimously voted to forward a positive recommendation to the City Council.

RELEVANT ORDINANCES:

Amendments to the Zoning Ordinance 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 rezoning property (Section 21A.50.050 A-E). The five standards are discussed in detail starting on page 5 of the Planning Commission Staff Report (see Attachment 4b).



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Memorandum

Community & Economic Development
Department

To: Salt Lake City Council

From: Frank Gray, Director

Thru: David Everitt, Chief of Staff

Date: October 7, 2010

Re: Extension of Ordinance 74 of 2006

In 2006, the City Council adopted Ordinance 74, the purpose of which was to enact expedited approval processes for temporary construction related activities in a portion of Downtown. These regulations granted the Community and Economic Development Director the authority to modify specific regulations for the purpose of facilitating stream lined development in Downtown. The Ordinance was in response to major construction activities occurring in Downtown and the desire to be proactive to address construction needs and impacts resulting from the major construction activities.

Specifically, the Ordinance granted the CED Director to modify the following sections:

- Sign regulations in section 21A.46.110;
- General off-street parking requirements as set forth in section 21A.44.020;
- Landscaping and buffering requirements as set forth in Chapter 21A.48
- Permitted temporary uses of construction trailers and temporary contractors storage yards as set forth in Section 21A.42.070(G);
- Setback regulations as set forth in Title 21A; and
- Other land use regulations for temporary construction related activities.

The Ordinance states that in modifying the regulations, the CED Director shall use the standards for either a Special Exception (Chapter 21A.52) or Planned Development (Chapter 21A.55) to evaluate a written request for a modification.

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The Ordinance also allows the CED to modify certain engineering and transportation standards not identified in Title 21A.

The Ordinance was approved by the City Council on October 17th 2006 and was originally intended to sunset in two years. In 2008, the City Council approved an additional 2 year extension to Ordinance 74 of 2006. With the expiration date approaching and the fact that major construction work will continue until at least 2012, the Community and Economic Development Department is proposing that the ordinance be extended for an additional 5 years. The purpose for a 5 year extension instead of 2 year extension is the anticipation of ongoing major construction activity, including:

- City Creek Center
- Potential Convention Center Hotel
- Potential Broadway Theater

With the exception of City Creek Center, there are no time frames on other major projects in the downtown area.

The Planning Commission will be reviewing the request to extend the ordinance to 2015 at their October 13 meeting. As the current ordinance is due to sunset on October 21, 2010, we respectfully request that the City Council set a public hearing date regarding this ordinance prior to receiving the recommendation from the Planning Commission.

Attachment A

Ordinance 74 of 2006

SALT LAKE CITY ORDINANCE
No. 74 of 2006

(Expedited Approval Processes for Downtown Reconstruction Projects and Grant of Authority to City Administrative Staff to Modify Certain City Regulations Related to Construction Activities)

AN ORDINANCE ENACTING EXPEDITED APPROVAL PROCESSES FOR TEMPORARY CONSTRUCTION-RELATED ACTIVITIES IN A PORTION OF THE DOWNTOWN AREA, WHICH IS BOUNDED BY NORTH TEMPLE STREET; 600 SOUTH; INTERSTATE 15 AND 200 EAST, AND GRANTING THE AUTHORITY TO CITY ADMINISTRATIVE STAFF TO MODIFY CERTAIN CITY REGULATIONS FOR CONSTRUCTION ACTIVITIES, PURSUANT TO PETITION NO. 400-06-32.

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 ordinance is in the best interest of the City;

WHEREAS, during the next two (2) to five (5) years more than one and a half billion dollars (\$1,500,000,000.00) in public and private funds will be invested in the City's downtown, making it one of the most significant periods of redevelopment in the City's history;

WHEREAS, the City finds that taking a proactive approach to address construction needs and impacts that will likely result from major construction activities in the downtown area is in the best interest of the City; and

WHEREAS, the City finds that facilitating expedited approval processes for temporary construction-related activities in the downtown area is in the best interest of the City.

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

SECTION 1. Application for Expedited Process: Notwithstanding other provisions in the Salt Lake City Code, any person may request an expedited approval process, which may include a request for a change, alteration, modification or waiver of any one or more of the regulations set forth in Section 2 of this ordinance.

Such request shall be in writing, addressed to the Community Development Director, shall describe the anticipated construction related activity and any modifications requested with reasonable specificity, and shall be accompanied by a \$300.00 application fee. This provision shall apply to only those projects which are located between North Temple Street; 600 South; Interstate 15 and 200 East.

SECTION 2. Authority to Modify Regulations: Upon receipt of a written application for an expedited approval process for a project which is located in the area referred to in the foregoing section, the Community Development Director, after consultation with the Planning Director, Transportation Engineer and/or City Engineer, as appropriate, has the authority to change, alter, modify or waive any one or more of the regulations set forth herein.

A. For the regulations listed below, any request for a change, alteration, modification or waiver shall be evaluated upon consideration of the standards for either a Special Exception set forth in Chapter 21A.52 of the Salt Lake City Code, or the standards for a Planned Development set forth in Chapter 21A.54 of the Salt Lake City Code.

1. Sign regulations, as set forth in Section 21A.46.110 of the Salt Lake City Code;

2. General off street parking requirements, as set forth in Section 21A.44.020 of the Salt Lake City Code;

3. Landscaping and buffering requirements, as set forth in Chapter 21A.48 of the Salt Lake City Code;

4. Permitted temporary uses of construction trailers and temporary contractor's storage yards, as set forth in Section 21A.42.070(G) of the Salt Lake City Code, provided that the Zoning Administrator first finds that the project meets the standards set forth in Section 21A.42.070 of the Salt Lake City Code;

5. Setback regulations as set forth in Title 21A; and

6. Other land use regulations for temporary construction related activities.

B. For the additional regulations set forth below, any request for a change, alteration, modification or waiver shall be evaluated based on the standards referenced below.

1. Driveway construction, as set forth in Section 14.32.350 of the Salt Lake City Code, provided that the Transportation Engineer, to the extent required under Section 14.32.350, first issues a favorable recommendation;

2. Driveway restrictions, as set forth in Section 18.80.040 of the Salt Lake City Code;

3. Construction, excavation and obstruction in the public right of way, as set forth in Chapter 14.32 of the Salt Lake City Code, subject to the approval of the City Engineer; and

4. Regulations for controlling construction in the City's public way, subject to the approval of the City Engineer.

Any decision issued by the Community Development Director pursuant to the authority granted herein shall be in writing, delivered to the applicant and to the community council and abutting property owners, and a copy shall be kept in the Community Development Department files.

SECTION 3. Notice to City Council: The Community Development Director shall notify the City Council, in writing, within five (5) days of receipt of an application for expedited process, and the City Council shall have five (5) days thereafter to provide comment on the pending application.

SECTION 4. Appeals: Appeals shall be filed with the Planning Division, in writing, within ten (10) days following the Community Development Director's decision, addressed to the Planning Commission, and shall be accompanied by a \$200.00 appeal fee.

SECTION 5. Sunset Provision: This ordinance, and all permits and approvals granted pursuant to this ordinance, shall expire twenty-four (24) months from the effective date of this ordinance, unless earlier amended, modified or repealed.

SECTION 6. 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 17th day of October, 2006.

Bill No. 74 of 2006.

Published: October 21, 2006.

Attachment B

Map of Downtown Area where regulations would apply

Expedited Approval Process for Temporary Construction-Related Activities in a Portion of the Downtown Area

