



Public Works  
Planning & Development Services Division  
<http://www.utah.gov/pmn/index.html>

**Kearns Township Planning Commission**  
**Public Meeting Agenda**  
**November 14, 2011**  
**3:30 P.M.**

THE MEETING WILL BE HELD IN THE COUNTY COUNCIL CHAMBERS, COUNTY GOVERNMENT CENTER, MAIN FLOOR, ROOM #N1100, 2001 SOUTH STATE STREET.  
**ANY QUESTIONS, CALL 468-2000**

*REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 468-2120 OR 468-2351: TDD 468-3600.*

The purpose of the Planning Commission Meeting is to allow the Planning Commission to hear staff, applicant, public, and other agency comments and recommendations prior to making decisions and/or recommendations on land use applications and projects on file with Salt Lake County. The Planning Commission may take action on any agenda item which may include: approval, approval with conditions, denial, continuance or a recommendation to other bodies or agencies as applicable. Public comment is not normally taken on items listed on the business portion of the agenda.

**Business Items - 3:30 P.M.**

- 1) 26610 Electrical Facilities Best Practice – Planning Staff
  - i) Presentation of “Powering our Future – Salt Lake County Electrical Plan Local Planning Handbook”; and
  - ii) Discussion of Best Practice Process
- 2) 2012 Planning Commission Meetings Calendar
- 3) Planning Commission Bylaws/Procedures
- 4) Planning Commissioner Terms Discussion

**Decision Items**

Conditional Use

**25621** – (Continued Item) Applicant Garbett Homes is proposing a 12 lot PUD on a 2.09 Acre property located at 5093 S. Heath Avenue - Zone: R16 (Residential) - Kearns Community Council - Planner: Travis Van Ekelburg.

**25661** – Salt Lake County is requesting approval to amend sections of two Salt Lake County Ordinance Chapters in Title 19 *Zoning*, Chapter 19.04 *Definitions* and Chapter 19.80 *Off-Street Parking Requirements*: Section 040 Parking in Residential Zones. The proposed amendments to 19.04 more clearly define vehicles, junk, and heavy equipment that may be found in residential yards, and proposed amendments to 19.80.040 set off-street parking standards in residential zones. Planner: Curtis Woodward.

## **Adjournment**

### **Rules of Conduct for the Planning Commission Meeting**

- First: Applications will be introduced by a Staff Member.
- Second: The applicant will be allowed up to 15 minutes to make their presentation.
- Third: The Community Council representative can present their comments.
- Fourth: Persons in favor of, or not opposed to, the application will be invited to speak.
- Fifth: Persons opposed to the application will be invited to speak.
- Sixth: The applicant will be allowed 5 minutes to provide concluding statements.
- Speakers will be called to the podium by the Chairman.
  - Because the meeting minutes are recorded it is important for each speaker to state their name and address prior to making any comments.
  - All comments should be directed to the Planning Commissioners, not to the Staff or to members of the audience.
  - For items where there are several people wishing to speak, the Chairman may impose a time limit, usually 2 minutes per person, or 5 minutes for a group spokesperson.
  - After the hearing is closed, the discussion will be limited to the Planning Commission and the Staff.



**STAFF REPORT**

Executive Summary									
<b>Hearing Body:</b>	Kearns Planning Commission								
<b>Meeting Date and Time:</b>	Monday, November 14, 2011	04:00 PM	<b>File No:</b>	2	5	6	2	1	
<b>Applicant Name:</b>	Garbett Homes	<b>Request:</b>	Conditional Use						
<b>Description:</b>	Planned Unit Development								
<b>Location:</b>	5093 S Heath Ave - Kearns								
<b>Zone:</b>	R-1-6 Residential Single-Family	<b>Any Zoning Conditions?</b>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>			
<b>Community Council Rec:</b>	Approval								
<b>Staff Recommendation:</b>	Approval with Conditions								
<b>Planner:</b>	Travis Van Ekelenburg								

**1.0 BACKGROUND**

**1.1 Summary**

This is an application to develop the 2.09 acres that remains from a parcel previously owned by the Church of Jesus Christ of Latter Day Saints at 5093 S. Heath Avenue. The original parcel was just over 6.5 acres; 4.45 acres of which was sold to the Calvary Baptist Church for the construction of their church building. Because there are no stub streets entering into the property (being bounded by train tracks on the northeast, the church on the southeast, homes on the northwest, and Heath Ave on the southwest), it is difficult to develop with a density similar to the subdivision to the northwest without the use of either variances or the flexibility inherent in the Planned Unit Development ordinance. The adjacent subdivision (Chapel View) has 12 lots and contains 2.0 acres. The proposed P.U.D. Subdivision has 12 lots and contains 2.09 acres. Chapel View subdivision, however, had a stubbed street to the north, allowing development with a lesser amount of public street improvements than will be required for this property.

At the regularly scheduled meeting on August 8th, 2011 the Kearns Township Planning Commission gave preliminary approval to allow the density of 12 lots for the proposed Planned Unit Development along with reduced setbacks and design as proposed. It was noted that the PUD would be coming back to the Planning Commission for preliminary plat approval from the Planning Commission and that the proposed design at the Planning Commission was preliminary in nature. This application for a PUD would also be reviewed for compliance by outside agencies before the final plat would be recorded.

**1.3 Neighborhood Response**

As of the date of preparation of this report, no response has been received from adjoining neighbors.

**1.4 Community Council Response**

Positive Recommendation

**2.0 ANALYSIS**

## 2.1 Applicable Ordinances

Section 19.84.060 of the Conditional Use Chapter of the Zoning Ordinance establishes five standards to be used in evaluating Conditional Use applications. The Planning Commission must find that all five of these standards have been met before granting approval of an application. Based on the foregoing analysis, Staff suggests the following:

Criteria Met		Conditional Use Criteria and Evaluation
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<p><u>Standard `A`:</u> <i>The proposed site development plan shall comply with all applicable provisions of the Zoning Ordinance, such as parking, building setbacks, building height, etc.</i></p> <p>Discussion: The Planned Unit Development chapter of the County code allows flexibility in design, such that setbacks, building heights, etc. can be altered by the planning commission if "the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this chapter." In this case, the applicant is proposing building heights that comply with the R-1-6 zone.</p> <p>The site plan as proposed includes rear yard setbacks that comply (15 feet). Front yards as proposed are 20' (25' is required in the R-1-6 zone). Side yards as proposed vary somewhat, with the applicant asking for minimum side yards facing the street on the two corner lots of 10' rather than 20'. They also show some interior side yards as narrow as 5 feet, with others as great as 20 feet. In harmony with the intent of the P.U.D. chapter, the planning commission has the authority to approve setbacks that achieve the intent of the ordinance and protect the abutting property owners while allowing flexibility to the applicant. Lot sizes are also allowed to vary, provided that the overall density is in harmony with the restrictions of the R-1-6 zone.</p> <p>Summary: The only limitations to what can be approved in a P.U.D. are land use and density, therefore this application meets the standard.</p>
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<p><u>Standard `B`:</u> <i>The proposed use and site development plan shall comply with all other applicable laws and ordinances.</i></p> <p>Discussion: The street will be built to County Standard for a public street with integral curb, gutter, and sidewalk. Other regulations, such as the County Subdivision Ordinance, will apply to this project as well.</p> <p>Summary: The project will comply with all applicable ordinances as reviewed by County agencies.</p>
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<p><u>Standard `C`:</u> <i>The proposed use and site development plan shall not present a traffic hazard due to poor site design or to anticipated traffic increases on the nearby road system which exceed the amounts called for under the County Transportation Master Plan.</i></p> <p>Discussion: Standard road improvements will be in place, and the additional traffic added to the local street system will not exceed the amount called for under the County Plan.</p> <p>Summary: The application will be required to comply with the requirements of the County Transportation Engineer to ensure compliance with this standard.</p>

YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<i>Standard 'D': The proposed use and site development plan shall not pose a threat to the safety of persons who will work on, reside on, or visit the property nor pose a threat to the safety of residents or properties in the vicinity by failure to adequately address the following issues: fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/ topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.</i>
		Discussion: There is no evidence, based on observations of this property or on history of nearby properties that any of the above issues cannot be addressed by the applicant as they submit the necessary drawings, plans, and studies to obtain approval from the County agencies responsible for regulating the above issues. These will be addressed through the subdivision plat review process.  Summary: The subdivision review process will ensure compliance with this standard.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	<i>Standard 'E': The proposed use and site development plan shall not significantly impact the quality of life of residents in the vicinity.</i>
		Discussion: The construction of single family dwellings of size, density, and configuration that is similar to the existing housing stock in the vicinity will not significantly impact the quality of life of residents in the vicinity given that the planning commission is empowered to impose conditions of approval in order to mitigate any anticipated negative impacts.  Summary: Through the conditional use approval, any anticipated negative impacts will be addressed sufficient to comply with this standard.

## 2.2 Zoning Requirements

The R-1-6 zone requires minimum lots of 6,000 square feet, each lot being a minimum of 60 feet wide. As proposed to the planning commission at the previous meeting; the average lot size in the development will be above 6,000 square feet, with lot sizes ranging from approximately 5670 square feet to approximately 8600 square feet. Lot widths as proposed vary from 54 feet to 65 feet. Minimum setbacks are: Front - 25 feet, Rear - 15 feet, Interior Side - 8 feet, Street facing side - 20 feet.

Since the last planning commission meeting the current version submitted of the preliminary plat shows a difference and variation of the lot sizes that range from 5372 square feet to 9678 square feet which is substantially different. The setbacks have changed to Front - 20 feet; Interior side - 5 feet, and the rest are the same as required in the zone.

## 2.3 Other Agency Recommendations or Requirements

Other agencies will see the preliminary site plan and have seen the previous version. They have expressed that their codes and ordinances will be applied as technical drawings are submitted. Initial evaluations are that no outstanding or insurmountable issues are apparent at this time.

## 3.0 STAFF RECOMMENDATION

### 3.1 Staff recommends APPROVAL of the proposed Conditional Use with the following conditions:

- 1 )Minimum setbacks for this development are as follows:  
Front yard: 20 feet  
Rear yard: 15 feet  
Interior side yards: 6 feet

Street-facing side yards: 10 feet

Side yards abutting neighboring properties: 8 feet

2 ) Building heights are limited to 2 stories, with a maximum height of 30 feet.

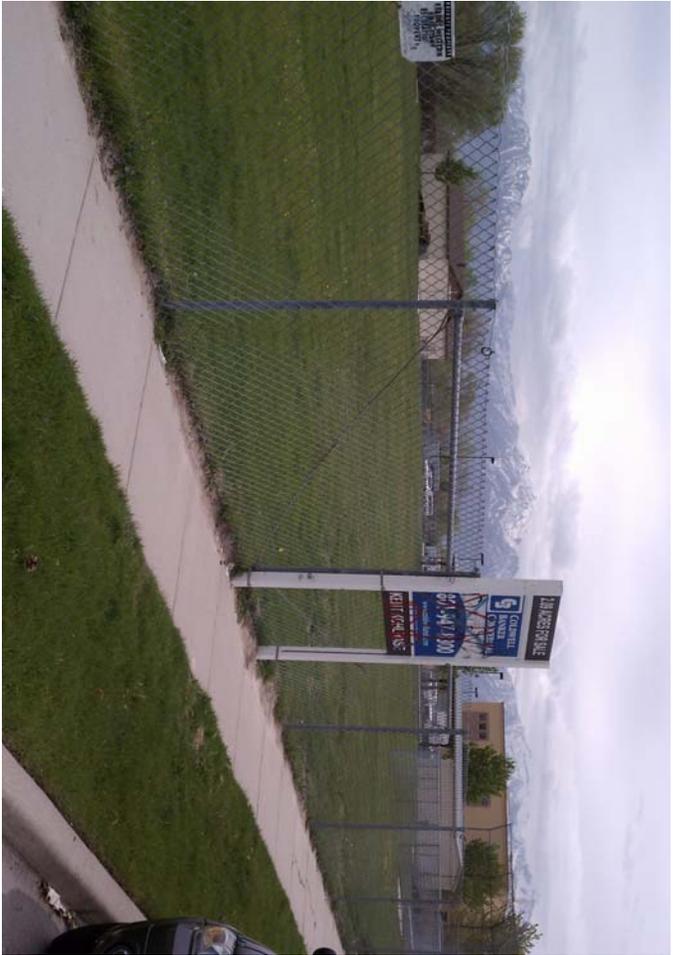
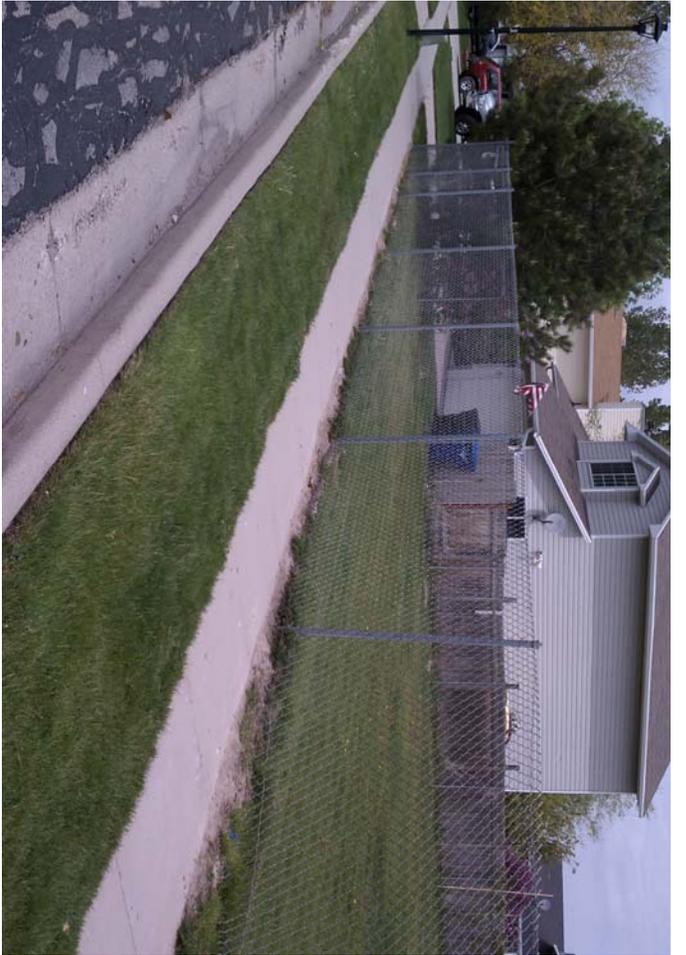
3 ) Staff recommends approval of original setbacks and conditions discussed in previous planning commission meetings or as deemed acceptable by the planning commission.

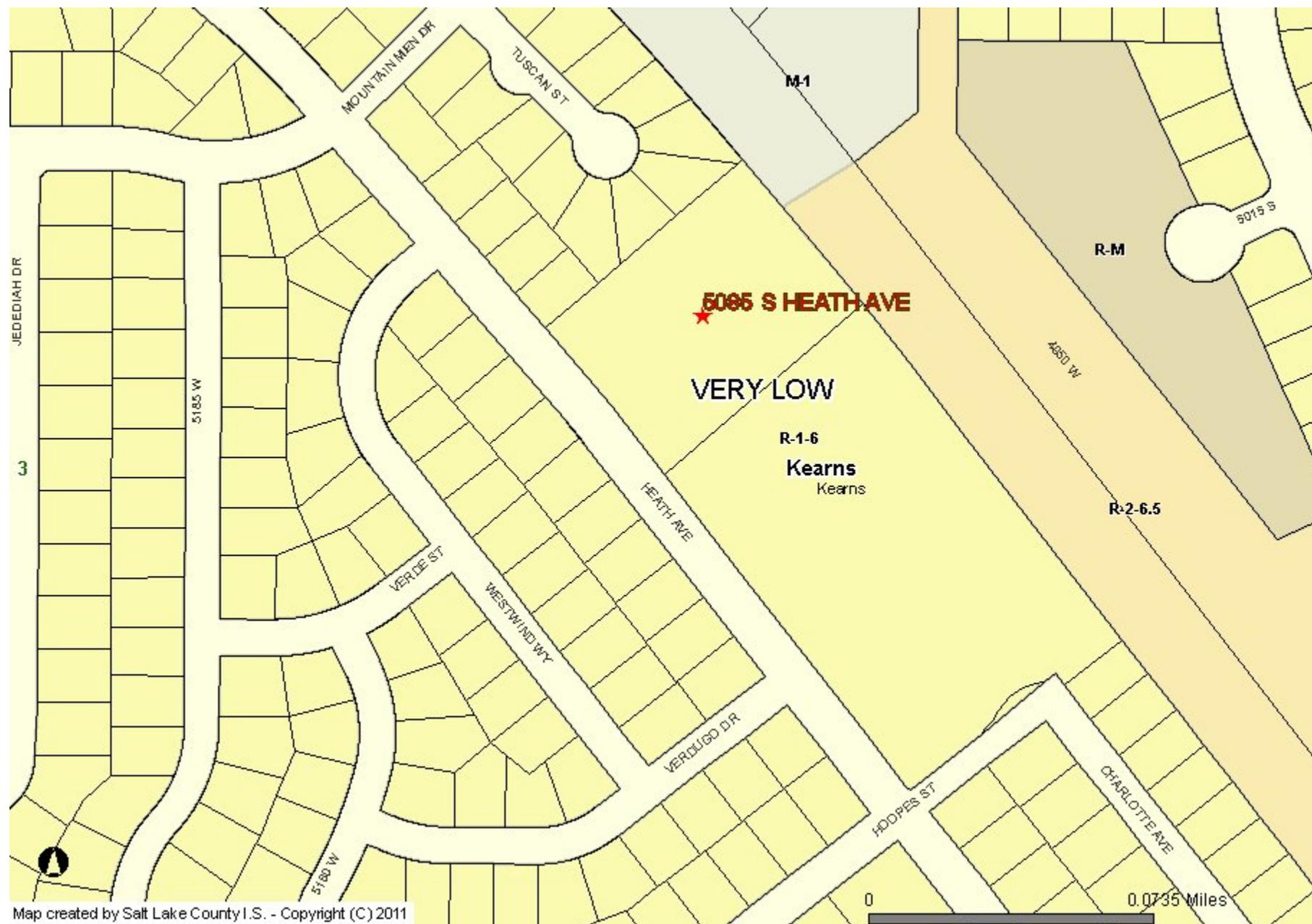
### **3.2 Reasons for Recommendation**

1 ) As stated above, the approval of a P.U.D. is a reasonable vehicle through which the subject property can be developed in a density pattern similar to the adjoining lots while allowing some flexibility in design and layout.

2 ) Preliminary plat will be reviewed by various agencies for compliance with applicable ordinances and regulations before subdivision is finalized and recorded.









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RESIDENT  
7097 W CIMMARRON DR  
WEST VALLEY UT 84128

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RESIDENT  
12668 S SOMERDOWNS CT  
DRAPER UT 84020

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5030 S HEATH AVE  
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5042 S WESTWIND WY  
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RESIDENT  
50 E NORTHTEMPLE ST  
SALT LAKE CITY UT 84150

20124050220000  
RESIDENT  
6196 S REDWOOD RD  
TAYLORSVILLE UT 84123

20124260010000  
RESIDENT  
3595 S MAIN ST  
SALT LAKE CITY UT 84115

20124260020000  
RESIDENT  
4995 S REDWOOD RD  
TAYLORSVILLE UT 84123

RESIDENT

RESIDENT



**STAFF REPORT**

Executive Summary											
<b>Hearing Body:</b>											
<b>Meeting Date and Time:</b>						<b>File No:</b>	2	5	6	6	1
<b>Applicant Name:</b>	Salt Lake County PDS			<b>Request:</b>	Ordinance Amendment						
<b>Description:</b>	Amend sections of two SLCO Ord. Chapters: 19.04 and Chapter 19.80										
<b>Location:</b>	N/A										
<b>Zone:</b>	R-1-8 Residential Single-Family			<b>Any Zoning Conditions?</b>	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>			
<b>Planning Commission Rec:</b>	Not Yet Received										
<b>Community Council Rec:</b>	Approval										
<b>Staff Recommendation:</b>	Approval										
<b>Planner:</b>	Curtis Woodward										

**1.0 BACKGROUND**

**1.1 Summary**

Salt Lake County is requesting approval to amend sections of two Salt Lake County Ordinance Chapters in Title 19 *Zoning*, Chapter 19.04 *Definitions* and Chapter 19.80 *Off-Street Parking Requirements: Section 040 Parking in Residential Zones*. The proposed amendments to 19.04 more clearly define private and commercial vehicles that may be parked in residential yards, and proposed amendments to 19.80.040 set off-street parking standards in residential zones.

**1.2 Neighborhood Response**

No neighborhood response has been received at the time of this report.

**1.3 Community Council Response**

First Draft:

Written response was received from Mt. Olympus and Big Cottonwood Community Councils. The residents of Mt. Olympus were concerned with the maximum driveway width of 24 feet and the inability to park vehicles with commercial signage in the front yard as stated in the original draft. Big Cottonwood Canyon residents expressed concern that the pavement and fencing requirements would not be compatible in the canyon areas, particularly with restrictions listed in FCOZ.

Verbal response from other community councils was given to Planning and Development Services staff that are congruent with the above written concerns. General consensus was that this ordinance amendment would help clean up many neighborhoods where junk is an issue and enforcement of this is difficult. However, some communities were concerned about the burden it would place on low-income homeowners and homeowners with small lots.

All of these responses were considered and shaped the writing of the second draft, which only proposes a minor change to the "junk" definition, and which allows commercial vehicles of limited size to be parked in front yard driveways.

Public (second) Draft:

The public draft was sent to community councils in late September. Written responses were received from the Big Cottonwood Canyon, East Mill Creek, Emigration Canyon, and Granite Community Councils. A presentation was also made at the Association of Community Councils Together meeting, and most members reported back a positive response from their communities with no changes to the ordinance. A few expressed the concern to have the ordinance apply to A-1 (agricultural) zones. Concerns were also raised regarding the limitation of a 12,000 max GVWR for commercial vehicles to be parked in the front yard and whether this was appropriate or too strict.

### 1.4 Planning Commission Response

The first public draft was sent to the Planning Commissions for discussion and possible recommendation to the County Council at their September meetings. Input was received, and most of the commissions decided to continue the item until an edited draft is available. Discussion from the Planning Commissions was largely focused on the appropriate type of commercial vehicle that could be parked in the front yard, ensuring landscaping requirements allow for xeriscaping, and fixing inconsistencies with the language of the proposed ordinance.

## 2.0 ANALYSIS

### 2.1 Existing Ordinance

Attached is an underlined copy of the proposed ordinance amendments. The proposed changes are briefly explained here:

**Chapter 19.04, Definitions:** Three new definitions are created through the ordinance amendment: Commercial Vehicle, Private Vehicle, and Recreational Vehicle. In addition, the definition for Junk listed in 19.04.315 was amended to include recreational vehicles that are inoperable, dismantled, or wrecked. These definition amendments will help clarify the provisions in the amended chapter 19.80.40, as well as assist the Code Enforcement Officers in enforcing these provisions.

**Chapter 19.80, Off-Street Parking Requirements:** 19.80.40 Parking in Residential Zones is a section that was added in this chapter to create off-street parking standards in residential zones. The amendments here strive to protect the residential character of neighborhoods by requiring vehicles parked in the front yard to be only on paved surfaces within the scope of Salt Lake County Driveway Ordinance 14.36.060, as well as limiting the type of vehicles that can be parked in the front yard. These amendments also set a basic landscaping standard for front yards not occupied by paved parking.

## 3.0 STAFF RECOMMENDATION

### 3.1 Staff recommends APPROVAL of the proposed Ordinance Amendment.

### 3.2 Reasons for Recommendation

) The proposed amendments will help protect the residential character of neighborhoods, which is consistent with the goals of the general plan.

2 ) The current draft ordinance has been crafted in response to the feedback from community councils, County legal counsel, and County Code Enforcement Officers to be simpler, easier to understand, and easier to enforce.

## SALT LAKE COUNTY ORDINANCE

Ordinance No. \_\_\_\_\_, 2011

### FRONT YARD PARKING AND LANDSCAPING AMENDMENTS

AN ORDINANCE AMENDING CHAPTER 19.04: DEFINITIONS AND 19.80: OFF-STREET PARKING REQUIREMENTS RESTRICTING THE PARKING OF VEHICLES IN THE FRONT AND STREET SIDE YARD AREAS OF RESIDENTIALLY ZONED PROPERTIES AND REQUIRING THE LANDSCAPING AND MAINTENANCE OF YARD AREAS.

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made here are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

SECTION II. Chapter 19.04 of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

#### Chapter 19.04 – DEFINITIONS

##### 19.04.315 – Junk

- A. "Junk" means any salvaged or scrap copper, brass, iron, steel, metal, rope, rags, batteries, paper, wood, trash, plastic, rubber, tires, waste or other articles or materials commonly designated as junk. Junk, except as provided in subsections (B) or (C), shall also mean any dismantled, wrecked or inoperable motor vehicles or recreational vehicles or parts thereof which are stored or parked on property outside of an enclosed building and which remain in such condition for a period of time in excess of sixty days. An automobile, truck or bus shall be considered inoperable if it is not currently registered and licensed in this state or another state.
- B. One truck with a capacity of one ton or less or automobile which is not currently licensed and registered in this state or another state but is otherwise operable may be stored on property

for a period not to exceed two years if it is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal; or

C. One truck with a capacity of one ton or less or automobile which is inoperable may be stored in a side yard, except a side yard which faces on a street or a rear yard on property for a period not to exceed two years provided:

1. The automobile or truck is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal; and
2. The automobile or truck shall not be visible from any public street; and
3. The automobile or truck is entirely concealed by a covering which is maintained in good condition and which does not extend closer to the ground than the lowest point of the vehicle body.

D. All existing legal nonconforming motor vehicles as of the effective date of the ordinance codified in this section, or any amendment hereto, shall comply with the provisions of this section within one year from the date of the enactment of this section or any amendment thereto.

#### 19.04.551 – Vehicle, Commercial

“Commercial vehicle” means any motorized vehicle or trailer used for or intended for business use – including but not limited to the transportation of commercial equipment, merchandise, produce, freight, commodities, passengers or animals – and which is characterized by any of the following:

- A. Heavy equipment, such as earth movers, backhoes, cranes, forklifts, bulldozers, and the like, which are commonly used for construction, excavation, demolition, or lifting;

vehicles used to haul equipment or materials, such as dump trucks, tanker trucks, semi-tractors, semi-trailers, cement trucks or other similar vehicle.

- B. Pickup trucks over one ton with a commercial modification, such as a flat bed, a dumping mechanism, mechanical lifts or arms for loading and unloading materials/equipment, aerial buckets or platforms, or other similar feature.
- C. Vehicles with more than two axles.
- D. Vehicles that exceed eight (8) feet in height.

#### 19.04.553– Vehicle, Private

“Private vehicle means an automobile, sport utility, crossover, pickup truck, motorcycle, or similar motorized device in which a person or thing is, or can be, transported from one place to another on a non-commercial or not-for-hire basis.

#### 19.04.554 – Vehicle, Recreational

“Recreational vehicle” means a vehicle, snowmobile, trailer, camper, or watercraft with or without a motor, designed and constructed for recreational use or as temporary living quarters for travel or vacation purposes. Recreational vehicle does not include human or battery powered personal apparatuses, such as bicycles, kick-scooters, or children’s toys.

SECTION III. Chapter 19.80 of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

### Chapter 19.80 - OFF-STREET PARKING REQUIREMENTS

#### Article I. – General Provisions

19.80.040 – Parking in R-1 and R-2 Residential Zones

- A. Only private or recreational vehicles may be parked outside of an enclosed building in the front yard or corner lot side yard of a dwelling in any R-1 or R-2 zone. Vehicles so parked must be upon a driveway with a parking surface in compliance with section 19.80.030 “Specifications.” The location, width, and area of the parking surface shall not exceed the maximum allowed for a residential driveway set forth in Salt Lake County Ordinance 14.36.060.
- B. When not parked upon such a surface, all private and recreational vehicles must be located behind the front line or street side line of the main building on the lot or parcel and screened from view from public streets or neighboring properties by enclosure within a building or six-foot tall (minimum) opaque fence.
- C. One commercial vehicle may be parked outside of an enclosed building in the R-1 or R-2 zones upon issuance of a permit by Planning and Development Services, as long as all of the following criteria are met:
- a. The operator of the vehicle is required to be on call 24 hours a day in response to an emergency;
  - b. The commercial vehicle is parked on a paved surface in compliance with section 19.80.030 “Specifications.” The location, width, and area of the parking surface shall not exceed the maximum allowed for a residential driveway set forth in Salt Lake County Ordinance 14.36.060;
  - c. The commercial vehicle is parked entirely on private property, not parked on or over the street or sidewalk; and
  - d. The commercial vehicle does not exceed 28 feet in length or 8 feet in height.

D. Commercial vehicles may be parked outside of an enclosed building on a property in conjunction with lawfully-permitted construction, maintenance, or site development activities so long as said activities are diligently pursued.

E. The area within the front yard of any single or two family dwelling not occupied by a driveway/parking surface set forth above shall be landscaped and maintained. Front yard landscaping may include features such as pedestrian walkways, gardens, trees, shrubs, lawn, ground cover, xeriscaping, and other similar features in compliance with the applicable provisions of this title regulating landscaping..

SECTION IV. This ordinance shall be effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

SALT LAKE COUNTY COUNCIL

By: \_\_\_\_\_  
MAX BURDICK, Chairman

ATTEST:

\_\_\_\_\_  
Sherrie Swensen  
Salt Lake County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_

ORDINANCE HISTORY

Councilman Bradley voting	_____
Councilman Burdick voting	_____
Councilman Bradshaw voting	_____
Councilman DeBry voting	_____
Councilman Horiuchi voting	_____
Councilman Iwamoto voting	_____
Councilman Jensen voting	_____
Councilman Snelgrove voting	_____
Councilman Wilde voting	_____

Vetoed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

By: \_\_\_\_\_  
MAYOR PETER CORROON  
OR DESIGNEE

(Complete as Applicable)

Veto override: Yes\_\_\_\_ No\_\_\_\_ Date\_\_\_\_\_

Ordinance Published in Newspaper: Date\_\_\_\_\_

Effective Date of Ordinance:\_\_\_\_\_

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 2011, the County Council of Salt Lake County adopted Ordinance No. \_\_\_\_\_ which amends chapter 19.04 and chapter 19.80 of the Salt Lake County Code of Ordinances. These new amendments set specific requirements regarding the parking of vehicles in the front and street side yard areas of residentially zoned properties and make other related changes.

SALT LAKE COUNTY COUNCIL

By: \_\_\_\_\_  
MAX BURDICK, Chairman

ATTEST:

\_\_\_\_\_  
Sherrie Swensen  
Salt Lake County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_

Councilman Bradley voting	_____
Councilman Burdick voting	_____
Councilman Bradshaw voting	_____
Councilman DeBry voting	_____
Councilman Horiuchi voting	_____
Councilman Iwamoto voting	_____
Councilman Jensen voting	_____
Councilman Snelgrove voting	_____
Councilman Wilde voting	_____

A complete copy of Ordinance No. \_\_\_\_\_ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2100A, Salt Lake City, Utah.

## Curtis Woodward

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**From:** Zachary Shaw  
**Sent:** Thursday, October 27, 2011 1:42 PM  
**To:** Curtis Woodward; Spencer G Sanders; Paul Bringhurst  
**Cc:** Patrick Leary; Scott Baird; Thomas L Christensen  
**Subject:** parking ordinances

Gentlemen: as you know, the Planning and Development Services Division (“Division”) is proposing an ordinance that, among other things, regulates parking of commercial vehicles on private property. The current draft of this proposed ordinance is attached. In the course of various planning commission meetings on this ordinance, the question arose whether Salt Lake County had authority to regulate parking on streets within unincorporated Salt Lake County. In my research of this issue, I learned the following.

The county governing body has sole jurisdiction and control over Class B and D roads within the county (essentially all roads that are not State Highways or roads within municipalities). See Utah Code Sections 72-3-103, 105. Under Utah Code Section 72-7-105, a highway authority (which includes the legislative, executive, or governing body of a county) may prohibit vehicles on any roads under its jurisdiction. Pursuant to this statutory authority, Salt Lake County has passed an ordinance regulating parking on County roads—Chapter 11.20 of the Salt Lake County Code.

Section 11.20.060 of this Chapter addresses parking of trucks and commercial vehicles. It defines “commercial vehicle” as “a vehicle in excess of 3/4- ton capacity of whatever make or type designed for or adapted to commercial or agricultural purposes, regardless of the use to which such vehicle is put at any particular time, provided such vehicle is of a type, kind or adaptation commonly known as a commercial or agricultural vehicle.” The term “truck” is defined as “any truck-tractor, panel truck, pickup or other truck in excess of ¾-ton capacity.” This section prohibits the parking of any commercial vehicle, trailer, truck tractor, or truck on any residential street for more than three consecutive hours unless the vehicle is being used to service adjacent properties or streets.

These criteria for a commercial vehicle or truck are different than the criteria currently being discussed for commercial vehicles/trucks parked on private property adjoining the streets. These differences include allowance of a much larger vehicle (12,000 lbs.) to be parked on private property, i.e., a driveway. This raises the question whether the off-street and on-street parking ordinances should be consistent. Any change to Chapter 11.20 should come from the Department of Public Works, as evidenced by the significant role that the traffic engineer has in the Chapter 11.20 parking ordinance scheme. It would not be appropriate for the various planning commissions to propose amendments to Chapter 11.20. It may be helpful for the Department of Public Works and Division of Planning and Development Services to coordinate their efforts in regulating the parking of commercial vehicles on and adjacent to residential streets. Accordingly, I have cc’d Patrick and Scott on this response.

Should you have any questions, please do not hesitate to contact me.

Zachary Shaw  
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Office of the District Attorney  
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