

**TAYLORSVILLE CITY COUNCIL
AGENDA ITEM SUMMARY**

MEETING DATE: December 4, 2013

AGENDA ITEM: Public Hearing - Ordinance #13-35 for a proposed amendment to Section 13-10-02B of the Taylorsville Land Development Code regarding adding wireless telecommunication facilities to the Open Space land use matrix

PRESENTER: MARK MCGRATH

AUTHOR: MICHAEL MELDRUM

ISSUE SUMMARY:

The applicant is seeking to amend the land use matrix of Chapter 10 in the Taylorsville Land Development Code. This chapter is specific to the Open Space zoning district. The proposed land use of wireless telecommunication facilities is not currently listed in the land use matrix, and therefore not allowed in the OS (Open Space) zoning district.

The applicant has submitted an application to amend Section 13-10-02B of the Taylorsville Land Development Code. The proposal is to add the land use of wireless telecommunications to the matrix. The applicant has supplied a letter (attached) outlining the request to amend the land use matrix found in Chapter 10, Section 2.

In staff's opinion omitting the wireless telecommunication facilities from the Open Space land use matrix was an oversight, due to the number of wireless facilities currently located within this zoning district. The adoption of the Taylorsville Land Development Code without this language created several legal non-conforming uses within the Open Space district.

If the City Council determines that an amendment is warranted the review of any subsequent requests would be subject to the standards established for wireless telecommunication facilities found in Chapter 13-11-23 of the Taylorsville Land Development Code.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission unanimously (6-0 vote) recommends that the City Council amend Section 13-10-02B of the Taylorsville Land Development Code regarding the addition of wireless telecommunication facilities to the land use matrix.

Ordinances #13-35
Text Amendment for Wireless Telecommunication Facilities
December 4, 2013

13-10-02 Permitted Land Uses in the Open Space District

A. **Matrix Explanation.** The matrix below lists all uses permitted within the Open Space District.

P = Permitted

AC = Administrative Conditional

NC = Nonadministrative Conditional

S = Special Use Permit

N = Not Permitted

For those letters which are followed by a slash "/", the second letter shall indicate those location restrictions for businesses located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the City Engineer or as noted in the Transportation Element of the City General Plan).

For those land uses marked with a superscript number (i.e. AC¹), refer to subsection following the table for explanation.

B. Table of Uses.

Table 13A-10-02 – Land Uses in Open Space District	
Uses	Open Space District
Transitional Housing Facility (must comply with development standards for that zone, i.e., setback, height, bulk, min/max square footage)	N
Twin Home	N
Theater	N
Warehouse, Wholesale	N
<u>Wireless Telecommunication Facility</u>	<u>S¹</u>
Veterinary Hospital, Small Animal	N
Zero Lot Line Development (detached only)	N
Zero Lot Line Development	N

C. Explanatory Notes for Land Use Matrix

1. May require Staff or Planning Commission review and approval. (See Wireless Telecommunication Facilities section of this Code.)

Reason for Request:

Verizon Wireless would like to erect a monopole at an existing Rocky Mountain Power Substation that is located with Taylorsville at 2825 W. 5313 S. There are 2 existing monopole towers within the substation. The underline zoning for the parcel is Open Space (OS).

In the OS zoning table a wireless facility (AKA: cell tower) is not listed as either permitted or conditional use, thus no towers are allowed in an OS zone. So the existing 2 towers are now considered legal non-conforming use.

My recommendation is that the table be modified so that wireless facilities will be allowed only as a CUP. Thus it gives staff and Planning Commission the opportunity to review a cell tower in an OS zone.

13-10-02 Permitted Land Uses in the Open Space District

A. **Matrix Explanation.** The matrix below lists all uses permitted within the Open Space District.

P = Permitted

AC = Administrative Conditional

NC = Nonadministrative Conditional

S = Special Use Permit

N = Not Permitted

For those letters which are followed by a slash "/", the second letter shall indicate those location restrictions for businesses located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the City Engineer or as noted in the Transportation Element of the City General Plan).

For those land uses marked with a superscript number (i.e. AC¹), refer to subsection following the table for explanation.

B. Table of Uses.

Table 13A-10-02 – Land Uses in Open Space District	
Uses	Open Space District
Transitional Housing Facility (must comply with development standards for that zone, i.e., setback, height, bulk, min/max square footage)	N
Twin Home	N
Theater	N
Warehouse, Wholesale	N
<u>Wireless Telecommunication Facility</u>	<u>S¹</u>
Veterinary Hospital, Small Animal	N
Zero Lot Line Development (detached only)	N
Zero Lot Line Development	N

C. Explanatory Notes for Land Use Matrix

1. May require Staff or Planning Commission review and approval. (See Wireless Telecommunication Facilities section of this Code.)

TAYLORSVILLE, UTAH
ORDINANCE NO. 13-35

AN ORDINANCE OF THE CITY OF TAYLORSVILLE TO AMEND THE TEXT OF SECTION 13-10-02B OF THE TAYLORSVILLE LAND DEVELOPMENT CODE TO ADD WIRELESS TELECOMMUNICATION FACILITIES TO THE OS (OPEN SPACE) ZONING DISTRICT LAND USE MATRIX

The City Council of Taylorsville ordains as follows:

WHEREAS, on November 12, 2013 the Taylorsville Planning Commission properly noticed and held a public hearing and voted 6-0 to forward a positive recommendation to amend the text of Section 13-10-02B of the Taylorsville Land Development Code ; and

WHEREAS, on October 28, 2013 a notice of public hearing regarding the proposed Zoning map amendment was posted on the state public notice website; and

WHEREAS, on November 8, 2013 a notice of public hearing regarding the proposed text amendment was posted in 3 different places within the City of Taylorsville boundaries; and

WHEREAS, the Taylorsville City Council met in a regular session on December 4, 2013 to conduct and consider, among other things, a public hearing regarding the proposed text amendment; and

WHEREAS, after careful consideration and review, the City Council has determined that it is in the best interest, health, safety, and welfare of the citizens of Taylorsville to amend Section 13-10-02B of the Taylorsville Land Use Development Code.

NOW, THEREFORE, BE IT ORDAINED by the Taylorsville, Utah City Council that this document be adopted to amend the text of Section 13-10-02B of the Taylorsville Land Development Code.

13-10-02 Permitted Land Uses in the Open Space District

A. Matrix Explanation. The matrix below lists all uses permitted within the Open Space District.

P = Permitted

AC = Administrative Conditional

NC = Nonadministrative Conditional

S = Special Use Permit

N = Not Permitted

For those letters which are followed by a slash "/", the second letter shall indicate those location restrictions for businesses located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the City Engineer or as noted in the Transportation Element of the City General Plan).

For those land uses marked with a superscript number (i.e. AC¹), refer to subsection following the table for explanation.

B. Table of Uses.

Table 13A-10-02 – Land Uses in Open Space District	
Uses	Open Space District
Transitional Housing Facility (must comply with development standards for that zone, i.e., setback, height, bulk, min/max square footage)	N
Twin Home	N
Theater	N
Warehouse, Wholesale	N
<u>Wireless Telecommunication Facility</u>	<u>S</u> ¹
Veterinary Hospital, Small Animal	N
Zero Lot Line Development (detached only)	N
Zero Lot Line Development	N

C. Explanatory Notes for Land Use Matrix

1. May require Staff or Planning Commission review and approval. (See Wireless Telecommunication Facilities section of this Code.)

This Ordinance, assigned Ordinance No. 13-35, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this _____ day of _____, 2013.

TAYLORSVILLE CITY COUNCIL

By: _____
Dama Barbour, Chairman

VOTING:

Dama Barbour	Yea ___	Nay ___
Ernest Burgess	Yea ___	Nay ___
Bradley W. Christopherson	Yea ___	Nay ___
Larry Johnson	Yea ___	Nay ___
Kristie S. Overson	Yea ___	Nay ___

PRESENTED to Mayor of Taylorsville for his approval this _____ day of _____, 2013.

APPROVED this _____ day of _____, 2013.

By: _____
Jerry Rechtenbach, Mayor

ATTEST:

Cheryl Peacock Cottle, Recorder

DEPOSITED in the Recorder's office this _____ day of _____, 2013.

POSTED this _____ day of _____, 2013.