

ERIN MENDENHALL
Mayor



DEPARTMENT of COMMUNITY
and NEIGHBORHOODS

Blake Thomas
Director

CITY COUNCIL TRANSMITTAL

Jill Love

Jill Love (May 23, 2024 16:31 MDT)

Jill Love, Chief Administrative Officer

Date Received: 05/23/2024

Date sent to Council: 05/23/2024

TO: Salt Lake City Council
Victoria Petro, Chair

DATE: 05/23/24

FROM: Blake Thomas, Director, Department of Community & Neighborhoods



SUBJECT: Petition PLNPCM2023-00260 City-wide Text Amendment for Gas Station Standards

STAFF CONTACT: Diana Martinez, Senior Planner
(801) 535-7215 or diana.martinez@slcgov.com

DOCUMENT TYPE: Ordinance

RECOMMENDATION: The City Council should follow the Planning Commission's recommendations and approve the petitions for a zoning text amendment.

BUDGET IMPACT: None

BACKGROUND/DISCUSSION:

Mayor Erin Mendenhall has initiated a petition to amend the zoning ordinance to require minimum distances that new gas stations can be from a river, stream, or other water body, a park, or open space area over a certain size and establish more stringent zoning standards for any gas station that is located in the secondary groundwater recharge area of the city.

The proposed text amendment would prohibit new gas stations that do not meet the proposed standards regardless of whether they are permitted or conditioned land use in an allowable zoning district.

Existing gas stations could replace and/or upgrade fuel equipment and tanks without complying with these new regulations as long as the new equipment is in the same location as the original equipment/tank(s). Section D of the proposed ordinance addresses replacement, reconstruction, and any modifications existing gas stations may request.

PUBLIC PROCESS:

SALT LAKE CITY CORPORATION
451 SOUTH STATE STREET, ROOM 404
P.O. BOX 145486, SALT LAKE CITY, UTAH 84114-5486

WWW.SLC.GOV
TEL 801.535.6230 FAX 801.535.6005

- **Notification–**
 - Early notification of the proposal was sent to all City Community Councils on July 10, 2023.
 - November 9, 2023- Notice of the proposed text amendment was sent to every owner of a gas station in Salt Lake City.
 - December 29, 2023- Notice of the public hearing for the Planning Commission meeting of January 10, 2024- notice signs posted at six city libraries: SLC Main Library, Chapman Branch Library, Sprague Branch Library, Day-Riverside Branch Library, Glendale Branch Library, and Anderson-Foothill Branch Library.
- **Planning Commission Meeting –**

On January 10, 2023, the Planning Commission held a public hearing regarding the proposed text amendment. The Commission tabled the item so that the Planning staff could work with the stakeholders from the gas station industry, who had given comments on the amendment, review the EV requirement section again, and consider where this ordinance would be most applicable and appropriate within the city.
- **Notification for the April 10, 2024 Meeting-**
 - Public notice posted on City and State websites and Planning Division list serve – April 5, 2024.
- **Planning Commission Meeting-**

On April 10, 2024, the Planning Commission held a public hearing regarding the proposed text amendment. The Planning Commission voted 6-0 to send a favorable recommendation for the petition to the City Council.

PLANNING RECORDS:

- a) PC Agenda of January 10, 2023, meeting ([Click Here](#))
- b) PC Minutes of January 10, 2023, meeting ([Click Here](#))
- c) PC Staff Report of January 10, 2023, meeting ([Click Here](#))
- d) PC YouTube Video of the January 10, 2023, meeting ([Click Here](#))
- e) PC Agenda of April 10, 2024, meeting ([Click Here](#))
- f) PC Minutes of April 10, 2024, meeting ([Click Here](#))
- g) PC Staff Report/Memo of April 10, 2024, meeting ([Click Here](#))
- h) PC YouTube Video of April 10, 2024, meeting ([Click Here](#))

EXHIBITS:

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1. PROJECT CHRONOLOGY

PROJECT CHRONOLOGY

Petition: PLNPCM2023-00260 City-wide text amendment

April 11, 2023,	Petition for the text amendment was received by the Salt Lake City Planning Division.
April 12, 2023	Petition assigned to Diana Martinez, Senior Planner, for staff analysis and processing.
July 10, 2023	Information about the proposal was sent to the all-City Community Council Chairs to solicit public comments and start the 45-day Recognized Organization input and comment period.
August 21, 2023	The 45-day public comment period for Recognized Organizations ended.
November 9, 2023	Notice to sent to all gas station owners within Salt Lake City, regarding the proposed text amendment.
December 29, 2023	Public hearing notice sign with project information and notice of the Planning Commission public hearing physically posted at six city libraries: SLC Main Library, Chapman Branch Library, Sprague Branch Library, Day-Riverside Branch Library, Glendale Branch Library, and Anderson-Foothill Branch Library.
January 5, 2024	Public notice posted on City and State websites and sent via the Planning list serve for the Planning Commission meeting of January 10, 2023. Public hearing notice mailed.
January 10, 2024	The Planning Commission held a Public Hearing January 10, 2023. By a vote of 7-1, the Planning Commission voted to table the proposed Text Amendment for planning staff to go back and make changes.
April 5, 2024	Public notice posted on City and State websites and sent via the Planning list serve for the Planning Commission meeting of April 10, 2023. Public hearing notice mailed.
April 10, 2024	The Planning Commission held a Public Hearing on April 10, 2024. By a vote of 6-0, the Planning Commission voted to send a favorable recommendation for the zoning map amendment petition to the City Council.

2. NOTICE OF CITY COUNCIL HEARING

NOTICE OF CITY COUNCIL HEARING

The Salt Lake City Council is considering Petitions **PLNPCM2023-00260**:

Mayor Erin Mendenhall has initiated a petition to amend the zoning ordinance to propose minimum distances that any gas station can be from a river, stream, or other water body, a park, or open space area over a certain size and establish more stringent zoning standards for any gas station that is located in the secondary groundwater recharge area of the city.

The proposed text amendment would prohibit gas stations that do not meet the proposed standards regardless of whether they are permitted or conditioned land use in an allowable zoning district. The Ordinance under section 21A.36.120 will list the proposed standards, "Standards for Gas Stations and Facilities with Underground and Above-Ground Fuel Storage Tanks."

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During the hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The Council may consider adopting the ordinance the same night of the public hearing. The hearing will be held:

DATE:

TIME: 7:00 pm

PLACE: 451 South State Street, Room 326, Salt Lake City, Utah

**** This meeting will be held in-person, to attend or participate in the hearing at the City and County Building, located at 451 South State Street, Room 326, Salt Lake City, Utah. For more information, please visit www.slc.gov/council. Comments may also be provided by calling the 24-Hour comment line at (801) 535-7654 or sending an email to council.comments@slcgov.com. All comments received through any source are shared with the Council and added to the public record.**

If you have any questions relating to this proposal or would like to review the file, please call Diana Martinez at 801-535-7215 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, or via e-mail at diana.martinez@slcgov.com. The application details can be accessed at <https://citizenportal.slcgov.com/>, by selecting the "planning" tab and entering the petition number PLNPCM2023-00260.

People with disabilities may make requests for reasonable accommodation, which may include aids and services. Please make requests at least advance. To make a request, please contact the City Council Office at council.comments@slcgov.com, 801-535-7600, or relay service 711.

3. ORIGINAL PETITION



MEMORANDUM

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Mayor Erin Mendenhall

Cc: Lisa Shaffer, Chief Administrative Officer; Blake Thomas, Department of Community and Neighborhoods Director; Michaela Oktay, Deputy Planning Director

From: Nick Nonis, Planning Director

Date: April 10, 2023

Re: Amendments related to gas stations located near water sources and sensitive lands

The Planning Division is requesting that you initiate a zoning text amendment to analyze the zoning districts where gas stations are allowed in the city and prohibit the use when in close proximity to water bodies, water resources, ground water recharge areas, and public parks. This action is necessary to further the legitimate government interest in protecting rivers, creeks, streams and other water bodies in the city and increasing the protection of the ground water protection areas. This action will also further the role that parks and open spaces provide in creating large areas where ground water can be recharged.


This proposal will propose minimum distances that any gas station can be from a river, stream, or other water body, a park or open space area over a certain size, and establish more stringent zoning standards for any gas station that is located in the secondary ground water recharge area of the city. Determining the minimum separation and standards will be coordinated with Public Utilities to ensure that best practices for managing water impacts from gas stations can be included in the city's zoning code.

The public process will include a minimum 45-day public input period before the Planning Commission holds a public hearing. All registered recognized organizations will be notified of the proposal.

This memo includes a signature block to initiate the petition if that is the decided course of action. If the decided course of action is to not initiate the application, the signature block can remain blank. Please notify the Planning Division when the memo is signed or if the decision is made to not initiate the petition.

Please contact me at ext. 6173 or nick.nonis@slcgov.com if you have any questions. Thank you.

Concurrence to initiate the zoning text amendment petition as noted above.


Erin Mendenhall (Apr 11, 2023 10:33 MDT)

Erin Mendenhall, Mayor

04/11/2023

Date

4. ORDINANCE

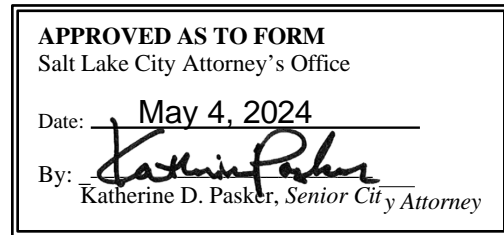
Project Title: Gas Stations Located Near Water Sources
And Sensitive Lands Text Amendment

Petition No.: PLNPCM2023-00260

Version: 1

Date Prepared: May 4, 2024

Planning Commission Action: Recommended 4/10/2024



This proposed ordinance makes the following amendments to Title 21A. Zoning:

- Deletes the current gas station standards (Section 21A.40.070);
- Adopts new gas station standards to impose a distance requirement between gas stations and bodies of water as well as new standards related to lot size, vehicle stacking, electric vehicle parking, screening, and the location of aboveground and underground storage tanks.

Underlined text is new; text with strikethrough is proposed to be deleted. Modifications made as part of the Planning Commission recommendation are highlighted in yellow. All other text is existing with no proposed change.

1. *Adopts a new Section 21A.36.120 as follows:*

21A.36.120: ~~RESERVED~~: REGULATIONS FOR GAS STATIONS AND FUEL
DISPENSING FACILITIES WITH UNDERGROUND AND/OR ABOVE-GROUND
FUEL STORAGE TANKS

Gas Stations and Accessory Uses that have fuel tanks on-site, such as Truck Stops, Fuel Distributors, and Storage uses, as defined in Chapter 21A.62 of this title, shall be allowed in zoning districts provided in Chapter 21A.33 "Land Use Tables", and are subject to the provisions of this section.

A. General Standards:

1. All fuel dispensers and fuel storage tanks (above or underground) shall comply with the requirements of this section and all other applicable regulations, including the applicable reference standards and any other applicable regulations of the State of Utah and Federal regulators. In case of conflicting provisions in any of the above-listed rules, the strictest restrictions shall apply.

2. Distance from water bodies: All underground and above-ground fuel storage tanks and gas vents shall be a minimum of 350 feet from any existing water bodies (pond, river, stream, canal, etc.), water resources, public parks or open space -that are one acre and greater in size.

- 19 3. Distance from property lines: All underground and above-ground fuel storage
20 tanks and gas vents shall be a minimum of 30 feet from any property line.
- 21 4. Associated pump islands shall be a minimum of 25 feet from any property line
22 and adjacent buildings.
- 23 5. Fuel vents: When a canopy is provided, gas vents shall be located at the top of the
24 gas pump canopy.
- 25 6. New underground fuel storage tanks: All new and replacement fuel storage tanks
26 put underground shall be constructed of non-corrodible material or designed to
27 prevent the release or threatened release of any stored fuel to ensure greater durability
28 and lifespan.
- 29 7. Leak or surface-runoff contamination: If contamination occurs, the property
30 owner shall be accountable for any cleanup and remediation of the subject property,
31 any City property, and any downstream water or soil contamination.
- 32 8. Nonconforming status: Fuel tanks and pumps that are unused or out of service for
33 one year or more shall be considered willfully abandoned and will not be eligible for
34 nonconforming status. The use shall not be restored unless it is restored to comply
35 with the standards of this section and all other applicable sections in this title.

36 B. Additional Standards for Gas Stations:

- 37 1. Minimum Lot size: 30,000 square feet. A gas station may be located on a lot with
38 another principal use when the lot complies with the minimum lot size. For the
39 purposes of this regulation, a lot shall include a site that consists of multiple lots or
40 parcels within a single development when the parking lot and circulation elements are
41 shared across the boundaries of the lots or parcels
- 42 2. Minimum Lot Frontage: 150 feet along all public streets. For sites described in
43 21A.36.120.C.1, the lot frontage shall be measured for all lots or parcels involved.
- 44 3. Stacking Lane Standards: These standards ensure adequate on-site maneuvering
45 and circulation areas, ensure that stacking vehicles do not impede traffic on abutting
46 streets, and that stacking lanes will not have nuisance impacts on abutting residential
47 lots.
- 48 a. Stacking lanes shall be arranged to avoid conflicts with site access points,
49 access to parking or loading spaces, and internal circulation routes to the
50 maximum extent practicable.
- 51 b. A minimum of 36 feet of stacking lane is required between a curb cut and the
52 nearest gasoline pump.
- 53 4. Fuel Pump Standards:

a. Fuel pumps shall be located on the site in a manner that does not interfere with easy access into or egress from the site at established driveway entrances.

b. Fuel Pumps shall be located and oriented so all cars in line for motor fuel can be accommodated on-site and not block the sidewalk, the street, or any other portion of the public right of way.

5. Electric Vehicle Parking: Gas stations shall provide at least one (1) parking space dedicated to electric vehicles for every ten (10) required on-site parking spaces. Electric vehicle parking spaces shall count toward the minimum required number of parking spaces. The electric vehicle parking space shall be:

a. Located in the same lot as the principal use.

b. Signed clearly and conspicuously, such as special pavement marking or signage, indicating exclusive availability to electric vehicles; and

c. Outfitted with a standard electric vehicle charging station.

C. Additional Standards for Fuel Dispensing Facilities:

1. Above-ground fuel storage tanks shall:

a. Provide a 25-foot clear radius from combustible materials, storage areas, parking/backing areas, and all buildings on the same lot.

b. Have a maximum height of 20 feet from the finished grade.

2. An obscuring sight fence of six feet in height shall be required surrounding the fuel storage tanks and associated vehicle fueling areas. All required fencing shall be prewoven chain-link with slats, wood, brick, tilt-up concrete, masonry block, stone, metal, composite/recycled materials, or other manufactured materials or combination of materials commonly used for fencing. In addition, the fenced area must be paved with a nonpermeable surface.

D. Upgrades to Nonconforming Gas Stations and Fuel Dispensing Facilities:

1. Replacing and Updating Tanks and Associated Equipment: An existing gas station may replace existing tanks and associated equipment in substantially the same location without having to comply with the provisions of this section.

2. Reconstruction: Existing gas stations that are noncomplying as to lot area, lot frontage, or tank setbacks may be demolished and reconstructed, provided the reconstructed use complies with the other applicable regulations of this section and the tank location is substantially the same.

3. The zoning administrator may modify the location of the fuel tanks and associated equipment if federal or state requirements or other legal requirements prevent locating the replacement tanks in a substantially similar location.

4. The zoning administrator may approve an alternate location for fuel tanks and associated equipment if the applicant can demonstrate that a more efficient and safe location is more appropriate.

2. *Deletes Section 21A.40.070:*

21A.40.070: ~~MOTOR FUEL PUMP REGULATIONS~~ RESERVED

When established pursuant to uses permitted or conditional within the applicable district regulations, all motor fuel pumps shall conform to the requirements below:

A. ~~Location: No motor fuel pumps or islands shall be erected closer than twelve feet (12') to any lot line, required landscape yard, front or side yard or within any "sight distance triangle" as defined in chapter 21A.62 of this title.~~

B. ~~Safety Curbs Required: All uses for which motor fuel pumps or islands shall be made a part, shall erect a safety curb around the perimeter of all paved areas. All such curbs shall be of approved construction. The curbs shall be located so that no vehicle overhangs any public right of way or adjoining property.~~

C. ~~Gas Pumps At Convenience Food Stores: In addition to the requirements of subsections A and B of this section, the location of motor fuel pumps at convenience food stores shall be approved by the zoning administrator, where the location of such pumps satisfies the following criteria:~~

- ~~1. Pumps should be visible to the motorist on the street;~~
- ~~2. Pumps should be visible from the store;~~
- ~~3. Pumps should be located on the site in a manner which does not interfere with easy access into or egress from the site at established driveway entrances;~~
- ~~4. Pumps should be located and oriented so all cars in line for motor fuel can be accommodated on site and not block the sidewalk, the street, or any other portion of the public right of way;~~
- ~~5. Pumps should be so located to avoid conflict between cars going to motor fuel pumps and those going to parking spaces. On-site circulation should be clearly marked and must reflect established design standards for moving aisles, parking dimensions, and turning radii;~~
- ~~6. Pump location, and vehicular access to and exit from pumps, should not conflict with established pedestrian or bicycle approaches to the store; and~~
- ~~7. Lighting shall be oriented so as not to cast direct light onto adjacent properties.~~

3. *Amends the definition of "GAS STATION" in Section 21A.62.040 as follows:*

GAS STATION: A principal building site and structures for selling ~~the sale~~ and dispensing of motor fuels or other petroleum products ~~and the sale of convenience retail.~~

- 133
134 4. *Adopts a new definition “FUEL DISPENSING FACILITY” in Section 21A.62.040, as follows*
135 *(to be inserted alphabetically into the list of definitions in said section):*
136

137 FUEL DISPENSING FACILITY: A stationary facility consisting of one or more fuel storage
138 tanks and associated equipment, which receive, store, and dispense fuel for private use and
139 not for sale to the public.
140
141

142 [END]