

Proposed Changes to the SLC Zoning Ordinance

Issue No. *	Zoning Code Problem	Issue	Discussion	Proposed Solution
1	Zoning Certificates	Removed by Planning Staff for further review		
2	Building height in Foothill Residential Districts	Building height in the Foothill Residential Districts is regulated by vertical height limits (28 and 35 feet) and by number of stories.	<p>The objective of the height limitation in the Foothill Residential Districts is the protection of views.</p> <p>The Permits and Licensing Division is concerned that using the number of stories (rather than feet) as a determination of building height is difficult to apply consistently. In the Foothill Residential Districts, height is regulated by a building height envelope and by wall height.</p>	Change in language in 21A.24.010O1D (as cited on p. 2 of the Planning Staff report), "Where buildings are stepped to accommodate the slope of terrain, each step shall have a horizontal dimension of at least twelve feet (12')."
3	Add provisions which were inadvertently omitted from the Foothill Residential FR-3 District	FR-3 District is missing slope restriction language contained in the FR-1 and FR-2 Districts	The slope restriction language was intended to be included in the FR-3 regulations and was inadvertently omitted.	Adds language in 21A.24.040.G, H, I (as cited on p. 2- 3 of the Planning Staff report) to include slope restrictions, prohibiting unauthorized site work, and requiring a landscaping plan.
4	Establish minimum lot area and lot width standards for the Special Development Pattern Residential SR-3 District	SR-3 standards allow two-family dwellings, but do not list the minimum lot size or width required	Twin homes require 1500 square feet of lot area and a minimum of 22 feet (32 feet on corner lots) of lot width. It should be greater.	Adds provision in 21A.24.100.C (as cited on p. 3 of the Planning Staff report) to require a two-family dwelling have 3000 square feet of lot area and 44 feet (54 feet for corner lots) of lot width.
5	Footnote refers to wrong citation	Typographical error refers to the wrong section of the Zoning Ordinance	The wrong citation relates to the Table of Permitted and Conditional Uses in Residential Districts.	Corrected reference in ordinance (as cited on p. 4 of the Planning Staff report) cites 21A.24.160I & J rather than paragraph H.

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Issue No. *	Zoning Code Problem	Issue	Discussion	Proposed Solution
6	The minimum rear yard requirement in Foothill Residential FR-3 text	Typographical error	The rear yard setback requirement in the FR-3 (35') is not consistent with the requirement listed in the Summary Table (25').	Modifying Table 21A.24.200 to reflect 35' (see table p. 5 in Planning Staff report)
7	Add "impound lot" to the Table of Permitted and Conditional Uses in the Commercial Districts	Impound lots are not allowed in the General Commercial District	<p>Other similar uses (such as commercial parking lots, contractor's yard and outdoor storage and display) are permitted. Impound lots have been allowed using the outdoor storage classification.</p> <p>The number of requests for business licenses for impound lots has increased significantly since the SLC Police Department now requires operators (who contract with the Police Department for towing services) to have an impound lot within the City limits. The conditional use review will help assure site buffering and neighborhood compatibility.</p>	Modify Table 21A.26.080 to reflect "C" (conditional use) in the Commercial Districts (cited on p. 6 of the Planning Staff report) to allow impound lots
8	Add "retail goods" to the Table of Permitted and Conditional Uses in Manufacturing Districts	Retail goods establishments are not allowed in the Manufacturing Districts	<p>During the Zoning Rewrite process, an effort was made to have a strict separation of different types of uses – commercial, manufacturing, etc. For this reason, areas that are zoned manufacturing do not allow retail goods establishments.</p> <p>As a result, the workforce in these areas does not have convenient access to services such as delis or other retail goods uses intended to serve the working population.</p>	<p>Modify 21A.21A.28.040 adding retailed goods as a permitted use (p. 7 of the Planning Staff report)</p> <p>Note: This also will allow retail sales of products manufactured on site and other uses allowed under the definition of retail sales.</p>
9	Add "impound lot" in the Table of Permitted and Conditional Uses in Manufacturing Districts	Impound lots are not allowed in the Manufacturing Districts	Other similar uses, such as auto auction, outdoor storage and display are permitted. Impound lots have been allowed using the outdoor storage classification.	<p>The adding of impound lots to manufacturing as a "permitted" use, rather than the conditional use being proposed for commercial zones – See issue #7</p> <p>(Amend 21A.28.040; p. 7 of the Planning Staff report)</p>

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Issue No. *	Zoning Code Problem	Issue	Discussion	Proposed Solution
10	Correct error in the Table of Permitted and Conditional Uses in the Downtown districts	Delete		
11	Correct reference to another section of the Zoning Ordinance	The reference to another section of the Zoning Ordinance is incorrect relating to open space uses.		The reference number should be 21A32.140 (cited p. 8 in the Planning Staff report)
12	Correct Use Table to be consistent with changes adopted in 1999.	In developing the new Agricultural Districts as part of the Northpoint Small Area Plan, it was discovered that mistakes were inadvertently made to the Special Purpose Table of Permitted and Conditional uses	All of the proposed amendments were part of the adopted ordinance in 1999. However, when staff added additional columns to the Special Purpose Table in 2000, to incorporate the new Agricultural Districts, the information was not correctly transferred.	These changes to 21A.32.140 are listed on p. 9 of the Planning Staff report
13	Commercial parking lots in the Business Park District	Commercial parking lots are not allowed in the BP District	When the City's zoning ordinance was adopted in 1995, the BP District was mapped primarily along 2200 West and North Temple (west of Redwood Road). Although, some commercial parking facilities (Park N' Jet and Diamond Parking) already existed in this area they became non-conforming uses when the BP District was adopted because "commercial parking garage or lot" was not listed in the Table of Permitted and Conditional Uses. The Administration is of the opinion that this was an oversight and should be corrected.	Parking lots added to Business Park District as a conditional use (21A32.140; p. 9 of Planning Staff report)

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Issue No. *	Zoning Code Problem	Issue	Discussion	Proposed Solution
14	Below-grade obstructions in required yards	<p>The definition of “yard” in part, is defined <i>as an open space which is unoccupied and unobstructed from its ground level to the sky</i>. This definition does not include the area beneath the yard; or in other words, the area below grade.</p> <p>Underground encroachments beneath the required yard may impact adjacent properties.</p>	An amendment to Chapter 62: Definitions is proposed to amend the definition of “yard” to include the area below grade. This amendment proposes that below grade encroachments in required yards be processed through the Routine and Uncontested process. This process requires that adjacent property owners be notified.	<p>This change adjusts the definition of “yard” to focus only on the surface to the sky. It is important because it allows encroachment into that which is under the surface for such items as parking lots, utility vaults, etc where needed.</p> <p>(21A.36.020B; p. 9 of the Planning Staff report)</p>
15	Amend the setback requirement for patios	Patios, under the old Zoning Ordinance, were allowed to maintain a 15-foot rear yard setback as long as certain other requirements could be met. The current ordinance requires a 25-foot setback.	This change creates difficulty for Enforcement Officers (having two standards and not knowing which one applies in a given case). The concern is that the current provision may result in complaints with no viable evidence available to determine which requirement should be used (i.e., was the patio in place before or after 1995?)	<p>Return the standard to a minimum 15’ setback</p> <p>(21A.36.020B; cited p. 11 of the Planning Staff report)</p>
16	Exceptions to the chimney height	Chimney height in the Foothill FP and FR Districts	<p>Chimney height is limited to the same height envelope as the highest ridge of the main structure.</p> <p>The International Building Code (IBC) requires chimneys to be two feet above the roof (when measured ten feet away from the chimney) in order to draw smoke from the house.</p> <p>If the building approaches the maximum allowed height, it may not be possible to accommodate a chimney and meet the IBC regulations. This is a life/safety issue.</p>	Amend language to state, “As required by local, state, or federal regulations” (21A.36.020C; p. 11 of Planning Staff report)

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Issue No. *	Zoning Code Problem	Issue	Discussion	Proposed Solution
17	Clarify language concerning Transitional Treatment Homes	Transitional victim home was erroneously omitted from list of uses, transitional treatment home is listed twice		Amend language to add “transitional victim home” and delete second reference to treatment (21A.36.090; p. 11 of Planning Staff report)
18	Add criteria for determination of damage or partial destruction of non-complying structures	Removed by Planning Staff for further review		
19	Clarify existing language regarding “Non-complying Lots”	Existing wording creates confusion, and forces interpretation which goes counter to the original intent.	The intent was to require that the minimum lot area and minimum setback requirements be met. However, as written, the minimum lot width requirement of 50 feet also had to be met.	Modify Section 21A.38.100: ...all lot area and <u>minimum</u> yard requirements...” (p. 13 of Planning Staff report)
20	Delete reference to Zoning Certificate in the section related to Accessory Uses, Buildings, and Structures	Delete language in Section 21A.40.030 that requires a Zoning Certificate prior to issuing a permit	Under the <u>proposed language</u> in 21A. 08.030, Zoning Certificates would be required for principal buildings or a change in status of an existing building or site. Accessory buildings or structures will not be required to have a zoning certificate.	Planning Staff recommends deleting the need for a zoning certificate for an accessory building or structure because now the focus is only on “principal buildings or changing in status of an existing building or site” as recommended in Issue #1. Shouldn’t the change cited here (accessory buildings or structures) wait until issue #1 is reviewed and the change approved by the Council?” (p. 13 of Planning Staff report) Planning Staff agrees this should be removed at this time.

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Issue No. *	Zoning Code Problem	Issue	Discussion	Proposed Solution
21	Amend language to be consistent with City policy regarding Outdoor Dining	The language pertaining to uses that allow outdoor dining in a required yard as a Special Exception conflicts with the City's policy and practice.	The Permits and Licensing Division, following established policy, allows outdoor seating and dining for many types of retail uses such as markets, delis and coffee shops that are classified as retail sales establishments.	Add language to 21A.40.065 "Outdoor Dining" to include "...market, deli, and other retail sales establishments that sell food or drinks." (p. 14 of Planning Staff report) Also see Issue #36 which makes a similar addition.
22	Fence height in front yard of corner lots and allowed fence height where there is a difference in grade between properties	Removed by Planning Staff for further review		(21A.40.120D; p.14 of Planning Staff report)
23	Off-street parking and loading	Parking requirement for Research Offices	The parking requirement for research office space (3 spaces per 1,000 square feet of gross building area) does not represent the typical parking demand created by such uses. The proposed standard includes different parking requirements for the office space and laboratory space, and should better reflect the actual parking demand for such uses.	Modify section to delete 3 parking spaces/1,000 sq. ft. and added 2/1000 sq. ft. of gross floor area for the first 10,000 sq. ft. plus ½ space per 2,000 sq. ft. for the remaining space. Office area parking spaces shall be calculated separately based on office parking rates. (21A.44.060F; pp. 15-16 of Planning Staff report)
24	Clarify language concerning awning signs	Removed by Planning Staff for further review		(21A.46.020B; p. 16 of Planning Staff report)

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Issue No. *	Zoning Code Problem	Issue	Discussion	Proposed Solution
25	Eliminate reference to Zoning Certificate in section related to General Sign Permit Requirements	Delete language in Section 21A.46.030 that requires a Zoning Certificate prior to issuing a sign permit	Under the proposed language in 21A.08.030, Zoning Certificates would be required only for principal buildings or a change in status of an existing building or site. Signs will no longer be required a Zoning Certificate	Planning Staff recommends deleting the need for a zoning certificate for a sign because now the focus is only on “principal buildings or changing in status of an existing building or site” as recommended in Issue #1. Shouldn't the change cited here (signs) wait until issue #1 is reviewed and the change approved by the Council?” Planning Staff agrees this should be removed at this time.
26	Expressly prohibit off-premise signs other than allowed billboards	Removed by Planning Staff for further review	This issue applies to two references in the Zoning Ordinance: Purpose statement of Sign Regulation (21A.46.010.A) and Prohibition of Certain Off-Premise Signs (21A.46.60J).	(21A.46.010; p. 16 of Planning Staff report)
27	Limit on the number of wall and flat signs in the Manufacturing Districts	The number of wall or flat signs is limited to one per building face instead of one per business or storefront	Since 1996, the Permits and Licensing Division has been directed to allow one sign per business or store front, consistent with the requirements in the commercial zones. This direction came from an interpretation made by the Zoning Administrator who felt that this standard in the zoning ordinance was a mistake.	(21A. 46.100I; pp. 18-19 – See Planning Staff report for chart)

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Issue No. *	Zoning Code Problem	Issue	Discussion	Proposed Solution
28	Establish setback requirements for billboards	The Zoning Ordinance does not include specific setback requirements for billboards	Some zoning districts include setback requirements for pole signs, but the section of the Zoning Ordinance regulating billboards is silent on setback requirements.	Add language to section 21A.46.160.18.5 as follows: “Minimum Setback Requirements: All freestanding billboards shall be subject to pole sign setback requirements listed for the district in which the billboard is located. In the absence of setback standards for a particular district, freestanding billboards shall maintain a setback of not less than five feet (5') from the front or corner side lot line. This setback requirement shall be applied to all parts of the billboard not just the sign support structure.” (p. 20 of Planning Staff report)
29	Correct language concerning spacing of billboards	Spacing requirement for billboards based on the size of the billboard	This section of the Zoning Ordinance defines the required spacing between billboards of different sizes. Three issues must be clarified: <ol style="list-style-type: none"> 1. The language includes specific spacing requirements for billboards smaller than 300 square feet and larger than 300 square feet, but does not address billboards that are exactly 300 square feet. 2. The language of this section allows small billboards to be located 300 feet from a large billboard. However, the intent of this requirement was to require at least 800 feet of spacing between large billboards and any other billboard, regardless of size. The existing language is not specific enough to satisfy the original intent. 3. These spacing requirements were intended to regulate all existing and new billboards, not just new billboards. For this reason, Staff proposes to delete the word “new” from both paragraphs. 	Modify ordinance language 21A.46.160 to reflect the changes (p. 20 of Planning Staff report)

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Issue No. *	Zoning Code Problem	Issue	Discussion	Proposed Solution
30	Add language to make the Sign Chapter consistent with State law re billboards	In 1997, the State Legislature amended the Utah Outdoor Advertising Act to require local governments to allow for the relocation of existing billboards along Federal Primary Aid Highways, Interstate Highways and State Highways, if a highway widening causes such relocation	The proposed amendment clarifies that relocation or new construction of billboards are not allowed unless specifically mandated by Utah State law or otherwise permitted by the Sign Chapter.	Add to section 21A.46.160.27 “State Mandated Relocation of Billboards: Except as otherwise authorized herein, existing billboards may not be relocated except as mandated by the requirements of Utah State law.” (p. 21 of Planning Staff report)
31	Add reference to the Mixed-Use District MU in the landscape buffer provisions	MU District should be added to the list of districts	When the MU District was created a reference was not added to this provision defining the depth of the minimum required landscape buffer.	Add reference of “MU” to size of landscape buffer. (21A.48.080.C.1; p. 21 of Planning Staff report)
32	Add reference to the Residential RMF-45 District in the Landscape Buffer Provisions	RMF-45 District should be added to the list of districts.	Reference to the RMF-45 District was inadvertently not included in the list of districts.	(21A.48.080.D.1; p. 22 of Planning Staff report)
33	Amend 21A.48.100D to be consistent with the reference in 21A.30.045C7 that refers to special landscaping requirements for the Downtown D-4 District	21A.30.045C7 refers to “special landscape requirements” in Chapter 48. This chapter does not have such requirements for the D-4	When the Downtown Secondary Central Business D-4 District was created, the intent was to require the same special landscaping standards that are used in the D-1 District	Add “...and D-4...” to this ordinance section. (21A.48.100D; p. 22 of Planning Staff report)

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Issue No. *	Zoning Code Problem	Issue	Discussion	Proposed Solution
34	Clarify language regarding “non-complying lot due to landscaping”		The proposed language expresses the original intent of the provision. The existing language does not clearly express that any addition, expansion, or intensification that increases the floor area and/or parking requirement by 50% or more is required to meet the requirements of Chapter 48, Landscaping and Buffers.	Clarify language, “The landscaping required by this Chapter shall be provided as a condition of building permit issuance for any addition, expansion or intensification of a property that is non-complying due to landscaping, of that increases the floor area and/or parking requirement by fifty percent <u>or more</u> .” (21A.48.170; p. 23 of Planning Staff report)
35	Clarify language re Specific Conditions for Certain Special Exceptions -- additional height for fences, walls or similar structures	Typographical error	As the language exists now, the Board of Adjustment may grant a Special Exception for additional height for fences, walls or similar structures only if all of the conditions listed in the Zoning Ordinance are met. However, the intent of the ordinance is for the Board to consider the list of standards and conditions individually, not collectively, as they may apply to a particular request.	Correct typographical error (21A.52.100.A.1.d; p. 23 of Planning Staff report)
36	Amend language to reflect existing policy and practice	The language in the ordinance pertaining to uses allowed to take advantage of outdoor dining in a required yard as a Special Exception conflicts with the City’s policy and practice	The Permits and Licensing Division, following established policy, does allow outdoor seating and dining for many types of retail uses such as markets, delis and coffee shops that are classified as retail sales establishments	Amend 21A.52.100 Specific Conditions for Certain Special Exceptions to add language to include, “...market, deli, and other retail sales establishments that sell food or drinks.” (p. 24 of Planning Staff report) Also see Issue #21 (p. 14 of Planning Staff report) which makes a similar addition.

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37	Create a conditional use review threshold for additions and alterations	Removed by Planning Staff for further review		(21A.54.135; pp. 24-25 of Planning Staff report)
38	Amend the minimum lot size for a planned development in the Residential Business RB District	The required minimum lot size for a planned development in the RB District is greater than the maximum lot size.	The 20,000 square foot minimum lot size requirement is not practical considering that the RB District has a maximum lot size requirement of 10,000 square feet for lots created or assembled after August 1, 1996.	Change minimum planned development size to 9,000 sq. ft. (21A.54.150E2; p. 25-6 of Planning Staff report)
39	Add the Mixed Use MU District to the Table of Minimum Lot Sizes for Planned Developments	MU District is not listed in the table regulating minimum planned development size	The MU District is mapped primarily along 300 West in an area where generally the lot size is relatively small. The 9,000 square foot minimum is consistent with other zoning districts that typically include smaller lots	Add “MU” with minimum planned development size to 9,000 sq. ft. (21A.54.150E; p. 26 of Planning Staff report)
40	Clarify language re adjustments to development plan	Need to clarify inconsistent use of terms	The existing language is not consistent. The title of this provision uses the word “adjustments,” but the language in the body of the standard alternates between “alterations” and “adjustments”.	Delete references to “alterations” and “adjustments” and replace with “modifications.” (21A.54.150.S.1, 2, 3 and 4; p. 26-27 of Planning Staff report)
41	Amend the definition of “yard” to include the area below-grade	The definition of “yard” in part, is defined <i>as an open space which is unoccupied and unobstructed from its ground level to the sky</i> . This definition does not include the area below grade as part of the required yard	The proposed amendment to the definition of yard is consistent with the proposed amendment of 21A.36.020B Obstructions in Required Yards, which will require a below grade encroachment to be processed as a Routine and Uncontested Matter.	This definition change is consistent with Issue #14 (21A.36.020B; p. 28 of Planning Staff report) Examples of below grade encroachments in this provision are: stairs going to basement door, window wells, etc.

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42 a-j	Change references to the Uniform Building Code (UBC) to a generic term such as “adopted building code”	The Uniform Building Code (UBC) is now known as the International Building Code (IBC)	Because the Zoning Ordinance refers specifically to the “Uniform Building Code”, any change in the name of the code requires an amendment to the zoning ordinance. To remedy this problem, it is recommended that a generic term, such as “adopted building code” be used.	Issues 42 a-j in the Planning Staff report (pp. 28-32) change all references to the Uniform Building Code to the generic term “adopted building code” in various parts of the zoning ordinance. See memo for citations and display of changes.

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