
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: March 12, 2004

SUBJECT: **Zoning Ordinance Text Change - Sexually Oriented Business**

AFFECTED COUNCIL DISTRICTS: Downtown, Citywide

STAFF REPORT BY: Michael Sears, Budget & Policy Analyst

ADMINISTRATIVE DEPT. AND CONTACT PERSON: Department of Community Development
Wayne Mills, Planner

KEY ELEMENTS:

On September 16, 2003 the Salt Lake City passed an ordinance which enacted temporary zoning restrictions for Sexually Oriented Businesses (SOBs) in the D-1, D-2, and D-4 zoning districts. The temporary restrictions went into effect on October 1, 2003 and will expire on March 31, 2004. During the discussion on the temporary zoning restrictions the Council asked the Administration to review and analyze the City's current zoning restrictions relating to SOBs and provide recommendations to the City Council for consideration.

The Administration has completed the review of the zoning regulations and has prepared an ordinance that addresses the recommendations of the Administration. The proposed ordinance changes sections of the City Code so that all relevant sections are consistent with the proposed recommendations. The proposed zoning ordinance is included in the Council packet for your consideration.

Council staff has prepared this report as analysis of the transmittal from the Administration and not as an additional or separate review of sexually oriented businesses and their secondary impacts. In September of 2003 an informational report was prepared by Council staff that addressed secondary impacts of SOBs. Within the report is a listing of potential budgetary impacts that may result from sexually oriented businesses. That report is attached to this report as background material on this subject.

The Council is scheduled to discuss this item on the work session agenda on March 16, 2004. A Public Hearing on this matter is scheduled for March 18, 2004 at 5:30 p.m.

➤ OPTIONS

The Council may wish to use the following motions at the conclusion of the March 18, 2004 Public Hearing on sexually oriented businesses. Motion #1 would incorporate any suggestions or changes that the Council may have as a result of their discussion during the work session briefing on March 16, 2004.

1. ["I move that the Council"] **Adopt an ordinance amending Salt Lake City Code as proposed by the Administration with the amendments and modifications suggested by the Salt Lake City Planning Commission on March 10, 2004 and any additional changes that were discussed during the March 16, 2004 briefing. (Staff would prepare a listing of those changes after Tuesday's briefing if the Council elects to move in this direction.)**
2. ["I move that the Council"] **Forward the proposed ordinance to a future Council meeting for consideration.**
3. ["I move that the Council"] **Not adopt an ordinance amending Salt Lake City Code.**

➤ **POLICY CONSIDERATIONS AND ANALYSIS**

Under the current zoning ordinance, sexually oriented businesses include the following types of businesses (see Section 21A.62.040 of the Salt Lake City Code):

- Adult bookstores
- Adult motion picture theaters
- Adult video stores
- Nude entertainment businesses (including adult theaters)
- Seminude dancing bars

Salt Lake City currently regulates sexually oriented businesses according to the provisions of the United States and Utah constitutions.

The proposed 15 recommendations amend sections of the Salt Lake City Code relate to the zoning districts where SOBs would be allowed, the review process for SOBs, distance requirements between SOBs and other uses, and the treatment of nonconforming SOBs. Issues such as the cost of applications for the recommended conditional site plan review process and time allowed for the review process are also addressed in the ordinance.

Council Members may wish to note that the recommended review process is called a conditional site plan review. The Administration has indicated that additional businesses or development projects may also be included in a conditional site plan review process. Possible ordinance changes to allow this process for other projects will be reviewed at a later date.

Council staff has contacted several comparable cities throughout the region and nation. Sexually oriented businesses are treated by those communities in the same manner that the Administration is recommending; specifically they permit sexually oriented businesses in certain zoning districts but require the applicant to go through a conditional use, special use or conditional site plan review process. In most cases the decision to issue the permit must be granted by the governing body or board such as the Planning Commission or Board of Zoning Appeals.

The complete set of recommendations by the Administration is found on pages 12 through 14 of the Planning staff report to the Planning Commission and pages 2 through 6 of the transmittal. The following are brief summaries of the recommendations for ordinance amendments:

1. Prohibit new SOBs within the D-1, D-2, and D-4 zoning districts.
2. Amend distance requirement measurement to be taken without regard to streets or other barriers.

3. Amend to require 1,000 foot distance between residential uses and SOBs.
4. Amend to require 1,000 foot distance between licensed Child Daycare Centers and SOBs.
5. Modify the definition of “park”.
6. Amend measurement guidelines regarding to Gateway Corridors.
7. Amend to prohibit SOBs within 330 foot radius of a landmark site.
8. Amend distance requirement measurement to be taken without regard to streets or other barriers when measuring from landmark sites.
9. Amend to prohibit concentration of SOBs.
10. Redefine Gateway Corridors.
11. Add a section to the Code that details Nonconforming Sexually Oriented Businesses.
12. Add a section to the Code that requires a conditional site plan review by the Planning Commission, etc.
13. Add a section that requires a \$300.00 conditional site plan review application fee.
14. Add a section that requires notification of property owners within 1,000 feet of the property line of the proposed project.
15. Add a section that requires the conditional site plan review to be completed in 30 days.

In addition to the amendments to the zoning section of the Code, there are amendments to the Business License Code that relate to Sexually Oriented Businesses. The following amendments bring all sections of the Salt Lake City Code into conformance with the new sexually oriented businesses zoning requirements.

1. Section 5.61.060 – Location and Zoning Restrictions - Amend to specify that if there is in-person contact at the location then outcall services and nude and seminude dancing agencies would be regulated as an SOB.
2. Section 6.61.110 – Licenses-Application-Disclosures Required – Amend to read that if a conditional site plan review is required then a license may not be issued until the review is complete.
3. Section 5.61.250 – Nude Entertainment Business – Location Restriction – Amend to read that measurement is made from the nearest point of the property line.
4. Section 5.61.065 – Intensification of Nonconforming Use (New Section) – Add section to read that if an existing SOB becomes nonconforming as to zoning regulations then no new license or permit may be issued that would intensify that business.
5. Section 2.88.020 – Jurisdiction and Authority – Add section that authorizes the Land Use Appeal Board to hear and decide appeals from decisions made by the Planning Commission concerning the conditional site plan review.

cc: Rocky Fluhart, Cindy Gust-Jenson, Ed Rutan, Boyd Ferguson, Lee Martinez, David Dobbins, Louis Zunguze and Wayne Mills

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