
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: June 6, 2006

SUBJECT: Petition No. 400-05-13 - A request by the Salt Lake City Planning Commission to amend Chapter 21A.42.070(F), pertaining to permitted temporary tents in the Salt Lake City zoning ordinance.

STAFF REPORT BY: Jennifer Bruno, Policy Analyst

AFFECTED COUNCIL DISTRICTS: City-wide

ADMINISTRATIVE DEPT: Community Development Department
AND CONTACT PERSON: Kevin LoPiccolo, Zoning Administrator

NOTICE REQUIREMENTS: Newspaper advertisement and written notification to surrounding property owners 14 days prior to the Public Hearing

POTENTIAL MOTIONS:

1. **["I move that the Council"]** Adopt an ordinance to amend section 21A.42.070, pertaining to permitted temporary uses of tents, to allow all businesses and organizations to request a permit to use a temporary tent in any zoning district, including residential, for up to 45 days per calendar year, and allowing all residential properties to use tents for a homeowner hosted function, for up to 15 days per calendar year.
 2. **["I move that the Council"]** Not adopt an ordinance to amend section 21A.42.070, pertaining to permitted temporary uses of tents, to allow all businesses and organizations to request a permit to use a temporary tent in any zoning district, including residential, for up to 45 days per calendar year, and allowing all residential properties to use tents for a homeowner hosted function, for up to 15 days per calendar year.
-

The following information was provided previously for the Council Work Session on May 2, 2006. It is provided again for your reference.

BACKGROUND:

On January 17, 2006, the Council discussed the Administration's request to amend the zoning ordinance to allow any commercial business to use a tent as a temporary use in any zoning district. According to the Administration's previous transmittal, legal commercial businesses located in residential districts would be allowed to erect a temporary tent for no longer than 5 days if they went through the "special exception" process, requiring abutting property owner's approval.

Council Members voiced approval at the proposed changes for allowing all businesses in commercial and special zoning districts to have temporary tents, but raised concern regarding the issue of tents for legal businesses in a residential district. Some voiced concern that the Administration's proposal of the "special exception" process was making it too difficult for legal businesses to obtain temporary tents.

The Administration has therefore come back to the Council, with a revised document, aimed at alleviating these concerns and further refining the proposed changes to reflect the demand for temporary tents in the City.

KEY ELEMENTS:

- A. The Administration's transmittal contains an ordinance for Council consideration that would amend section 21A.42.070, pertaining to permitted temporary uses of tents, to allow all businesses and organizations to request a permit to use a temporary tent in any zoning district, including residential, for up to 45 days per calendar year, and allowing all residential properties to use tents for a homeowner hosted function, for up to 15 days per calendar year.
- B. Currently, only businesses that are associated with outdoor sales can erect a temporary tent, and only in certain commercial districts. In residential districts, only residential homeowners are permitted to erect temporary tents, and are currently allowed only 5 days per calendar year. The following points summarize the proposed changes:
 - 1. Businesses located in all commercial, manufacturing, downtown, and special purpose districts: The proposed ordinance would allow any business to erect a tent in any commercial, manufacturing, downtown and special purpose zoning district, for a maximum of 45 days per calendar year. The zoning administrator may approve tents or canopies for a business in these districts for up to 180 days, subject to approval or denial from the Development Review Team, and subject to receiving positive recommendation from the Transportation Division, Public Utilities, Business Licensing, Fire, Police, and Historic Landmark Commission.
 - 2. Legal Business located in a residential district: The proposed ordinance would allow a legal business operating in a residential area to erect a temporary tent for up to 45 days per calendar year, provided that the application for the tent meets the parking requirements for the intended use, and is supported by a positive recommendation from the Transportation Division, Public Utilities, Business Licensing, Fire, and Police. If the business is located in a historic district or is an historic landmark site, the application must also be accompanied by a "Certificate of Appropriateness," issued by historic preservation staff. Tents larger than 200 square feet and canopies larger than 400 square feet must also have a fire department permit (for all zones). This process would not require abutting property owners' signatures.
 - 3. Residential properties for a homeowner hosted function: Tents are permitted for no more than 15 days per calendar year, for personal home use or a homeowner hosted function. Tents larger than 200 square feet and canopies larger than 400 square feet must also have a fire department permit. The number of days permitted has been increased from 5 to 15.
- C. Key points from the Administration's transmittal include:
 - 1. The amendment would allow any legal business, regardless of "outdoor sales," to request a permit for a temporary tent in any commercial, downtown, manufacturing

- or special purpose district, subject to the time limits and other regulations outlined in the ordinance. Previously only businesses that had “outdoor sales” could request a permit for a tent, and only in limited zoning districts: Downtown (D-1, D-2, D-3, D-4), Manufacturing (M-1, M-2), General Commercial (CG), Public Lands (PL, PL 2), Business Park (BP), Research Park (RP), and Open Space (OS).
- i. The time, height, and area limitations are not proposed to be changed under the ordinance before the Council.
 2. This amendment would allow legal businesses located in residential districts obtain a permit for a temporary tent, subject to positive recommendations from various City departments (see item above), and a certificate of appropriateness if applicable.
 3. This amendment would allow tents for personal home use in residential districts to be erected up to 15 days per calendar year. Currently, tents are allowed for a period not longer than 5 days.
 4. Approval of any tent, in any district and for any use, would be based on findings by the Zoning Administrator that:
 - i. The parcel of land where the temporary use will be located is adequate in size;
 - ii. There is adequate parking and traffic access, and
 - iii. Additional conditions may be required by the City’s Development Review Team to ensure that the temporary use will not have any material detrimental impact upon other properties.
 5. Events that have previously *not* been able to use a tent (based on zoning or on the associated businesses not having outdoor sales) have included outdoor graduations, or temporary tents associated with the Salt Lake City Marathon in the Gateway Mixed Use (GMU) district. These events would be accommodated under the proposed ordinance changes.
 6. Planning staff finds that the proposed amendment is consistent with adopted general plan policies, that it will allow tents to be harmonious with the overall character of existing development (through Development Review Team and Zoning Administrator process), minimizing adverse affects.
- D. City Departments and Divisions were contacted for their comments. Transportation, Building Services, Police, Fire, and Zoning Enforcement were all supportive of the proposed changes.
- E. An open house was held on June 16, 2005. Community Councils were contacted but did not submit any comment regarding the proposed change.
- F. The Planning Commission held a public hearing on August 24, 2005. The Commission voted, based on Planning Staff’s findings, to transmit a favorable recommendation to the City Council to adopt the proposed ordinances. No public comment was heard at the public hearing.
1. Staff note: The Planning Commission hearing and recommendations were based on the Administration’s initial proposal, that legal businesses in residential zoning districts be subject to a “special exception” process should they wish to erect a tent for up to 5 days. They have not officially weighed in on the current proposal.
 2. One item discussed at the Planning Commission’s previous hearing was preserving the balance between allowing a business in a residential district to erect a tent, and preserving the residential integrity of the area.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Salt Lake City Vision and Strategic Plan states the following goal relating to the proposed amendment: "Develop 'business friendly' licensing and regulatory practices."
- B. The City's 1990 Urban Design Element includes statements that emphasize preserving the City's image, neighborhood character and maintaining livability while being sensitive to social and economic realities.

QUESTIONS FOR THE ADMINISTRATION/MATTERS AT ISSUE:

- A. The Council may wish to clarify with the Administration why the residential personal use tent time limit was increased from 5 days to 15 days.

CHRONOLOGY:

Please refer to the Administration's transmittal for a complete chronology of events relating to the proposed text amendment.

- June 14, 2005 Planning Commission initiates petition.
- June 16, 2005 Open House.
- August 24, 2005 Planning Commission public hearing.
- September 14, 2005 Ordinance received from City Attorney's office.
- September 23, 2005 Council Transmittal completed by project planner
- November 8, 2005 Transmittal received in City Council Office.
- January 17, 2006 Original petition discussed in Council work session.
- April 10, 2006 Revised transmittal received in City Council Office.

cc: Rocky Fluhart, Sam Guevara, DJ Baxter, Alison McFarlane, Ed Butterfield, Rick Graham, Kevin Bergstrom, Louis Zunguze, Alexander Ikefuna, Brent Wilde, Doug Wheelwright, Cheri Coffey, Kevin LoPiccolo, Orion Goff, Larry Butcher, Gwen Springmeyer, Annette Daley, Barry Esham, Marge Harvey, Jan Aramaki, Lehua Weaver, Sylvia Jones, Janice Jardine

File Location: Community Development Dept., Planning Division, Zoning Text Amendment, Tents and Special Exceptions, Planning Commission Request



A. LOUIS ZUNGUZE
DIRECTOR

BRENT B. WILDE
DEPUTY DIRECTOR

SALT LAKE CITY CORPORATION
DEPT. OF COMMUNITY DEVELOPMENT
OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON
MAYOR

CITY COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer  **DATE:** April 7, 2006
FROM: Louis Zunguze, Community Development Director 
RE: Petition 400-05-13 by the Salt Lake City Planning Commission requesting an amendment to Chapter 21A.42.070(F) pertaining to permitted temporary tents in Salt Lake City Zoning Ordinance

STAFF CONTACTS: Kevin LoPiccolo, Zoning Administrator, at 535-6003 or kevin.lopiccolo@slcgov.com

RECOMMENDATION: That the City Council hold a briefing and schedule a Public Hearing

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: The Planning Commission initiated this petition in response to ongoing requests to install temporary tents for special events throughout the City. The City Council heard this request on January 17, 2006, and directed Staff to evaluate options that would better accommodate businesses in noncommercial zoning districts. The City Council suggested that Staff explore ways to make the process less burdensome and consider allowing more flexibility in terms of time limitation for tents associated with businesses in noncommercial zones.

The proposed text amendment would allow businesses and organizations that are not associated with outdoor sales to hold special events under a tent in zoning districts that currently restrict the use of tents as a temporary use (e.g., a business college holding a graduation ceremony under a tent). Since the current ordinance regarding tents is zone specific and not use specific, the proposed amendment would provide flexibility for businesses and organizations that request a permit to use a tent as a temporary use in any zoning district, subject to time limits and other applicable regulations of the zoning district.

Analysis: The proposed text amendment ordinance includes an ordinance amending Section 21A.42.070(F), pertaining to permitted temporary uses of tents. If approved, the proposed text

amendment would allow tents as a temporary use in all zoning districts, upon findings by the Zoning Administrator that:

- a. The parcel of land where the temporary use will be located is adequate in size;
- b. There is adequate parking and traffic access; and
- c. The applicant has agreed to comply with such other conditions as determined by the City's Development Review Team to ensure that the temporary use will not have any material detrimental impact upon other properties.

As part of the proposed text amendment, Staff proposes the following changes to the current ordinance:

- Allow tents as a temporary use for legally licensed businesses in all commercial, manufacturing, downtown, and special purpose zoning districts, restricted to a time limit of 45 days per calendar year. The Zoning Administrator may approve tents or canopies in these zoning districts for a period not to exceed 180 days per calendar year, subject to the review and approval of the Development Review Team.
- Allow tents for legal non-residential uses located in residential zones to be permitted with a restricted time limit not to exceed 45 days per calendar year.
- Tents for personal home use or homeowner-hosted functions shall be limited to a period of not more than 15 days per calendar year.
- Require an Administrative Certificate of Appropriateness for tents in a historic district.

PUBLIC PROCESS:

The Planning Division held an Open House on June 16, 2005, to gather public input from citizens, businesses, and Community Councils. There were no public comments at the Open House.

At the Public Hearing on August 24, 2005, the Planning Commission forwarded a positive recommendation to the City Council to revise Section 21A.42.070, Permitted Temporary Uses. The City Council heard the original petition at a briefing on January 17, 2006, at which time they referred the matter back to the Planning Division for additional evaluation.

RELEVANT ORDINANCES:

Section 21A.42.070(F) – Permitted Temporary Uses

Zoning Text Amendment:

Section 21A.10 – General Application and Public Hearing Procedures

Section 21A.50.050 – Standards for General Amendments

Amendments to the Zoning Ordinance and Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 21A.50.050. "A decision to amend the text

of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard." It does, however, list five standards, which should be analyzed prior to rezoning property (Section 21A.50.050 A-E). These standards were evaluated in the Planning Commission staff report and considered by the Planning Commission. Discussion and findings for these standards are found on pages 3-4 of the Planning Staff report in Attachment 5.

TABLE OF CONTENTS

PROJECT CHRONOLGY

- June 3, 2005 Notice for the June 16, 2005 Open House mailed
- June 14, 2005 Petition Received
- June 16, 2005 Petition assigned
- June 16, 2005 Open House
- June 22, 2005 Request Department Comments
- August 9, 2005 Notices for the August 24, 2005 Planning Commission
- August 24, 2005 Planning Commission Hearing
- September 2, 2005 Ordinance requested from City Attorney
- September 14, 2005 Ordinance received from City Attorney
- September 23, 2005 City Council Transmittal completed by Project planner
- January 17, 2006 City Council reviewed Petition and directed the Planning Staff to revise the proposed ordinance to allow greater flexibility for businesses in residential zoning districts
- March 24, 2006 City Council Transmittal completed by project planner

2. PROPOSED ORDINANCE

SALT LAKE CITY ORDINANCE
No. _____ of 2006
(Amending Permitted Temporary Uses of Tents in Section 21A.42.070(F))

AN ORDINANCE AMENDING SECTION 21A.42.070(F), *SALT LAKE CITY CODE*,
PERTAINING TO PERMITTED TEMPORARY USES OF TENTS, PURSUANT TO
PETITION NO. 400-05-13.

WHEREAS, Section 21A.42.070(F) the Salt Lake City Code contains certain regulations
regarding permitted temporary uses of tents; and

WHEREAS, the current code does not allow the use of temporary tents in all zoning
districts; and

WHEREAS, the current code permits the use of temporary tents that are associated only
with outdoor sales and restricts all other uses; and

WHEREAS, the City Council finds that Section 21A.42.070 should be amended to allow
the use of tents in all zoning districts by businesses that are not associated with outdoor sales;
and

WHEREAS, the proposed amendment is consistent with the purposes, goals, objectives,
and policies of Salt Lake City's general plan; and

WHEREAS, the City Council finds that the proposed amendment is in the best interest of
the City.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Section 21A.42.070, *Salt Lake City Code*, pertaining to permitted
temporary uses be, and the same hereby is, amended, in part, to read as follows:

Section 21A.42.070 Permitted Temporary Uses:

F. Tents: Tents smaller than two hundred (200) square feet and canopies smaller than four hundred (400) square feet, associated with a business that is legally licensed as a permanent business or a temporary business as outlined in this chapter, are permitted in all nonresidential districts. No tent shall be allowed to remain for a period of more than two (2) days longer than the period during which the use with which it is associated is allowed to remain, or a maximum of forty five (45) days, per calendar year. Tents larger than two hundred (200) square feet and canopies larger than four hundred (400) square feet, associated with a business that is legally licensed as a permanent business or a temporary business as outlined in this chapter, are permitted in all commercial, manufacturing, downtown and special purpose zoning districts. No tent shall be allowed to remain for a period of more than two (2) days longer than the period during which the use with which it is associated is allowed to remain, or a maximum of forty five (45) days, per calendar year.

The zoning administrator may approve tents or canopies in the commercial, manufacturing, downtown and special purpose zoning districts for a period not to exceed one hundred eighty (180) days, per calendar year, subject to the review and approval or denial of the Development Review Team, if the tent or canopy also meets the parking requirements for the intended use and upon receiving a positive recommendation from the Salt Lake City Transportation Division, Public Utilities Department, Business Licensing Division, Fire Department, Police Department and Historic Landmark Commission (when located within a historic district or on a landmark site).

Unless waived by the zoning administrator, every tent shall comply with the bulk and yard requirements of the district in which it is located.

Tents smaller than two hundred (200) square feet and canopies smaller than four hundred (400) square feet are permitted in all residential districts, without a permit, for personal home use or homeowner hosted function, for a period of not more than fifteen (15) days per calendar year. Tents larger than two hundred (200) square feet and canopies larger than four hundred (400) square feet are permitted in all residential districts, with a fire department permit, for personal home use, for a period of not more than fifteen (15) days. For legal business uses located in a residential district, tents or canopies may be allowed for a period not to exceed forty-five (45) days per calendar year, provided that the application for the tent or canopy also meets the parking requirements for the intended use and is supported by a positive recommendation from the Salt Lake City Transportation Division, Public Utilities Department, Business Licensing Division, Fire Department, and Police Department. In addition, when the tent or canopy is proposed to be located in a historic district or on a landmark site, the application must be accompanied by a certificate of appropriateness.

For purposes of this regulation, "canopies" are defined as a tent structure that is open on more than seventy five percent (75%) of its sides.

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____,
2006.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2006.
Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date Apr. 6, 2006
By Melanie D. [Signature]

SALT LAKE CITY ORDINANCE

No. _____ of 2006

(Amending Permitted Temporary Uses of Tents in Section 21A.42.070(F))

AN ORDINANCE AMENDING SECTION 21A.42.070(F), *SALT LAKE CITY CODE*,
PERTAINING TO PERMITTED TEMPORARY USES OF TENTS, PURSUANT TO
PETITION NO. 400-05-13.

WHEREAS, Section 21A.42.070(F) the Salt Lake City Code contains certain regulations
regarding permitted temporary uses of tents; and

WHEREAS, the current code does not allow the use of temporary tents in all zoning
districts; and

WHEREAS, the current code permits the use of temporary tents that are associated only
with outdoor sales and restricts all other uses; and

WHEREAS, the City Council finds that Section 21A.42.070 should be amended to allow
the use of tents in all zoning districts by businesses that are not associated with outdoor sales;
and

WHEREAS, the proposed amendment is consistent with the purposes, goals, objectives,
and policies of Salt Lake City's general plan; and

WHEREAS, the City Council finds that the proposed amendment is in the best interest of
the City.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Section 21A.42.070, *Salt Lake City Code*, pertaining to permitted
temporary uses be, and the same hereby is, amended, in part, to read as follows:

Section 21A.42.070 Permitted Temporary Uses:

F. **Tents:** Tents smaller than two hundred (200) square feet and canopies smaller than four hundred (400) square feet, associated with ~~outdoor sales from a~~ business that is legally licensed as a permanent business or a temporary business as outlined in this chapter, are permitted in all nonresidential districts. No tent shall be allowed to remain for a period of more than two (2) days longer than the period during which the use with which it is associated is allowed to remain, or a maximum of forty five (45) days, per calendar year. Tents larger than two hundred (200) square feet and canopies larger than four hundred (400) square feet, associated with ~~outdoor sales from a~~ business that is legally licensed as a permanent business or a temporary business as outlined in this chapter, are permitted in all commercial, manufacturing, downtown and special purpose~~D-1, D-2, D-3, D-4, M-1, M-2, CG, PL, PL-2, BP, RP and OS~~ zoning districts. No tent shall be allowed to remain for a period of more than two (2) days longer than the period during which the use with which it is associated is allowed to remain, or a maximum of forty five (45) days, per calendar year.

The zoning administrator may approve tents or canopies in the commercial, manufacturing, downtown and special purpose~~D-1, D-2, D-3, D-4, M-1, M-2, CG, PL, PL-2, BP, RP~~ zoning districts for a period not to exceed one hundred eighty (180) days, per calendar year, subject to the review and approval or denial of the Development Review Team, if the tent or canopy also meets the parking requirements for the intended use and upon receiving a positive recommendation from the Salt Lake City ~~T~~ransportation ~~D~~ivision, ~~P~~ublic ~~U~~tilities ~~D~~epartment, ~~B~~usiness ~~L~~icensing ~~D~~ivision, ~~F~~ire ~~D~~epartment, ~~P~~olice ~~D~~epartment and ~~H~~istoric ~~L~~andmark ~~C~~ommission (when located within a historic district or on a landmark site).

Unless waived in writing by the zoning administrator, every tent shall comply with the bulk and yard requirements of the district in which it is located.

Tents smaller than two hundred (200) square feet and canopies smaller than four hundred (400) square feet are permitted in all residential districts, without a permit, for personal home use or homeowner hosted function, for a period of not more than ~~five (5)~~fifteen (15) days per calendar year. Tents larger than two hundred (200) square feet and canopies larger than four hundred (400) square feet are permitted in all residential districts, with a fire department permit, for personal home use, for a period of not more than ~~five (5)~~fifteen (15) days. For legal business uses located in a residential district, tents or canopies may be allowed for a period not to exceed forty-five (45) days per calendar year, provided that the application for the tent or canopy also meets the parking requirements for the intended use and is supported by a positive recommendation from the Salt Lake City Transportation Division, Public Utilities Department, Business Licensing Division, Fire Department, and Police Department. In addition, when the tent or canopy is proposed to be located in a historic district or on a landmark site, the application must be accompanied by a certificate of appropriateness.

For purposes of this regulation, "canopies" are defined as a tent structure that is open on more than seventy five percent (75%) of its sides.

SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____,
2006.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2006.

Published: _____.

I:\Ordinance 06\Amending 21A.42.070(F) Permitted Temporary Uses of Tents - 03-20-06 draft.doc

3. CITY COUNCIL HEARING NOTICE

**A. NOTICE OF CITY COUNCIL HEARING NEWSPAPER
PUBLICATION DRAFT**

Posted _____
By _____

NOTICE OF PUBLIC HEARING

On _____, the Salt Lake City Council will hold a public hearing to consider petition number 400-05-13, a request by the Salt Lake City Council to amend the text of the Salt Lake City Zoning Ordinance, Section 21A.42.070F, (Tents) Permitted Temporary Uses and Chapter 21A.52.030, Special Exceptions (V).

The City Council is holding an advertised public hearing to receive comments regarding the petition request. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:
TIME: 7:00 P.M.
PLACE: Room 315
City and County Building
451 South State Street
Salt Lake City, Utah

If you have any questions relating to this proposal, please attend the meeting or call Mr. Kevin LoPiccolo at 801 535-6003, Monday through Friday.

B. NEWSPAPER PUBLICATION TRANSMITTAL

MEMORANDUM

To: Lynn Valdez
Newspaper Corporation
From: Salt Lake City Council's Office
Re: SPECIAL NOTICES – 010 – CLASSIFIED ADS
Date:

Please run the following ad, one time only, on _____, in both papers.

NOTICE OF PUBLIC HEARING

On _____, the Salt Lake City Council will hold a public hearing to consider petition number 400-05-13, a request by the Salt Lake City Council to amend the text of the Salt Lake City Zoning Ordinance, Section 21.42.070F, (Tents) Permitted Temporary Uses and Section 21A.52.030, Special Exceptions (V).

The public meeting of the City Council begins at _____, p.m. in Room _____, City and County Building, 451 South State Street, Salt Lake City, Utah. For more information, call Mr. Kevin LoPiccolo at 801 525-6003

4. PLANNING COMMISSION AGENDA FOR AUGUST 24, 2005

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, August 24, 2005, at 5:45 p.m.**

The Planning Commission will be having dinner at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting will be open to the public.

1. APPROVAL OF MINUTES from Wednesday, August 10, 2005

2. REPORT OF THE CHAIR AND VICE CHAIR

3. REPORT OF THE DIRECTOR

- a. Update **Petition 400-03-10** Shaw Homes, Inc. (R – 1/5,000 to CN) at approximately **1545 West 200 South Street and 1551 West 200 South Street**. This petition, a rezone and master plan amendment, was originally heard on May 14, 2003.
- b. Discussion regarding LDS Church wards and parking needs in neighborhoods.
- c. Request for Planning Commission to create a petition to allow multi-family developments in commercial and downtown districts.
- d. Request for Planning Commission to create a petition to establish design guidelines for large retail uses.

4. PUBLIC NOTICE AGENDA – Salt Lake City Property Conveyance Matters (Staff: *Karryn Greenleaf at 483-6769 or karryn.greenleaf@slcgov.com, Matt Williams at 535-6447 or matt.williams@slcgov.com, and Doug Wheelwright at 535-6178 or doug.wheelwright@slcgov.com)*

- a. Cephalon, Inc. is expanding their operations within Salt Lake City and is seeking a Telecommunications Right-of-Way Permit at **4710 Wily Post Road** to connect the communications between the buildings across the street. Plans call for a perpendicular street crossing with the six 4" ducts installed via trenching (street cut design has already been approved by the Development Review Team).

5. PUBLIC HEARINGS

- a. **Petition No. 400-03-34**, a request by Salt Lake City Council that the Planning Commission review additional refinement of the nonconforming use ordinance, looking specifically at guidelines and criteria to address neighborhood impacts and concerns relating to the enlargement and/or intensification of nonconforming uses. (Staff: *Everett Joyce at 535-7930 or everett.joyce@slcgov.com*).
- b. **Petition No. 410-584**, from Salt Lake Apartment Builders to modify a previously approved planned development for the Emigration Court Apartments **POSTPONED** on the block between **500 to 600 East and 300 to 400 South**. (Staff: *Doug Danaher at 535-6003 or doug.danaher@slcgov.com*)
- c. **Petition No. 400-05-12**, a request initiated by the Planning Commission to review the definition of "automobile" found in Section 21A.62.060 of the Salt Lake City Zoning Ordinance, specifically considering the removal of the words "motor scooter" and "motorized bicycles" from the existing definition. (Staff: *Kevin LoPiccolo at 535-6003 or kevin.lopiccolo@slcgov.com*)
- (d) Petition No. 400-05-13**, a request initiated by the Planning Commission to comprehensively review all applicable regulations in the Zoning Ordinance that address the permitting of tents in both residential and commercial districts city wide. (Staff: *Kevin LoPiccolo at 535-6003 or kevin.lopiccolo@slcgov.com*)

**5. STAFF REPORT FOR THE AUGUST 24, 2005 PLANNING
COMMISSION MEETING**

DATE: August 24, 2005

TO: Salt Lake City Planning Commission

FROM: Kevin LoPiccolo, Zoning Administrator

RE: A request to amend Chapter 21A.42.070(F), Tents and Chapter 21A.52.030, Special Exceptions

CASE#: 400-05-13

APPLICANT: Salt Lake City Administration

STATUS OF APPLICANT: Salt Lake City Administration

PROJECT LOCATION: The proposed text amendment will affect the placement of tents in all zoning districts, subject to the specific regulations and time limits, and to the other applicable regulations of the zoning district in which the use is permitted. The following temporary uses shall be permitted in the zoning districts specified, upon a finding by the Zoning Administrator that the parcel upon which the temporary use will be located is adequate in size, that there are adequate parking provisions and traffic access, and that the applicant has agreed to comply with such other conditions as the Zoning Administrator deems necessary to ensure that the temporary use will not have any material detrimental impact upon other properties:

COUNCIL DISTRICT: All Council Districts

REQUESTED ACTION: A request to amend Chapter 21A.42.070(F), Tents and Chapter 21A.52.030, Special Exceptions(V) Authorized found in the Salt Lake City Zoning Ordinance.

PROPOSED USE(S): The proposed text amendment will allow tents in all zoning districts. The current

ordinance restricts tents in which a business is not associated with outdoor sales. The text amendment will also allow business uses a tent within a residential zoning district through a special exception.

**APPLICABLE LAND
USE REGULATIONS:**

The proposed change modifies the text associated with Chapter 21A.42.070, Permitted Temporary Uses and Chapter 21A.52.030(V), Special Exceptions Authorized.

MASTER PLAN SPECIFICATIONS:

The Salt Lake City Vision and Strategic Plan apply to this proposed text amendment: 20.0: Develop “business friendly” licensing and regulatory practices.

PROJECT DESCRIPTION:

The proposed text amendment will allow businesses that are not associated with outdoor sales the use of a temporary tent in all zoning districts. The current ordinance allows temporary tents in the majority of zoning districts, but does not afford all commercial, special districts and business uses within a residential zoning district the use of a temporary tent.

COMMENTS, ANALYSIS AND FINDINGS:

COMMENTS

Comments from City Departments and Community Council(s):

- a) **Transportation** does not have any objections to the proposed text amendment. All issues with access and parking shall remain.
- b) **Public Utilities** did not respond to the requests for comments.
- c) **Building Services** expressed no opposition to the proposed text change.
- d) **Police** expressed no opposition to the proposed text change.
- e) **Engineering** did not respond to the requests for comments.
- f) **Fire** did not respond to the requests for comments.
- g) **Zoning Enforcement** does not have any objections to the proposed text amendment.
- h) **Community Council(s):** The Planning Division held an Open House for Community Councils and interested parties on June 16, 2005. Only City staff attended. Planning Division Staff did not receive any comments from any of the respective Community Councils on the proposed text change.

ANALYSIS

The purpose of the text amendment is to allow tents as temporary uses as defined in Chapter 21A.42.070 in all zoning districts. The current temporary use ordinance does not afford all zoning districts the use of tents as a temporary use. The current ordinance permits temporary tents for businesses that are associated with outdoor sales, but restricts all other businesses the opportunity to apply for a temporary tent to hold a function, such as, outdoor graduation for a business college, or to allow temporary tents within the GMU district to accommodate the Salt Lake City marathon that may be used as a water fueling station. The revised ordinance would permit tents as a temporary use in all zoning districts and would recognize legal non-residential uses that are located in residential zones, through an approval of a special exception.

The proposed text amendment is as follows:

- Allow temporary tents in all zoning districts that are associated with a legal business.
- To allow tents as a temporary use for business use located in residential districts. The proposed time limit is five (5) days per calendar year and would require an approval of a special exception.

FINDINGS

Issues that are being generated by this proposal.

Since the request is a modification of the zoning text, the Planning Commission shall review the proposed text amendment change and forward a recommendation to the City Council. The Planning Commission shall use the following standards:

CODE CRITERIA / DISCUSSION / FINDINGS OF FACT

21A.50.050 Standards for general amendments.

- A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.**

Discussion: The proposed text amendment is consistent with standard in the Salt Lake City Vision and Strategic Plan, stating that the City seeks to “develop ‘business friendly’ licensing and regulatory practices.” The revision to the current Permitted Temporary Uses and Special Exceptions Authorization will permit the use of temporary tents in all zoning districts.

Findings:

The proposed rezone is consistent with Master Plan policies.

- B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.**

Discussion: The text amendment is intended to allow tents in all zoning districts

that currently do not recognize a tent as a permitted temporary use or special exception.

Findings: The proposed text amendment meets this standard.

C. The extent to which the proposed amendment will adversely affect adjacent properties.

Discussion: The proposed text amendment is intended to allow under a permitted temporary use or special exception the use of a tent, subject to approval and specified time limit.

Findings: The proposed text amendment is intended to protect adjacent properties and provides a notification process to adjacent property owner's that are located in a residential zoning district through a special exception process.

D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.

Discussion: The proposed text amendment is not site specific, but would be all inclusive to the underlying zoning districts and would be consistent with applicable zoning district, subject to meeting applicable standards.

Findings: The proposed text amendment meets this standard.

E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

Discussion: The proposal is not site specific. All requests for tents would be reviewed to ensure compliance with City Codes and policies.

Findings: All pertinent City Departments will review tent request through the permit process to ensure adequacy of public facilities and a services.

RECOMMENDATION: The Planning Division recommends that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed text amendment.

Attachments:

Exhibit 1 – Proposed Ordinance(s)

Exhibit 2 – Memorandum & Open House Notification

Exhibit 3 – Department Comments

Exhibit 1
Proposed Ordinance

Chapter 21A.42.070(F)
Permitted Temporary Uses

F. Tents: Tents smaller than two hundred (200) square feet and canopies smaller than four hundred (400) square feet, associated with ~~outdoor sales from~~ a business that is legally licensed as a permanent business or a temporary business as outlined in this chapter, are permitted in all nonresidential districts. No tent shall be allowed to remain for a period of more than two (2) days longer than the period during which the use with which it is associated is allowed to remain, or a maximum of forty five (45) days, per calendar year. Tents larger than two hundred (200) square feet and canopies larger than four hundred (400) square feet, associated with ~~outdoor sales from~~ a business that is legally licensed as a permanent business or a temporary business as outlined in this chapter, are permitted in all commercial, manufacturing, downtown and special purpose D-1, D-2, D-3, D-4, M-1, M-2, CG, PL, PL-2, BP, RP and OS zoning districts. No tent shall be allowed to remain for a period of more than two (2) days longer than the period during which the use with which it is associated is allowed to remain, or a maximum of forty five (45) days, per calendar year.

The zoning administrator may approve tents or canopies in the commercial, manufacturing, downtown and special purpose D-1, D-2, D-3, D-4, M-1, M-2, CG, PL, PL-2, BP, RP zoning districts for a period not to exceed one hundred eighty (180) days, per calendar year, subject to the review and approval or denial of the Development Review Team, if the tent or canopy also meets the parking requirements for the intended use and upon receiving a positive recommendation from the Salt Lake City transportation division, business licensing division, fire department, police department and historic landmark commission (when located within a historic district or on a landmark site).

Unless waived ~~in writing~~ by the zoning administrator, every tent shall comply with the bulk and yard requirements of the district in which it is located.

Tents smaller than two hundred (200) square feet and canopies smaller than four hundred (400) square feet are permitted in all residential districts, without a permit, for personal home use or homeowner hosted function, for a period of not more than five (5) days per calendar year. Tents larger than two hundred (200) square feet and canopies larger than four hundred (400) square feet are permitted in all residential districts, with a fire department permit, for personal home use, for a period of not more than five (5) days. For legal business uses located in a residential district, tents or canopies may be allowed for a period not to exceed five (5) days, per calendar year, subject to a Special Exception, Section 21A.52.030, Special Exceptions Authorized, provided the tent or canopy also meets the parking requirements for the intended use and upon receiving a positive recommendation from the Salt Lake City transportation division, public utilities department, business licensing division, fire department, police department and historic landmark commission (when located within a historic district or on a landmark site).

For purposes of this regulation, "canopies" are defined as a tent structure that is open on more than seventy five percent (75%) of its sides.

21A.52.030 Special Exceptions Authorized:

In addition to any other special exceptions authorized elsewhere in this title, the following special exceptions are authorized under the provisions of this title:

- A. Additional fence height (subsection 21A.52.100A of this chapter);
- B. Additional height in commercial districts (subsection 21A.52.100G of this chapter);
- C. Additional building height in foothills districts (subsection 21A.24.01002 of this title);
- D. Alternative parking (section 21A.44.030 of this title);
- E. Amusement devices (section 21A.40.110 of this title);
- F. Barbed wire fences (subsection 21A.40.120G of this title);
- G. Circular driveways (subsection 21A.44.020F7d of this title);
- H. Conditional home occupations (subsection 21A.36.030D of this title);
- I. Handicapped access (subsection 21A.52.100C of this chapter);
- J. Amateur ("ham") radio antennas (subsection 21A.40.090D of this title);
- K. Hobby shops, studios and other noncommercial uses in accessory structures (subsection 21A.52.100D of this chapter);
- L. Legalization of excess dwelling units (subsection 21A.52.100E of this chapter);
- M. Modifications to maximum height in commercial districts (subsection 21A.26.010J of this title);
- N. Operation of registered home daycare or registered home preschool facility in residential districts (subsection 21A.36.130B of this title);
- O. Outdoor dining in required yard areas (subsection 21A.52.100F of this chapter);
- P. Razor wire (subsection 21A.40.120H of this title);
- Q. Signs for nonconforming business in the RMF-35, RMF-45, RMF-75 districts (sections 21A.46.080 and 21A.46.140 of this title);
- R. Front yard parking (subsection 21A.44.050A of this title);
- S. Routine and uncontested matters (part II, chapter 21A.14 of this title);
- T. Window mounted refrigerated air conditioners and evaporative "swamp" coolers located less than two feet (2') from a lot line (table 21A.36.020B, "Obstructions In Required Yards", of this title and subsection 21A.52.100H of this chapter); and
- U. Ground mounted central air conditioning compressors or systems, heating, ventilating, pool and filtering equipment located less than four feet (4') from a lot line (table 21A.36.020B, "Obstructions In Required Yards", of this title and subsection 21A.52.100I of this chapter). (Ord. 59-02 §§ 2, 3, 2002: Ord. 12-01 § 2, 2001: Ord. 35-99 §§ 91-93, 1999: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(26-2), 1995)
- V. Tents, business uses within a residential district (subsection 21A.42.070, Permitted Temporary Uses of this title).

Exhibit 2
Memorandum & Open House Notification

MEMORANDUM

DATE: May 18, 2005
TO: Mayor's Office
FROM: Louis Zunguze, Community Development Director
SUBJECT: Temporary Uses "Tents"

The Mayor's office is requesting the initiation of a Petition to allow tents as a temporary use in all Commercial, Downtown, Special Districts, Gateway District and the Overlay Districts. Section 21A.42.070 (F) allows tents as temporary uses, but restricts tents to be permitted in defined zoning districts. Staff is requesting that tents be allowed in the districts that are mentioned above which will provide an opportunity for all businesses to have tents as a temporary use. As part of this request, Staff is requesting the elimination of square footage for tents.

To that end, I respectfully request that the Planning Commission initiate the requested petition.

Should you have any questions, please let me know.

Thank you.

CC: Brent Wilde, Deputy Community Development Director
Orion Goff, Building Services Director
Doug Wheelwright, Deputy Planning Director
Cheri Coffey, Deputy Planning Director
Larry Butcher, Development Review Supervisor
Kevin LoPiccolo, Zoning Administrator

June 3, 2005

NOTICE OF OPEN HOUSE

The Salt Lake City Planning Commission has initiated two petitions requesting the modification of Chapter 21A.62.040 of the Salt Lake City Zoning ordinance addressing the definition of Automobiles. This request would remove the words motor scooters and motorized bicycles from the existing definition. The second petition would amend the existing language found in Chapter 21A.42.070 (F) under Temporary Uses, to allow tents in all zoning commercial and residential districts.

The Planning Staff would like to receive your input regarding this proposal and invites you to a public open house:

**Thursday, June 16, 2005
Salt Lake City & County Building
451 South State Street
Room 126 Conference Room
Between the hours of 4:30 and 6:30 p.m.**

Since it is very difficult for us to inform all interested parties about this request, we would appreciate you discussing this matter with your neighbors and informing them of the open house.

If you have any questions on this issue, please call Kevin LoPiccolo at 801 535-6003 or email kevin.lopiccolo@slcgov.com

Sincerely,

Kevin LoPiccolo
Zoning Administrator

**We comply with all ADA guidelines.
Assistance listening devices and interpreter services provided upon 24-hour advance request.**

Exhibit 3
Department Comments

LoPiccolo, Kevin

From: Walsh, Barry
Sent: Wednesday, June 22, 2005 11:43 AM
To: LoPiccolo, Kevin
Cc: Young, Kevin; Smith, Craig; Butcher, Larry
Subject: RE: Petitions
Categories: Program/Policy

June 22, 2005

Kevin LoPiccolo, Planning

Re: Petition No.??? to change the zoning text to address definition of Automobile and Temporary Uses (Tents).

The transportation Division review comments and recommendation per our review of the text change (see attached sections) poses no impact to the public transportation. All issues with access and parking remain.

Sincerely,

Barry Walsh,

Cc Kevin Young, P.E.
Craig Smith, Engineering
Larry Butcher, Permits
file

MEMORANDUM

Date: June 10, 2005

From: Kevin LoPiccolo, Zoning Administrator

To: Melanie Reif, City Attorney Office
Craig Smith, Engineering
Brad Larson, Fire
Larry Butcher, Permits
Brad Stewart, Public Utilities
Barry Walsh, Transportation
Craig Spangenberg, Zoning Enforcement
J.R. Smith, Police (City Wide)

Re: Two Petitions for definition of Automobile and Temporary Uses (Tents)

The Salt Lake City Planning Commission has initiated two petitions requesting the modification of Chapter 21A.62.040 of the Salt Lake City Zoning ordinance addressing the definition of

8/14/2005

LoPiccolo, Kevin

From: Butcher, Larry
Sent: Thursday, June 16, 2005 2:03 PM
To: LoPiccolo, Kevin
Cc: Goff, Orion
Subject: RE: Petitions
Categories: Program/Policy

Kevin:

Thoughts:

Does the industry make any distinction between motor scooters and motorcycles? If there is one, it might abate future arguments.

Tents in commercial districts: The outdoor sales language is specific and does not address all functions under which a tent may be used. Suggest removing the outdoors sales language. Tents approved for 180 days should go to DRT. Suggest tying in the use time frame with the permitted temporary uses A thru D. Then allow for tents or canopies associated with permitted uses in the nonresidential districts (outdoor sales, outdoor dining, etc.) to be approved for up to 180 days with DRT review. Too broad?

Tents in residential districts: Of course, we need to include the existing legal non-residential uses in the residential zones. Non-residential uses may need a use time frame greater than 5 days. Maybe a 180 day time frame with Special Exception OK.

From: LoPiccolo, Kevin
Sent: Friday, June 10, 2005 5:02 PM
To: Reif, Melanie; Smith, Craig; Larson, Bradley; Butcher, Larry; Stewart, Brad; Walsh, Barry; Spangenberg, Craig; Smith, JR
Subject: Petitions

Hello:

Please see attachment.

The Planning Commission has directed the Planning Staff to work on two petitions that will address Temporary Uses for Tents in all zoning districts and redefining the word automobile in Title 21A of the Salt Lake City Zoning Ordinance. Please provide any comments to the proposed petitions by June 24, 2005.

Thanks,

Kevin LoPiccolo
Zoning Administrator

6/16/2005

6. PLANNING COMMISSION MINUTES FOR AUGUST 24, 2005

Petition No. 400-05-13, a request initiated by the Planning Commission to comprehensively review all applicable regulations in the Zoning Ordinance that address the permitting of tents in both residential and commercial districts city wide

At 6:15 P.M. Chairperson Chambless introduced Petition Number 400-05-13 and Kevin LoPiccolo, Zoning Administrator.

Mr. LoPiccolo stated that this was a request generated last May. Staff held an open house June 16, 2004. This petition affects Chapter 42, "Temporary Uses", and Chapter 52, "Special Exceptions" of the zoning ordinance. The changes that have been modified are reflected in the Staff Report. As proposed, this change allows the use of temporary tents to be more inclusive and recognizes all commercial, manufacturing and special purpose districts to allow the use of tents under a temporary use. As part of the requested changes to the Temporary Uses, Mr. LoPiccolo stated that the proposed language change included businesses located in residential districts and that those businesses be afforded the same opportunity for temporary tent use. Mr. LoPiccolo noted that businesses located in residential zones would be required to go through a Special Exception process which would require the abutting property owner's support to erect a tent for a five day period. The Special Exception process could be done at an administrative level. He stated the process of receiving a tent permit had not been changed; all respective departments that typically review tents would continue to do so under the proposed change. Staff requested that the Planning Commission forward a positive recommendation to the City Council.

Commissioner Scott addressed the question of time limits or the period of time a tent could remain up, with Mr. LoPiccolo. Mr. LoPiccolo responded with a history of the current ordinance stating the timelines were essentially established and Staff was not requesting any type of modification to the time limits currently placed on tents. He said that since the proposed change to allow tents for businesses within residential districts was being added, Staff was concerned with preserving the residential character of the residential district. With the requirement of a Special Exception, the residential integrity would be maintained.

Chairperson Chambless asked if there were questions for Staff. There were none. Chairperson Chambless then stated that the petitioner is the Planning Commission and asked if there was a representative of the Community Council that wanted to speak to the matter. No one responded. Chairperson Chambless asked if there was someone from the general community that wanted to speak to this matter. No one responded. Chairperson Chambless then closed the public meeting and asked for discussion and/or a motion on the petition. A motion was then heard.

Motion for Petition 400-05-13:

Commissioner Seelig moved that the Planning Commission approve Petition No. 400-05-13, based on the analysis outlined in the staff report. Commissioner Noda seconded the motion. Commissioner De Lay, Commissioner Seelig, Commissioner Scott, Commissioner Noda, and Commissioner Diamond voted "Aye". Commissioner Galli, Commissioner Muir and Commissioner McDonough were not present. The motion passed.

- F. **Tents:** Tents smaller than two hundred (200) square feet and canopies smaller than four hundred (400) square feet, associated with outdoor sales from a business that is legally licensed as a permanent business or a temporary business as outlined in this chapter, are permitted in all nonresidential districts. No tent shall be allowed to remain for a period of more than two (2) days longer than the period during which the use with which it is associated is allowed to remain, or a maximum of forty five (45) days, per calendar year. Tents larger than two hundred (200) square feet and canopies larger than four hundred (400) square feet, associated with outdoor sales from a business that is legally licensed as a permanent business or a temporary business as outlined in this chapter, are permitted in D-1, D-2, D-3, D-4, M-1, M-2, CG, PL, PL-2, BP, RP and OS zoning districts. No tent shall be allowed to remain for a period of more than two (2) days longer than the period during which the use with which it is associated is allowed to remain, or a maximum of forty five (45) days, per calendar year.

The zoning administrator may approve tents or canopies in the D-1, D-2, D-3, D-4, M-1, M-2, CG, PL, PL-2, BP, RP zoning districts for a period not to exceed one hundred eighty (180) days, per calendar year, if the tent or canopy also meets the parking requirements for the intended use and upon receiving a positive recommendation from the Salt Lake City transportation division, public utilities department, business licensing division, fire department, police department and historic landmark commission (when located within a historic district or on a landmark site).

Unless waived in writing by the zoning administrator, every tent shall comply with the bulk and yard requirements of the district in which it is located.

Tents smaller than two hundred (200) square feet and canopies smaller than four hundred (400) square feet are permitted in all residential districts, without a permit, for personal home use or homeowner hosted function, for a period of not more than five (5) days per calendar year. Tents larger than two hundred (200) square feet and canopies larger than four hundred (400) square feet are permitted in all residential districts, with a fire department permit, for personal home use, for a period of not more than five (5) days.

For purposes of this regulation, "canopies" are defined as a tent structure that is open on more than seventy five percent (75%) of its sides.