
MEMORANDUM

DATE: January 11, 2008

TO: Council Members

FROM: Janice Jardine
Land Use Policy Analyst

SUBJECT: Petition No.400-07-19: Zoning text amendment – City Council temporary regulations and request to reevaluate conditional uses in residential zones and zoning districts abutting residentially zoned properties

POTENTIAL MOTIONS:

A. ["I move that the Council"]

1. Continue the Public Hearing to a future Council meeting within 180 days **AT WHICH TIME FURTHER REFINEMENTS TO THE ORDINANCE MAY BE MADE;**
2. Adopt an **INITIAL** ordinance amending the City Zoning Ordinance Chapter 21A.54 Conditional Uses relating to:
 - a. The conditional use process, purpose statement, definitions, and standards of review that includes sections from the proposed amendments recommended by the Planning Commission, and
 - b. Changes identified by the Council removing conditional uses from the Residential Zoning Districts and specifying that conditional use applications may not be considered on properties that abut residentially zoned properties.

I further move that the Council refine the conditional use regulations and reevaluate the Zoning District Purpose Statements and the Tables of Permitted and Conditional Uses for all zoning districts by:

1. Establishing a Council subcommittee
2. Retaining the assistance of a consultant
3. Inviting public comment throughout the 180 day period and scheduling the continued hearing date within that 180 day period.
4. Scheduling a consideration date within the 180 day period for refinements to the ordinance.

B. ["I move that the Council"] Adopt the ordinance recommended by the Planning Commission:

1. Amending the City Zoning Ordinance Chapter 21A.54 Conditional Uses relating to the purpose statement, definitions, criteria and standards of review, and
2. Amending the Tables of Permitted and Conditional Uses in the Residential, Commercial, Manufacturing, Downtown, and Special Purpose Zoning Districts.

C. ["I move that the Council"] Not adopt the proposed ordinance.

ATTACHMENTS:

1. Proposed Ordinance with changes identified by some Council Members since the Council Work Session discussion on Tuesday, January 8, 2008.
2. Council staff report with attachments dated January 4, 2008 provided for the Council Work Session discussion on Tuesday, January 8, 2008. (Provided for background reference purposes)

SALT LAKE CITY ORDINANCE

No. _____ of 2008

(Amending various provisions in Chapter 21A pertaining to conditional uses)

AN ORDINANCE AMENDING TABLE AT SECTION 21A.24.190, *SALT LAKE CITY CODE*, PERTAINING TO PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL USES, THE TABLES OF PERMITTED AND CONDITIONAL USES FOR ALL OTHER ZONING DISTRICTS, SECTION 21A.30.050, *SALT LAKE CITY CODE*, PERTAINING TO PERMITTED AND CONDITIONAL USES FOR DOWNTOWN DISTRICTS, SECTION 21A.54.010, *SALT LAKE CITY CODE*, PERTAINING TO PURPOSE STATEMENT FOR CONDITIONAL USES, SECTION 21A.54.080, *SALT LAKE CITY CODE*, PERTAINING TO STANDARDS FOR CONDITIONAL USES, SECTION 21A.54.120, *SALT LAKE CODE*, PERTAINING TO LIMITATIONS ON CONDITIONAL USE APPROVAL, AND SECTION 21A.62.040, *SALT LAKE CITY CODE*, PERTAINING TO DEFINITIONS, PURSUANT TO PETITION NO. 400-07-19.

WHEREAS, the Planning Commission and the City Council of Salt Lake City, Utah, have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and the local master plan as part of their deliberation. Pursuant to these deliberations, the City Council has concluded that the proposed amendments are in the best interest of the City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending Table of Permitted and Conditional Uses for Residential Districts. That the table, entitled Table of Permitted and Conditional Uses for Residential “ Districts, which is located at Section 21A.24.190 of the *Salt Lake City Code*, shall be and hereby

is amended, to eliminate all conditional uses in residential districts except for places of worship, public /private utilities and related facilities, and residential facilities for persons with a disability.

SECTION 2. **Amending Table of Permitted and Conditional Uses**. The tables of Permitted and Conditional Uses for all other zoning districts, shall be and hereby are amended, to include the following statement at the end of each table: “No conditional use permit shall be granted for any property which is located adjacent to a residential zoning district, except for places of worship, public/private utilities and related facilities, and residential facilities for persons with a disability.”

SECTION 3. **Amending Section 21A.54.010 Purpose Statement for Conditional Uses**. That Section 21A.54.010 of the *Salt Lake City Code*, pertaining to purpose statement for conditional uses be, and hereby is, amended to read as follows:

21A.54.010 Purpose Statement:

A conditional use is a land use which, because of its unique characteristics or potential impact on the municipality, surrounding neighbors or adjacent land uses, may not be compatible or may be compatible only if certain conditions are required that mitigate or eliminate the negative impacts has potential adverse impacts upon the immediate neighborhood and the city as a whole.

Conditional uses are allowed unless appropriate conditions can not be applied which, in the judgment of the planning commission, or administrative hearing officer would mitigate adverse impacts that may arise by introducing a conditional use on the particular site. It requires a careful review of its location, design, configuration and special impact to determine the desirability of allowing it on a particular site. Whether it is appropriate in a particular location requires a

weighing, in each case, of the public need and benefit against the local impact, taking into account the applicant's proposals for ameliorating any adverse impacts through special site planning, development techniques and contributions to the provision of public improvements, rights of way and services.

SECTION 4. Amending Section 21A.54.080 Standards for Conditional Uses. That Section 21A.54.080 of the *Salt Lake City Code*, pertaining to conditional uses be, and hereby is, amended to read as follows:

21A.54.080 Standards For Conditional Uses:

~~The planning commission shall only approve, approve with conditions, or deny a conditional use based upon written findings of fact with regard to each of the standards set forth below and, where applicable, any special standards for conditional uses set forth in a specific zoning district:~~

- ~~A. — The proposed development is one of the conditional uses specifically listed in this title;~~
- ~~B. — The proposed development is in harmony with the general purposes and intent of this title and is compatible with and implements the planning goals and objectives of the city, including applicable city master plans;~~
- ~~C. — Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets;~~
- ~~D. — The internal circulation system of the proposed development is properly designed;~~
- ~~E. — Existing or proposed utility services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources;~~
- ~~F. — Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;~~

G. — Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood;

H. — Landscaping is appropriate for the scale of the development;

I. — The proposed development preserves historical, architectural and environmental features of the property;

J. — Operating and delivery hours are compatible with adjacent land uses;

K. — The proposed conditional use or, in the case of a planned development, the permitted and conditional uses contained therein, are compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood or the city as a whole;

L. — The proposed development complies with all other applicable codes and ordinances.

A. General Standards for Approval: A conditional use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

In order to identify and evaluate the detrimental effects and the need for and/or adequacy of mitigating conditions, the Planning Commission shall review and consider the following:

Approval of Conditional Use Application

1. Master Plan and Code Compliance

- A. The proposed development is supported by the general policies of the City Wide, Community, and Small Area Master plan text and the future land use map policies governing the site;
- B. The proposed development is one of the conditional uses specifically listed in this title; and
- C. The proposed development is supported by the general purposes and intent of the zoning ordinance including the purpose statement of the zoning district.

2. Use Compatibility

The proposed use at the particular location is compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing development. In determining compatibility, the Planning Commission may consider the following:

- A. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets;
- B. The type of use and its location does not create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected with the development of a permitted use. In determining unusual patterns, the Planning Commission shall consider:
 - i. The orientation of driveways and if they direct traffic to the major streets or local streets, and, if directed to the local streets, the impacts to the safety, purpose, and character of the local streets;

ii. Parking locations and size, and if parking plans encourage street side parking to the proposed use which impacts the adjacent land uses;

iii. Hours of peak land use when traffic to the proposed use would be greatest and that such times and peaks would not impact the ability of the surrounding uses to enjoy the use of their properties; and

iv. The hours of operation of the proposed use when compared with the hours of activity/operation of the surrounding uses and the potential of such hours of operation do not create noise, light, or other nuisances not acceptable to the enjoyment of existing surrounding uses or common to the surrounding uses.

C. The internal circulation system of the proposed development is properly designed for motorized, non-motorized and pedestrian traffic, and mitigates impacts on adjacent properties;

D. Existing or proposed utility and public services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources; and

E. Appropriate buffering, such as landscaping, setbacks, and building location is provided to protect adjacent land uses from light, noise and visual impacts.

F. Detrimental concentration of existing non-conforming or conditional uses substantially similar to the use proposed. This analysis is based on an inventory of uses within a quarter mile radius of the subject property.

3. Design Compatibility

The proposed conditional use is compatible with:

- A. The character of the area with respect to: site design and location of parking lots, access ways, and delivery areas; impact on adjacent uses through loss of privacy, objectionable views of large parking or storage areas; or views and sounds of loading and unloading areas;
- B. Operating and delivery hours are compatible with adjacent land uses; and
- C. The proposed design is compatible with the intensity, size, and scale for the type of use, and with the surrounding uses.

4. Detriment to Persons or Property

The proposed use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor be injurious to property and improvements in the community, existing surrounding uses, buildings, and structures. The applicant shall demonstrate that the proposed use:

- A. Does not lead to deterioration of the environment by emitting pollutants into the ground or air that cause detrimental effects to the property or to neighboring properties;
- B. Does not encroach on rivers or streams or direct run off into rivers or streams;
- C. Does not introduce hazards or potentials for damage to neighboring properties that cannot be mitigated; and
- D. Is in keeping with the type of existing uses surrounding the property, and that as proposed the development will improve the character of the area by encouraging reinvestment and upgrading of surrounding properties.

5. Compliance with Other Applicable Regulations

The proposed development complies with all other applicable codes and ordinances.

6. Imposition of the Conditions of Approval

The Planning Commission may impose conditions on the proposed use which are in addition to any conditions specifically listed within this chapter. All conditions imposed shall meet the following criteria:

- A. The condition is within the police powers of Salt Lake City;
- B. The condition must substantially further a legitimate public purpose;
- C. The condition must further the same public purpose for which it is imposed;
- D. The applicant/owner may not be required to carry a disproportionate burden in furthering the public purpose; and
- E. Dedications of land and other contributions as conditions of approval must be reasonably related and roughly proportionate to the use of the property for which the conditional use permit is required.

7. Mitigating Conditions

As part of their review, the Planning Commission may impose mitigating conditions on the proposed development. These conditions may include but are not limited to the following areas: landscaping; access; loading and parking areas; sanitation; drainage and utilities; architecture and signage; fencing and screening; setbacks; natural hazards; public safety; environmental impacts; hours and methods of operation; dust, fumes, smoke and odor; noise, vibrations; chemicals, toxins, pathogens, and gases; and heat, light, and radiation.

The conditions which are imposed on a conditional use permit must be expressly attached to the permit and cannot be implied.

8. Denial of Conditional Use Application

SALT LAKE CITY COUNCIL STAFF REPORT

DATE: January 4, 2008

SUBJECT: Petition No.400-07-19: Zoning text amendment – City Council temporary regulations and request to reevaluate conditional uses in Residential zones and zoning districts abutting residentially zoned properties

Petition 400-05-16: Zoning text amendment – Planning Commission request to change Sec. 21A. 59 – Conditional Building and Site Design Review

STAFF REPORT BY: Janice Jardine
Land Use Policy Analyst

AFFECTED COUNCIL DISTRICTS: If the ordinance is adopted the zoning text amendment will affect Council Districts citywide

**ADMINISTRATIVE DEPT:
AND CONTACT PERSON:** Community and Economic Development
Nole Walkingshaw, Senior Planner

NOTICE REQUIREMENTS: Newspaper advertisement 14 days prior to the Public Hearing

Additional information provided:

- Attachment A – Comparison Summary Conditional Use Process/Standards
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- The Planning Division indicated that due to the interrelationship between Petition No. 400-05-16, Building and Site Design Review and 400-07-19, Temporary Regulation relating to conditional uses, the two petitions have been processed concurrently by the Administration.
- The Council staff recommended to the Council Chair that the petitions will be processed separately by the Council because the recommended amendments to the Zoning Ordinance include a number of substantial changes that may have significant citywide impacts and because staff does not have ample time to provide a thorough analysis for both petitions.
- Due to the January 18, 2008 expiration date of the Conditional Use temporary regulations, Petition 400-07-19, Regulations relating to Conditional Uses, will be presented for Council consideration first with the presentation for Petition 400-05-16, Building and Site Design Review, to be provided at a future Council meeting.

POTENTIAL OPTIONS:

- Adopt the ordinance recommended by the Planning Commission.
- Adopt the ordinance recommended by the Planning Commission with additional changes identified by the Council.

- C. Adopt an ordinance that:
1. Includes the proposed amendments to the conditional use process, regulations and standards;
 2. Removes all conditional uses within Residential zoning districts;
 3. Defers action on the proposed citywide changes for permitted and conditional uses in all zoning districts to a future Council meeting; and,
 4. Expresses the Council's intent, after further study, to incrementally adjust the permitted and conditional uses in the zoning districts citywide.

Staff has requested the City Attorney's office to review this option.

- D. Other options identified by Council Members.

KEY ELEMENTS:

- A. Two ordinances have been prepared for Council consideration that would amend City Code, Title 21A, Zoning, relating to permitted and conditional uses in all zoning districts, the conditional use process, regulations and standards, and the building and site design review process, regulations and standards pursuant to Petition Nos. 400-05-16 and 400-07-19. (Please see items B and C below for details relating to both petitions.)
- B. Petition No. 400-05-16 relates to action taken by the Planning Commission on June 15, 2005, requesting a reevaluation of City Code, Title 21A, Chapter 21A.59, Conditional Building and Site Design Review. As previously mentioned, Petition No. 400-05-16 will be presented for Council consideration at a future Council meeting. The following information is provided for background purposes. The purpose is to change the current practice of reviewing certain building and site design elements through the Conditional Use process because issues relate to design of a project rather than the proposed use. The intent is to clearly separate the processes and regulations for conditional use applications and building and site design review applications.
- C. Petition No. 400-07-19 relates to action taken by the City Council on July 17, 2007, enacting temporary land use regulations for conditional use permits on residentially zoned properties and properties abutting residentially zoned properties. The purpose, in part, was to allow the City Administration an opportunity to:
- o Review permitted and conditional uses allowed in residential zones to better define what uses are permitted, conditional or not permitted in those areas.
 - o Establish more clearly defined, specific standards of review and criteria for conditional use requests.
 - o Clarify the powers, duties and responsibilities of land use related Boards and Commissions with regard to conditional use approval.
- D. The proposed conditional use text amendments include extensive changes to the Zoning Ordinance, Chapter 21A.54 – Conditional Uses. The Administration's transmittal and Planning staff report note that the changes will accomplish the following: a) ensure the use is appropriate in the base zoning district by amending the Tables of Permitted and Conditional Uses; b) provide more appropriate and specific standards by which decision makers determine whether the use is appropriate; c) better define a conditional use consistent with State law, c) redefine the purpose statement of the conditional use provisions, and e) provide new or revised use definitions.
1. To provide a context in which to review the proposed changes, the text amendments and current regulations have been summarized in a chart to provide a side-by-side comparison. (Please refer to Attachment A at the end of this staff report.)
 2. The proposed amendments include adjusting the Tables of Permitted and Conditional Uses in the Residential, Commercial, Manufacturing, Downtown, and Special Purpose Zoning Districts. (Please refer to the proposed Ordinance, Exhibits A, B, C, D and E for details.)
 3. Uses which have been identified as problematic by the community, staff, Administration or Council have either been proposed to be removed, made conditional, or a qualifying provision has

been added within the specific district to help clarify the circumstances for allowing the use in the specific zone.

4. Uses which have been identified as compatible uses within a specific zoning district have been added as either permitted or conditional, and/or a qualifying provision has been added.
- E. The temporary land use regulations adopted by the Council provided the following rationale for reevaluation of conditional uses and the conditional use process.
1. In 1995 when the City was rewriting the Zoning Ordinance, it was assumed that the City had broad discretion in approving or denying conditional use applications.
 2. As a result, a wide variety of conditional uses were included in residential zoning districts and very general, non-specific standards of review and criteria were established.
 3. In 2005, the Legislature amended State law relating to land use by limiting a city's discretion in considering conditional uses.
 4. The Council recognized that due to escalating land values and increasing development pressures that there is a substantial risk that the City may be required by State law to approve conditional use applications which under current zoning regulations may not be compatible with residentially zoned areas and which would damage the character of the City's residential neighborhoods.
 5. The Council also recognized the need to protect the character of residential neighborhoods from incompatible land uses and long term, irreversible, detrimental impacts on those areas.
- F. The Administration's transmittal and Planning staff report note:
1. The Table of Permitted and Conditional Uses adopted by the City in its Zoning Code in April 1995 was based upon more discretionary standards.
 2. Because of State law changes in 2005, the City's criteria for conditional uses are inadequate and lack specificity.
 3. A comprehensive review of other local jurisdictions, out of state municipalities and information provided by private consultants demonstrated that there are many ways to structure the standards for review. In each review staff looked for standards by which the Planning Commission could potentially deny a particular use.
 4. Staff did not identify any specific deficiencies in the powers, duties, and responsibilities of the Boards and Commissions with regard to conditional uses.
 5. Clarity of standards, rigorous review of the Tables of Permitted and Conditional Uses, and clarification of the Conditional Use Purpose Statement and definitions will enable Boards and Commissions to better administer their powers, duties, and responsibilities.
 6. The proposed amendments will create a more harmonious relationship between the purpose statement for a zoning district and the Tables of Permitted and Conditional Uses.
 7. The intention of the proposed amendment is to provide regulations giving decision makers the ability to ensure potential adverse impacts of future development on adjacent properties can be successfully mitigated.
- G. The Planning staff report provides an analysis and findings for the Zoning Ordinance Standards for General Amendments. The standards were evaluated in the Planning staff report and considered by the Planning Commission. (Discussion and findings for the standards are found in the November 14, 2007 Planning staff report on pages 8-9.)
- H. The public process included a Planning Division sponsored Open House and written/electronic mail notification of the Planning Commission 'issues only' and public hearings. The Administration's transmittal provides a discussion of issues that have been raised throughout this process (summarized below). Please refer to the Administration's transmittal letter for details.
1. On September 27, 2007, a Planning Open House was held. There were nine people in attendance. Comments included:
 - a. The need for an "overlay" district prohibiting conditional uses in areas where they are most highly concentrated.

- b. Removal of “assisted living facilities” in RMF-35 zoning districts and to investigate a maximum number for residential healthcare facilities.
 - c. Members of the Glendale Community provided a review of the Manufacturing Districts and strongly expressed concerns regarding the encroachment of industrial uses and their impacts on established residential neighborhoods, concerns were expressed regarding truck stops, and the need for more opportunity to retail goods and services.
 - d. The Salt Lake Coalition for Orderly Development and the East Central Community Council submitted a list of issues stating their primary concern as “a general crisis of trust and confidence by the community at large regarding the processes followed by the Planning/Permits Departments”.
 - e. Specific to East Central Community Council it was stated that “proliferation of non-conforming/conditional uses are causing a net cumulative negative impact and disrupting the stated purpose of the zoning classification”.
2. On October 15, 2007 an email was sent to all Community Council Chairs with the proposed text amendments and a memorandum discussing the issues. The only comments received were from the West Pointe Community Council that noted no issues to date and sympathy with the Greater Avenues.
- I. On October 10, November 14 and 28, 2007, the Planning Commission held ‘issues only’ and public hearings. The Planning Commission voted unanimously to forward a positive recommendation to the City Council for the proposed text amendments. (Please refer the Planning Commission minutes for details.)
- 1. Issues discussed at the Planning Commission hearings included:
 - a. discussion of specific changes to the Tables of Permitted and Conditional Uses
 - b. use of qualifying provisions in the Tables to mitigate known or identified conflicts between abutting uses, and
 - c. a detailed review of the proposed standards for review of a conditional use.
 - 2. In addition, the relationship between existing non-conforming uses and existing conditional uses was discussed in detail.
- J. All applicable City Departments and Divisions were provided the proposed text changes. Development proposals will be required to comply with City standards and regulations and demonstrate that there are adequate services to meet the needs of the project. The Planning staff report notes the only comments were from the Building Services Division expressing support of the proposed changes.

MATTERS AT ISSUE:

- A. The Council may wish to consider whether it may be appropriate to reevaluate the zoning districts purpose statements to determine if they still accurately articulate the Council’s policy intent.
- 1. The purpose statements become significantly more important with adoption of this ordinance
 - 2. Planning staff indicated to Council staff that the following rationale was used in the reevaluation of the Tables of Permitted and Conditional Uses.
 - a. The selection of uses as permitted, not permitted or conditional to be listed in the Tables of Permitted and Conditional Uses may appear somewhat subjective.
 - b. However, one consistent criterion which has been used is the relationship between the proposed use as conditional or permitted and the stated purpose statement for the zoning district.
 - 3. The purpose statements for the zoning district categories (residential, commercial, manufacturing, etc.) and for each individual zoning district within the district categories have not been thoroughly reevaluated since they were adopted in 1995.
 - 4. The Administration notes “The proposed amendments will create a more harmonious relationship between the purpose statement for a zoning district and the Tables of Permitted and Conditional Uses”.

5. One of the new criteria to be considered by the Planning Commission in approving a conditional use states "The proposed development is supported by the general purposes and intent of the zoning ordinance including the purpose statement of the zoning district."
- B. The Council may wish to consider the following issues that have been raised throughout this process.

Impacts on commercial properties: The Administration notes:

1. Comments received after the Planning Commission hearing express a concern that any proposed change which reduces the utility of any commercial property have very real economic impact to property owners who rely on existing permitted and conditional uses when they acquire and/or plan for the improvement of their properties.
2. Reducing the utility of properties is therefore of significant consequence. Local independent business people are the primary owners of the properties in the Neighborhood Commercial CN, Commercial Business CB and Residential Business RB zones.
3. Because there is a relative absence of linked economic development measures, there is also a concern that the face of these zones is being shaped primarily by restrictive planning and zoning measures.
4. The concerns expressed state that the viability and vibrancy of the community business districts which serve as economic engines and community gathering places are being compromised by incremental restrictions, when what is really needed is more support and less zoning complexity and burden.
5. **Staff recommends careful consideration of the changes to the community based commercial districts.**
6. **Any changes to the Tables of Permitted and Conditional Uses will create new non-conforming uses and may increase the difficulty for start-up businesses in these districts.**

Existing conditional and non-conforming uses impacts: The Administration notes:

1. The relationship between existing non-conforming uses and existing conditional uses was discussed in detail.
2. There is an assertion that the concentration of these uses is detrimental to the community and the addition of conditional uses into an area where a concentration exists furthers the detrimental impact.
3. **The City Attorney's office has cautioned us on this point stating, "We need to remember that the mere existence of the detrimental non-conforming and conditional uses alone may not be a basis for denial, unless there is also evidence that granting one more conditional use will exacerbate the detrimental impact".**
4. The Planning Commission added the following specific criteria in an effort to address this issue.
 - a. 21A.54.080 Standards for Conditional Uses, 2. Use Compatibility
The proposed use at the particular location is compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing development. In determining compatibility, the Planning Commission may consider the following:
 - b. Criteria F. "Detrimental concentration of existing non-conforming or conditional uses substantially similar to the use proposed. The analysis is based on an inventory of uses within a quarter mile radius of the subject property."
5. Requests have been made to place a cap, an overlay, or restrictions on introducing new uses where the mixture of non-conforming uses and conditional uses creates an undesirable situation.
6. Staff recognizes that these issues may exist and that in addition to conditional uses and non-conforming uses, patchwork or inappropriate zoning may have also contributed to the problem.
7. It is the intent of this petition to address the specific uses in these areas such that future use requests are perceived as compatible with the surrounding uses.
8. For a complete understanding of how these existing interactions effect the community a complex spatial analysis would be required.
 - Initially, areas where these net cumulative impacts are perceived to be a problem need to be identified.

- Secondly, an inventory of what is on the ground would be required.
 - From this point a spatial analysis of the interactions of these uses could be made, and recommendations on how to deal with issues may be presented.
9. The neighborhoods where this effect appears to be present about institutional uses such as the University of Utah, medical facilities and other long standing uses.
 10. For generations these neighborhoods have evolved, this evolution reflects the changing values, technology and economies of our City's history.
- C. Council staff has not had an opportunity to review the proposed use changes to the Tables of Permitted and Conditional Uses in the individual zoning districts.
1. Planning staff has indicated that several changes to the uses allowed in Residential zoning districts were issues which had been identified through Planning's fine tuning matrix and some were "housekeeping".
 2. Generally, Planning staff felt comfortable with the proposed changes
 3. The consideration as an 'expansion' probably shifts with perspective.
 4. The following uses were identified by Planning staff that may fall under the 'expansion' argument.
 - a. Private clubs allowed as conditional use in the Residential Mixed-Use RMU zoning district.
 - b. Medical and dental clinics and offices R-MU 35 and R-MU 45 changed from conditional to permitted
 - c. Nursing care facility R-MU 35 changed from conditional to permitted
 - d. Adult day care RMF 75 changed from conditional to permitted (child day care was permitted)
 - e. Government uses and facilities RMF 75 Changed from conditional to permitted

The Council may wish to consider whether it may be appropriate to require that City policies and policy-related documents be considered by the Planning Commission in addition to the City's land use plans. One of the new criteria to be considered by the Planning Commission in approving a conditional use states "The proposed development is supported by the general policies of the City Wide, Community, and Small Area Master plan text and the future land use map policies governing the site". Language could be included that references other City policies and policy-related

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Planning staff report notes that the proposed text amendments provide regulations which promote the ability to ensure potential development is consistent with the City's vision and references the following Council policy.
 - City Council policies: E.7 GROWTH IN SALT LAKE CITY (10/99)
It is the policy of the Salt Lake City Council that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
 1. Is aesthetically pleasing;
 2. Contributes to a livable community environment;
 3. Yields no negative net fiscal impact unless an overriding public purpose is served;
and
 4. Forestalls negative impacts associated with inactivity.
- B. As previously noted, the Planning staff indicated that the following rationale was used in the reevaluation of the Tables of Permitted and Conditional Uses.
 - a. The selection of uses as permitted, not permitted or conditional to be listed in the Tables of Permitted and Conditional Uses may appear somewhat subjective.
 - b. However, one consistent criterion which has been used is the relationship between the proposed use as conditional or permitted and the stated purpose statement for the zoning district.
 - c. Uses which have been identified as problematic by the community, staff, Administration or Council have either been proposed to be removed, made conditional, or a qualifying provision has

been added within the specific district to help clarify the circumstances for allowing the use in the specific zone.

- d. Uses which have been identified as compatible uses within a specific zoning district have been added as either permitted or conditional, and/or a qualifying provision has been added.
- C. The City's Community Land Use Plans include a variety of applicable policies, goals and strategies that will provide significant guidance and a sound basis for the Planning Commission in evaluating requests for conditional use approvals.
- D. The City's Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The Plans emphasize placing a high priority on maintaining and developing new affordable residential housing in attractive, friendly, safe environments and creating attractive conditions for business expansion including retention and attraction of large and small businesses.
- E. The City Transportation Master Plan contains policy statements that include support of alternative forms of transportation, considering impacts on neighborhoods on at least an equal basis with impacts on transportation systems and giving all neighborhoods equal consideration in transportation decisions.
- F. 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. Applicable policy concepts include:
1. Allow individual districts to develop in response to their unique characteristics within the overall urban design scheme for the city.
 2. Ensure that land uses make a positive contribution to neighborhood improvement and stability and building restoration and new construction enhance district character.
 3. Require private development efforts to be compatible with urban design policies of the city regardless of whether city financial assistance is provided.
 4. Treat building height, scale and character as significant features of a district's image.
 5. Ensure that features of building design such as color, detail, materials and scale are responsive to district character, neighboring buildings, and the pedestrian.

CHRONOLOGY:

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

- July 17, 2007 City Council adopted Ordinance No. 49 of 2007 enacting temporary land use regulations regarding conditional use permits on residentially zoned properties and on properties abutting residentially zoned areas throughout the City
- July 25, 2007 Petition assigned to planner
- August 15, 2007 Planning Commission Subcommittee meeting
- September 28, 2007 Planning Open House
- October 10, 2007 Planning Commission 'Issues Only' Public Hearing
- November 14, 2007 Planning Commission 'Issues Only' Public Hearing
- November 28, 2007 Planning Commission Public Hearing and decision
- December 27, 2007 Transmittal received in City Council Office

cc: David Everitt, Esther Hunter, Sam Guevara, Lyn Creswell, Ed Butterfield, Ed Rutan, Lynn Pace,
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Bruno, Russell Weeks, City Council Liaisons, Community Affairs Specialists

File Location: Community Development Dept., Planning Division, Zoning Text Amendment,
Conditional Use and Tables of Permitted and Conditional Uses

**COMPARISON SUMMARY
CONDITIONAL USE PROCESS/STANDARDS**

Council members may find the following information helpful in reviewing the proposed changes for the conditions use process and standards for review. This is an excerpt from information provided by a consultant to Planning staff earlier this year.

▪ **Conditional Use Standards**

An APA publication regarding conditional uses (Gail Easley, "Conditional Uses: Using Discretion, Hoping for Certainty," *Zoning Practice*, May 2006) provides a good framework for reviewing SLC conditionals uses and is summarized below.

How specific to make the standards?

A. General standards with General Review Criteria

1. **Pros of using broad standards**
 - a. Review on case-by-case basis
 - b. Adds flexibility to address problems as every situation reviewed individually re impact of proposed use
2. **Cons for using board standards**
 - a. The process can be abused
 - b. Time-consuming
 - c. Equal treatment more difficult
 - d. Hard to say "no"

B. Specific Standards set for in the Development Code

1. **Pros of using specific standards set forth in the Development Code**
 - a. Must show compliance with those standards
 - b. Certainty of the process
 - c. Consistency
 - d. Less time talking about various items
2. **Cons for using specific standards**
 - a. Little flexibility
 - b. Issues may arise that are not sufficiently addressed by the standards

▪ ***Common Standards Upon Which Conditions May Be Based***

- A. Compliance with the intent of the General Plan and characteristics of the zoning district
- B. Safety for persons and property or Detrimental to Persons or Property
- C. Health and sanitation
- D. Environmental concerns
- E. General Compatibility
- F. Use Compatibility
- G. The proposed development is in harmony with the general purposes and intent of the zoning ordinance and is compatible with and implements the planning goals and objectives of the City
- H. Compliance with regulations, i.e., the proposed use will comply with the regulations and conditions specified in this title for such use

• **Review impacts**

- A. General use and design
- B. Traffic
- C. Aesthetics
- D. Noise
- E. Hours of operations
- F. Electronic interference
- G. Parking
- H. Odors
- I. Glare, parking lot lights, building lights
- J. Vibration

• **Design Compatibility**

- A. Building size
- B. Building setback
- C. Building orientation
- D. Site features
- E. Landscaping
- F. Lighting
- G. Views
- H. Architectural and building materials
- I. Preserve the character-defining features of historic resources

Proposed Amendment	Current Regulation
<p>1. Purpose Statement (21A.54.010)</p> <p>a. A conditional use is a <u>land use which, because of its unique characteristics or potential impact on the municipality, surrounding neighbors or adjacent land uses, may not be compatible or may be compatible only if certain conditions are required that mitigate or eliminate the negative impacts.</u></p> <p>b. <u>Conditional uses are not allowed by right but may be allowed if appropriate conditions are applied which, in the judgment of the Planning Commission or administrative hearing officer, would mitigate adverse impacts that may arise by introducing a conditional use on the particular site, or it is determined the specific conditional use at the subject location has no negative impacts.</u></p> <p>c. It requires a careful review of its location, design, configuration and special impact to determine the desirability of allowing it on a particular site.</p> <p>d. Whether it is appropriate in a particular location requires a weighing, in each case, of the public need and benefit against the local impact, taking into account the applicant's proposals for ameliorating any adverse impacts through special site planning, development techniques and contributions to the provision of public improvements, rights of way and services.</p>	<p>1. Purpose Statement (21A.54.010)</p> <p>a. A conditional use is a use which has potential adverse impacts upon the immediate neighborhood and the city as a whole.</p> <p>b. It requires a careful review of its location, design, configuration and special impact to determine the desirability of allowing it on a particular site.</p> <p>c. Whether it is appropriate in a particular location requires a weighing, in each case, of the public need and benefit against the local impact, taking into account the applicant's proposals for ameliorating any adverse impacts through special site planning, development techniques and contributions to the provision of public improvements, rights of way and services. (Ord. 26-95 § 2(27-1), 1995)</p>
<p>2.</p>	<p>2. Authority (21A.54.020)</p> <p>The Planning Commission, or in the case of Administrative Conditional Uses, the Planning Director or designee, may, in accordance with the procedures and standards set out in this chapter, and other regulations applicable to the district in which the property is located, approve uses listed as conditional uses in the tables of permitted and conditional uses found at the end of each chapter of part III of this title for each category of zoning district or districts. (Ord. 69-06 § 1, 2006; Ord. 26-95 § 2(27-2), 1995)</p>
<p>3.</p>	<p>3. Categories of Conditional Uses (21A.54.030)</p> <p>Conditional uses shall consist of the following categories of uses:</p> <p>A. Uses Impacting Other Property: Uses that may</p>

Proposed Amendment	Current Regulation
	<p>give rise to particular problems with respect to their impact upon neighboring property and the city as a whole, including their impact on public facilities; and</p> <p>B. Planned Developments: The uses which fall within these categories are listed in the tables of permitted and conditional uses found at the end of each chapter of part III of this title for each category of zoning district or districts.</p> <p>C. Administrative Consideration Of Conditional Uses: Certain conditional uses may be considered to be low impact due to their particular location and are hereby authorized to be reviewed administratively according to the provisions contained in section 21A.54.155 of this chapter. Conditional uses that are authorized to be reviewed administratively are:</p> <ol style="list-style-type: none"> 1. Applications for low power wireless telecommunication facilities that are listed as conditional uses in subsection 21A.40.090E of this title. 2. Alterations or modifications to a conditional use that increase the floor area by one thousand (1,000) gross square feet or more and/or increase the parking requirement. 3. Any conditional use as identified in the tables of permitted and conditional uses for each zoning district, except those that: <ol style="list-style-type: none"> a. Are listed as a "residential" land use in the tables of permitted and conditional uses for each zoning district; b. Are located within a residential zoning district; c. Abut a residential zoning district or residential use; or d. Require planned development approval. 4. Public/private utility buildings and structures in residential and nonresidential zoning districts. (Ord. 69-06 § 2, 2006; Ord. 13-04 § 34, 2004; Ord. 81-01 § 2, 2001; Ord. 26-95 § 2(27-3), 1995)
4.	<p>4. Site Plan Review Required (21A.54.040) Site plan review of development proposals is required for all conditional uses in all districts. (Ord. 26-95 § 2(27-4), 1995)</p>
5.	<p>5. Initiation (21A.54.050) An application for a conditional use may be filed</p>

Proposed Amendment	Current Regulation
	with the zoning administrator by the owner of the subject property or by an authorized agent. (Ord. 26-95 § 2(27-5), 1995)
6.	<p>6. Procedures (21A.54.060)</p> <p>A. Application: A complete application shall contain at least the following information submitted by the applicant, unless certain information is determined by the zoning administrator to be inapplicable or unnecessary to appropriately evaluate the application:</p> <ol style="list-style-type: none"> 1. The applicant's name, address, telephone number and interest in the property; 2. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application; 3. The street address and legal description of the subject property; 4. The zoning classification, zoning district boundaries and present use of the subject property; 5. A complete description of the proposed conditional use; 6. Site plans, as required pursuant to section 21A.58.060 of this part; 7. Traffic impact analysis; 8. A signed statement that the applicant has met with and explained the proposed conditional use to the appropriate neighborhood organization entitled to receive notice pursuant to title 2, chapter 2.62 of this code; 9. A statement indicating whether the applicant will require a variance in connection with the proposed conditional use; 10. Mailing labels and first class postage for all persons required to be notified of the public hearing on the proposed conditional use pursuant to part II, chapter 21A.10 of this title; 11. Such other and further information or documentation as the zoning administrator may deem to be necessary for a full and proper consideration and disposition of the particular application. <p>B. Determination Of Completeness: Upon receipt of an application for a conditional use,</p>

Proposed Amendment

Current Regulation

the zoning administrator shall make a determination of completeness of the application pursuant to section 21A.10.010 of this title.

- C. **Fees:** The application for a conditional use shall be accompanied by the fee established on the fee schedule.
- D. **Staff Report-Site Plan Review Report:** Once the zoning administrator has determined that the application is complete a staff report evaluating the conditional use application shall be prepared by the planning division and forwarded to the Planning Commission, or, in the case of administrative conditional uses, the Planning Director or designee along with a site plan review report prepared by the development review team.
- E. **Public Hearing:** The Planning Commission, or, in the case of administrative conditional uses, the Planning Director or designee shall schedule and hold a public hearing on the proposed conditional use in accordance with the standards and procedures for conduct of the public hearing set forth in part II, chapter 21A.10 of this title. (See sections 21A.54.150 and 21A.54.155 of this chapter for additional procedures for public hearings in connection with planned developments and administrative conditional uses.)
- F. **Notice Of Applications For Additional Approvals:** Whenever, in connection with the application for a conditional use approval, the applicant is requesting other types of approvals, such as a variance or special exception, all required notices shall include reference to the request for all required approvals.
- G. **Planning Commission and Planning Director Or Designee Action:** At the conclusion of the public hearing, the Planning Commission, or, in the case of administrative conditional uses, the Planning Director or designee, shall either: 1) approve the conditional use; 2) approve the conditional use subject to specific modifications; or 3) deny the conditional use. (Ord. 69-06 § 3, 2006: Ord. 26-95 § 2(27-6), 1995)

Proposed Amendment	Current Regulation
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7.

7. Sequence Of Approval of Applications for both a Conditional Use and a Variance (21A.54.070)

Whenever the applicant indicates pursuant to subsection 21A.54.060A9 of this chapter that a variance will be necessary in connection with the proposed conditional use (other than a planned development), the applicant shall at the time of filing the application for a conditional use, file an application for a variance with the Board of Adjustment.

- A. Combined Review: Upon the filing of a combined application for a conditional use and a variance, at the initiation of the Planning Commission or the Board of Adjustment, the commission and the board may hold a joint session to consider the conditional use and the variance applications simultaneously.
- B. Actions By Planning Commission And Board Of Adjustment: Regardless of whether the Planning Commission and Board of Adjustment conduct their respective reviews in a combined session or separately, the Board of Adjustment shall not take any action on the application for a variance until the Planning Commission shall first act to recommend approval or disapproval of the application for the conditional use. (Ord. 26-95 § 2(27-7), 1995)

8. Standards for Conditional Uses (21A.54.080)

A. General Standards for Approval:

A conditional use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

State Law - LUDMA

In order to identify and evaluate the detrimental effects and the need for and/or

8. Standards For Conditional Uses (21A.54.080)

~~The planning commission shall only approve, approve with conditions, or deny a conditional use based upon written findings of fact with regard to each of the standards set forth below and, where applicable, any special standards for conditional uses set forth in a specific zoning district:~~

- A. The proposed development is one of the conditional uses specifically listed in this title;
- B. ~~The proposed development is in harmony with the general purposes and intent of this title and is compatible with and implements the planning goals and objectives of the city, including applicable city master plans;~~
- C. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on

Proposed Amendment

Current Regulation

adequacy of mitigating conditions, the Planning Commission shall review and consider the following:

Approval of Conditional Use Application

1. Master Plan and Code Compliance

A. The proposed development is supported by the general policies of the City Wide, Community, and Small Area Master plan text and the future land use map policies governing the site;

B. The proposed development is one of the conditional uses specifically listed in this title; and

Current

C. The proposed development is supported by the general purposes and intent of the zoning ordinance including the purpose statement of the zoning district.

2. Use Compatibility

The proposed use at the particular location is compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing development. In determining compatibility, the Planning Commission may consider the following:

Ogden City

A. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets;

Current

B. The type of use and its location does not create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected with the development of a permitted use. In determining unusual patterns, the Planning Commission shall consider:

i. The orientation of driveways and if they direct traffic to the major streets or local streets, and, if directed to the local streets, the impacts to the safety,

the adjacent streets;

D. The internal circulation system of the proposed development is properly designed;

E. Existing or proposed utility services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources;

F. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;

G. Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood;

H. Landscaping is appropriate for the scale of the development;

I. The proposed development preserves historical, architectural and environmental features of the property;

J. Operating and delivery hours are compatible with adjacent land uses;

K. The proposed conditional use or, in the case of a planned development, the permitted and conditional uses contained therein, are compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood or the city as a whole;

L. The proposed development complies with all other applicable codes and ordinances. (Ord. 35-99 § 95, 1999; Ord. 26-95 § 2(27-8), 1995)

purpose, and character of the local streets;

ii. Parking locations and size, and if parking plans encourage street side parking to the proposed use which impacts the adjacent land uses;

iii. Hours of peak land use when traffic to the proposed use would be greatest and that such times and peaks would not impact the ability of the surrounding uses to enjoy the use of their properties; and

iv. The hours of operation of the proposed use when compared with the hours of activity/operation of the surrounding uses and the potential of such hours of operation do not create noise, light or other nuisances not acceptable to the enjoyment of existing surrounding uses or common to the surrounding uses.

Ogden City

C. The internal circulation system of the proposed development is properly designed for motorized, non-motorized and pedestrian traffic, and mitigates impacts on adjacent properties;

Current (green underline is new)

D. Existing or proposed utility and public services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources; and

Current

E. Appropriate buffering, such as landscaping, setbacks, and building location is provided to protect adjacent land uses from light, noise and visual impacts.

Current (green underline is new)

F. Detrimental concentration of existing non-conforming or conditional uses substantially similar to the use proposed. The analysis is based on an inventory of uses within a quarter mile radius of the subject property.

3. Design Compatibility

The proposed conditional use is compatible with:

A. The architectural character of the community and the surrounding neighborhoods when required by the City's Compatible Infill Ordinance or standards required by the City's Historical Ordinance.

B. The character of the area with respect to: site design and location of parking lots, access ways, and delivery areas; impact on adjacent uses through loss of privacy, objectionable views of large parking or storage areas; or views and sounds of loading and unloading areas;

Ogden City

C. Operating and delivery hours are compatible with adjacent land uses; and
Current

D. The proposed design is compatible with the intensity, size, and scale for the type of use, and with the surrounding uses.

4. Detriment to Persons or Property

The proposed use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor be injurious to property and improvements in the community, existing surrounding uses, buildings, and structures. The applicant shall demonstrate that the proposed use:

A. Does not lead to deterioration of the environment by emitting pollutants into the ground or air that cause detrimental effects to the property or to neighboring properties;

B. Does not encroach on rivers or streams or direct run off into rivers or streams;

C. Does not introduce hazards or potentials for damage to neighboring properties that cannot be mitigated; and

D. Is in keeping with the type of existing uses surrounding the property, and that as proposed the development will improve the character of the area by encouraging reinvestment and upgrading of surrounding

properties.
Ogden City

5. Compliance with Other Applicable Regulations

The proposed development complies with all other applicable codes and ordinances.

Ogden City

6. Imposition of the Conditions of Approval

The Planning Commission may impose conditions on the proposed use which are in addition to any conditions specifically listed within this chapter. All conditions imposed shall meet the following criteria:

- A. The condition is within the police powers of Salt Lake City;
- B. The condition must substantially further a legitimate public purpose;
- C. The condition must further the same public purpose for which it is imposed;
- D. The applicant/owner may not be required to carry a disproportionate burden in furthering the public purpose; and
- E. Dedications of land and other contributions as conditions of approval must be reasonably related and roughly proportionate to the use of the property for which the conditional use permit is required.

South Jordan

7. Mitigating Conditions

As part of their review, the Planning Commission may impose mitigating conditions on the proposed development. These conditions may include but are not limited to the following areas: landscaping; access; loading and parking areas; sanitation; drainage and utilities; architecture and signage; fencing and screening; setbacks; natural hazards; public safety; environmental impacts; hours and methods of operation; dust, fumes, smoke and odor; noise, vibrations; chemicals, toxins, pathogens, and gases; and heat, light, and radiation.

The conditions which are imposed on a conditional use permit must be expressly attached to the permit and cannot be implied.

Proposed Amendment	Current Regulation
<p>South Jordan</p> <p>8. Denial of Conditional Use Application <u>The following findings or others may, in the judgment of the Planning Commission, be cause for denial of a conditional use application:</u></p> <p>A. The proposed use is unlawful;</p> <p>B. Conditions of approval could not reasonably mitigate the negative impacts of the proposed use.</p> <p>C. The proposed use would create or pose a nuisance, conflict, or hazard relating to noise, vibration, light, electrical or electronic interference, traffic, odor, fumes, dust, explosion, flooding, contaminations, or other negative effects on the neighboring properties or the community in general, without adequate mitigation.</p> <p>South Jordan</p>	
<p>9.</p>	<p>9. Conditions on Conditional Uses (21A.54.090) The Planning Commission, or, in the case of administrative conditional uses, the Planning Director or designee, may impose on a conditional use such conditions and limitations as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the conditional use, upon the city as a whole, or upon public facilities and services. However, such conditions shall not be used as a means to authorize as a conditional use any use which is intended to be temporary only. These conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this title. Such conditions shall be expressly set forth in the motion authorizing the conditional use.</p> <p>A. Violations Of Conditions: Violation of any such condition or limitation shall be a violation of this title and shall constitute grounds for revocation of the conditional use approval. (Ord. 69-06 § 4, 2006: Ord. 26-95 § 2(27-9), 1995)</p>

Proposed Amendment	Current Regulation
<p>10.</p>	<p>10.No Presumption of Approval (21A.54.100) The listing of a conditional use in any table of permitted and conditional uses found at the end of each chapter of part III of this title for each category of zoning district or districts does not constitute an assurance or presumption that such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this chapter and with the standards for the district in which it is located, in order to determine whether the conditional use is appropriate at the particular location. (Ord. 26-95 § 2(27-10), 1995)</p>
<p>11.</p>	<p>11.Effect Of Approval Of Conditional Use (21A.54.110) The approval of a proposed conditional use by the Planning Commission, or, in the case of administrative conditional uses, the Planning Director or designee, shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the city, including, but not limited to, a building permit, certificate of occupancy and subdivision approval. (Ord. 69-06 § 5, 2006: Ord. 26-95 § 2(27-11), 1995)</p>
<p>12. Limitations On Conditional Use Approval (21A.54.120) Subject to an extension of time granted by the Planning Commission, or, in the case of administrative conditional uses, the Planning Director or designee, no conditional use shall be valid for a period longer than twelve (12) months unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, or unless a certificate of occupancy is issued and a use commenced within that period, or unless a longer time is requested and granted by the Planning Commission, or, in the case of administrative conditional uses, the Planning Director or designee. <u>Any request for a time extension shall be required not less than thirty (30) days</u></p>	<p>12.Limitations On Conditional Use Approval (21A.54.120) Subject to an extension of time granted by the Planning Commission, or, in the case of administrative conditional uses, the Planning Director or designee, no conditional use shall be valid for a period longer than twelve (12) months unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, or unless a certificate of occupancy is issued and a use commenced within that period, or unless a longer time is requested and granted by the Planning Commission, or, in the case of administrative conditional uses, the Planning Director or designee. The approval of a proposed conditional use by the Planning Commission, or, in the case of administrative conditional uses, the</p>

Proposed Amendment	Current Regulation
<p>prior to the twelve (12) month time period. The approval of a proposed conditional use by the Planning Commission, or, in the case of administrative conditional uses, the Planning Director or designee, shall authorize only the particular use for which it was issued.</p>	<p>Planning Director or designee, shall authorize only the particular use for which it was issued. (Ord. 69-06 § 6, 2006; Ord. 26-95 § 2(27-12), 1995)</p>
<p>13.</p>	<p>13. Conditional Use Related To The Land 21A.54.130 An approved conditional use relates only to, and is only for the benefit of the use and lot rather than the owner or operator of such use or lot. (Ord. 26-95 § 2(27-13), 1995)</p>
<p>14.</p>	<p>14. Alterations Or Modifications To A Conditional Use (21A.54.135) Any land use currently listed as a conditional use under existing zoning regulations shall be required to obtain conditional use approval subject to the provisions of this chapter if the floor area increases by one thousand (1,000) gross square feet or more and/or the parking requirement is increased. A. Administrative Consideration Of Conditional Use: Applications for alterations and/or modifications to a conditional use may be reviewed according to the procedures set forth in section 21A.54.155 of this chapter. (Ord. 13-04 § 35, 2004)</p>
<p>15. Definitions <u>“Compatibility” means capability of existing together in harmony.</u> <u>“Conditional use” means a land use that because of its unique characteristics or potential impact on the municipality, surrounding neighbors or adjacent land uses may not be compatible in some area or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.</u> <u>“Fuel center” means a subordinate building site located on the same site as a principle building/use for the sale and dispensing of motor fuels or other petroleum products and the sale of convenience retail.</u></p>	<p>15. Definitions</p>

Proposed Amendment	Current Regulation
<p><u>“Gas station” means a principle building site and structures for the sale and dispensing of motor fuels or other petroleum products and the sale of convenience retail. A gas station may include minor auto repair and car wash facilities when such uses are listed as a permitted or conditional use.</u></p>	<p>Gas station means a building and premises where gasoline must be sold, and where oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made:</p>
<p><u>“Truck stop” means a building site and structures whether the business of maintenance, servicing, storage or repair of trucks, tractor-trailer rigs, eighteen wheel tractor-trailer rigs, busses and similar commercial or freight vehicles is conducted, including the sale and dispensing of motor fuel or other petroleum products and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight sleeping accommodations and restaurant facilities.</u></p>	<p>A. Sale and servicing of spark plugs, batteries, and distributors and distributor parts; B. Tire servicing and repair, but not recapping or regrooving; C. Replacement or adjustment of mufflers and tailpipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like; D. Radiator cleaning and flushing; provision of water, antifreeze and the like; E. Greasing and lubrication; F. Providing and repairing fuel pumps, oil pumps and lines; G. Servicing and repair of carburetors; H. Electrical repairs; I. Adjusting and repairing brakes; J. Minor motor adjustments not involving removal of the head or crankcase; and K. A. Sale of beverages, packaged foods, tobacco, and similar convenience goods.</p>

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

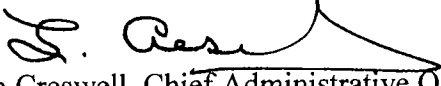
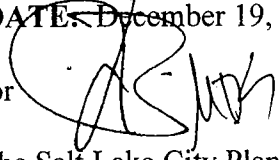
DEC 27 2007

TRANSMITTED

DEC 27 2006

TO CITY COUNCIL

CITY COUNCIL TRANSMITTAL


TO: Lyn Creswell, Chief Administrative Officer **DATE:** December 19, 2007
FROM: Louis Zunguze, Community Development Director 
RE: Petition 400-07-19: Zoning Text Amendment by the Salt Lake City Planning Commission to amend the Ordinance relating to Conditional Uses

STAFF CONTACTS: Nole Walkingshaw, Senior Planner, at 535-7128 or
nole.walkingshaw@slcgov.com

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

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: On July 17, 2007 the City Council passed Ordinance No. 49 of 2007, an Ordinance Enacting Temporary Land Use Regulations Regarding Conditional Use Permits on Residentially Zoned Properties and on Properties Abutting Residentially Zoned Areas throughout the City. As part of the ordinance, the Council initiated a petition to analyze the appropriateness of amending the zoning text relating to conditional uses.

Analysis: When the Salt Lake City Zoning Code was adopted in April 1995, it was assumed that the City had broad discretion in determining whether to grant or deny a conditional use permit. The Table of Permitted and Conditional Uses adopted by the City in its Zoning Code was based upon more discretionary standards. Under current state law, the City's criteria for conditional uses are inadequate and lack specificity. The Municipal Land Use, Development, and Management Act (LUDMA), Title 10, Chapter 9a, Utah Code Ann., was amended in 2005, limiting the City's discretion as to conditional use permits, particularly in cases of denial.

The six-month moratorium enacted by the City Council on July 17, 2007, asked for the following review and amendments to the Salt Lake City Zoning Ordinance.

- *Revise the Table of Permitted and Conditional Uses for residential areas to better define what uses are permitted, conditional, or not allowed in those areas.*

Staff has reviewed all Tables of Permitted and Conditional Uses. Uses which have been identified as problematic by the community, staff, the Administration, and the City Council. As a result of the review, these uses have either been proposed to be removed, made conditional, or a qualifying provision has been added within the specific district to help clarify the circumstances for allowing the use in the specific zone. Uses which have been identified as compatible uses within a specific zoning district have been added as either permitted or conditional, and/or a qualifying provision has been added.

- *Clarify the powers, duties, and responsibilities of land use related boards and commissions with regard to conditional uses.*

Staff did not identify any specific deficiencies in the powers, duties, and responsibilities of the boards and commissions with regard to conditional uses. However, the clarity of the standards, the rigorous review of the tables of permitted and conditional uses, as well as clarification of the purpose statement and definitions, will enable the boards and commissions to better administrate their powers, duties, and responsibilities.

- *Criteria for conditional uses are inadequate and lack specificity.*

Staff has redefined the Purpose Statement of a conditional use, proposed a new definition which is consistent with state law, and has reviewed and revised the Standards for Conditional Uses. A comprehensive review of other local jurisdictions, out of state municipalities, and information provided by private consultants demonstrated that there are many ways to structure the standards for review. In each review staff looked for standards by which the Planning Commission could potentially deny a particular use.

The proposed changes prepared by Planning Staff were circulated to pertinent City Departments and Divisions for comment. Comments from Building Services were supportive of the proposed changes; no other written department comments were received. Public comments have been generally supportive of the proposed text change. There has been significant discussion on the current impact of existing non-conforming uses and existing conditional uses. The expressed public sentiment is that there is a detrimental concentration of these uses in certain areas of the City.

Master Plan Considerations: The Futures Commission Report of 1998 Assertion N states: “City planners encourage private development but hold steadfast to an overall vision and reject proposals that may be economically attractive to the City but do not promote the City’s vision.”

PUBLIC PROCESS:

Citizen input included an Open House held September 27, 2007, which was attended by nine people. Written comments expressed the need for an “overlay” district prohibiting conditional

uses in areas where they are most highly concentrated, removal of “assisted living facilities” in RMF-35 zoning districts, and investigation into a maximum number for residential healthcare facilities.

Members of the Glendale community provided a review of the manufacturing districts and strongly expressed concerns regarding the encroachment of industrial uses and their impacts on the established residential neighborhoods, specifically expressing concerns regarding truck stops and the need for more opportunity for retail goods and services. The Salt Lake Coalition for Orderly Development and the East Central Community Council submitted a list of issues stating their primary concern as “there is a general crisis of trust and confidence by the community at large regarding the processes followed by the Planning/Permits Departments”. Specific to East Central Community Council is the “proliferation of non-conforming/conditional uses causing a net cumulative negative effect and disrupting the stated purpose of the zoning classification”.

On October 15, 2007 an email was sent to all Community Council Chairs, with the proposed text amendments and a memorandum discussing the issue. The only comments received were from the West Pointe Community Council who stated, “We, in the West Pointe CC area, have none of these issues to date. We have a very small business district, one separate 7-11 [convenience store], and the rest is residential (with some very large, but nicely maintained apartment complexes). I am in sympathy with the Greater Avenues.”

The Planning Commission held a Public Hearing on November 14, 2007, which was continued to November 28, 2007. Issues raised at the Public Hearing included discussion of specific changes to the tables of Permitted and Conditional Uses, the use of qualifying provisions in the tables to mitigate known or identified conflicts between abutting uses, and a detailed review of the proposed standards for review of a conditional use. The relationship between existing non-conforming uses and existing conditional uses was discussed in detail. There is a concern that the concentration of non-conforming uses is detrimental to the community and the addition of conditional uses into an area where a concentration exists furthers the detrimental impact. The City Attorney’s Office has cautioned staff on this point, stating, “We need to remember that the mere existence of the detrimental non-conforming and conditional uses alone may not be a basis for denial, unless there is also evidence that granting one more conditional use will exacerbate the detrimental impact”. At the conclusion of the hearing, the Planning Commission passed a unanimous motion to forward a positive recommendation for approval to the City Council.

RELEVANT ORDINANCES:

The petition amends the following Salt Lake City Code Sections:

21A.24.190 Table of Permitted and Conditional Uses for Residential Districts

21A.24.190 Qualifying Provisions (10)

21A.26.080 Table of Permitted and Conditional Uses for Commercial Districts

- 21A.26.080 Qualifying Provisions (8) and (9)
- 21A.28.040 Table of Permitted and Conditional Uses for Manufacturing Districts
- 21A.28.040 Qualifying Provisions (7)
- 21A.30.050 Table of Permitted and Conditional Uses for Downtown Districts
- 21A.30.050 Qualifying Provisions (5)
- 21A.32.140 Table of Permitted and Conditional Uses for Special Purpose Districts
- 21A.32.140 Qualifying Provisions (11)
- 21A.54.010 Purpose Statement:
- 21A.54.080 Standards For Conditional Uses:
- 21A.54.120 Limitations On Conditional Use Approval:
- 21A.62.040 Definitions

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). The five standards are discussed in detail starting on page 8 of the Planning Commission Staff Report (see Attachment 5 B).

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- 6. ORIGINAL PETITION**

1. CHRONOLOGY

Project Chronology

Petition 400-07-19

- July 17, 2007 City Council passed Ordinance No.49 of 2007, an Ordinance Enacting Temporary Land Use Regulations Regarding Conditional Use Permits on Residentially Zoned Properties and on Properties Abutting Residentially zoned Areas throughout the City.
- July 25, 2007 Petition assigned to Nole Walkingshaw
- July- November Staff conducted research and held various meetings in order to prepare recommended changes to the ordinance.
- August 15, 2007 Planning Commission Subcommittee meeting, Staff presented an outline of the proposed changes to the ordinance and further discussed processing Petition 400-05-16 Building and Site Design Review and Petition 400-17-19 Conditional Uses concurrently, due to the interrelationship between the two petitions.
- August 16, 2005 A copy of the draft changes was sent out for interdepartmental review.
- September 14, 2007 A public notice for an open house was sent to all Community Council Chairs and to all persons on the City's E-mail List Service.
- September 28, 2007 An open house was conducted for public comment and review.
- September 26, 2007 Notices for the Planning Commission issues only public hearing were sent out to all Community Council Chairs, to all persons on the City's E-mail List Service and to all attendants of the open house.
- October 10, 2007 The Planning Commission held an "issues only" public hearing. Public comments were received and additional public input was requested.
- October 15, 2007 An email notice including a memorandum discussing the proposed changes and the proposed text change was sent to all Community Council Chairs requesting additional review and comments.

October 15, 2007	An email was sent to the Planning Commission, Mayors Office and City Council requesting additional review and comments.
October 30, 2007	Staff met with the Coalition for Orderly Development and Community Development to discuss the issues and take comments.
October 31, 2007	Notices for the Planning Commission public hearing were sent out to all Community Council Chairs, to all persons on the City's E-mail List Service and to all attendants of the open house.
November 14, 2007	The Planning Commission held a public hearing. Public comments were received; the Planning Commission continued the hearing to November 28, 2007. Staff was directed to make minor changes and represent the petition for a final decision.
November 28, 2007	The Planning Commission held a public hearing; the hearing was closed to comments from the public. The Planning Commission reviewed proposed text changes and forwarded a recommendation to the City Council.

2. ORDINANCES

SALT LAKE CITY ORDINANCE

No. _____ of 2007

(Amending various provisions in Chapter 21A pertaining to conditional uses)

AN ORDINANCE AMENDING TABLE AT SECTION 21A.24.190, *SALT LAKE CITY CODE*, PERTAINING TO PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL USES, TABLE AT SECTION 21A.26.080, *SALT LAKE CITY CODE*, PERTAINING TO PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS, TABLE AT SECTION 21A.28.040, *SALT LAKE CITY CODE*, PERTAINING TO PERMITTED AND CONDITIONAL USES FOR MANUFACTURING DISTRICTS, TABLE AT SECTION 21A.30.050, *SALT LAKE CITY CODE*, PERTAINING TO PERMITTED AND CONDITIONAL USES FOR DOWNTOWN DISTRICTS, TABLE AT SECTION 21A.32.140, *SALT LAKE CITY CODE*, PERTAINING TO PERMITTED AND CONDITIONAL USES FOR SPECIAL PURPOSE DISTRICTS, SECTION 21A.54.010, *SALT LAKE CITY CODE*, PERTAINING TO PURPOSE STATEMENT FOR CONDITIONAL USES, SECTION 21A.54.080, *SALT LAKE CITY CODE*, PERTAINING TO STANDARDS FOR CONDITIONAL USES, SECTION 21A.54.120, *SALT LAKE CODE*, PERTAINING TO LIMITATIONS ON CONDITIONAL USE APPROVAL, AND SECTION 21A.62.040, *SALT LAKE CITY CODE*, PERTAINING TO DEFINITIONS, PURSUANT TO PETITION NO. 400-07-19.

WHEREAS, the Planning Commission and the City Council of Salt Lake City, Utah, have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and the local master plan as part of their deliberation. Pursuant to these deliberations, the City Council has concluded that the proposed amendments are in the best interest of the City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending Table of Permitted and Conditional Uses for Residential

Districts. That the table, entitled Table of Permitted and Conditional Uses for Residential Districts, which is located at Section 21A.24.190 of the *Salt Lake City Code*, shall be and hereby is amended, in part, as set forth in the attached Exhibit “A.”

SECTION 2. Amending Table of Permitted and Conditional Uses for Commercial

Districts. That the table, entitled Table of Permitted and Conditional Uses for Commercial Districts, which is located at Section 21A.26.080 of the *Salt Lake City Code*, shall be and hereby is amended, in part, as set forth in the attached Exhibit “B.”

SECTION 3. Amending Table of Permitted and Conditional Uses for

Manufacturing Districts. That the table, entitled Table of Permitted and Conditional Uses for Manufacturing Districts, which is located at Section 21A.28.040 of the *Salt Lake City Code*, shall be and hereby is amended, in part, as set forth in the attached Exhibit “C.”

SECTION 4. Amending Table of Permitted and Conditional Uses for Downtown

Districts. That the table, entitled Table of Permitted and Conditional Uses for Downtown Districts, which is located at Section 21A.30.050 of the *Salt Lake City Code*, shall be and hereby is amended, in part, as set forth in the attached Exhibit “D.”

SECTION 5. Amending Table of Permitted and Conditional Uses for Special

Purpose Districts. That the table, entitled Table of Permitted and Conditional Uses for Manufacturing Districts, which is located at Section 21A.32.140 of the *Salt Lake City Code*, shall be and hereby is amended, in part, as set forth in the attached Exhibit “E.”

SECTION 6. **Amending Section 21A.54.010 Purpose Statement for Conditional**

Uses. That Section 21A.54.010 of the *Salt Lake City Code*, pertaining to purpose statement for conditional uses be, and hereby is, amended to read as follows:

21A.54.010 Purpose Statement:

A conditional use is a land use which, because of its unique characteristics or potential impact on the municipality, surrounding neighbors or adjacent land uses, may not be compatible or may be compatible only if certain conditions are required that mitigate or eliminate the negative impacts ~~has potential adverse impacts upon the immediate neighborhood and the city as a whole.~~

Conditional uses are allowed unless appropriate conditions can not be applied which, in the judgment of the planning commission, or administrative hearing officer would mitigate adverse impacts that may arise by introducing a conditional use on the particular site or it is determined that specific conditional use at the subject location has no negative impacts. It requires a careful review of its location, design, configuration and special impact to determine the desirability of allowing it on a particular site. Whether it is appropriate in a particular location requires a weighing, in each case, of the public need and benefit against the local impact, taking into account the applicant's proposals for ameliorating any adverse impacts through special site planning, development techniques and contributions to the provision of public improvements, rights of way and services.

SECTION 7. **Amending Section 21A.54.080 Standards for Conditional Uses.** That

Section 21A.54.080 of the *Salt Lake City Code*, pertaining to conditional uses be, and hereby is, amended to read as follows:

21A.54.080 Standards For Conditional Uses:

~~The planning commission shall only approve, approve with conditions, or deny a conditional use based upon written findings of fact with regard to each of the standards set forth below and, where applicable, any special standards for conditional uses set forth in a specific zoning district:~~

~~A. — The proposed development is one of the conditional uses specifically listed in this title;~~

~~B. — The proposed development is in harmony with the general purposes and intent of this title and is compatible with and implements the planning goals and objectives of the city, including applicable city master plans;~~

~~C. — Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets;~~

~~D. — The internal circulation system of the proposed development is properly designed;~~

~~E. — Existing or proposed utility services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources;~~

~~F. — Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;~~

~~G. — Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood;~~

~~H. — Landscaping is appropriate for the scale of the development;~~

~~I. — The proposed development preserves historical, architectural and environmental features of the property;~~

~~J. — Operating and delivery hours are compatible with adjacent land uses;~~

~~K. — The proposed conditional use or, in the case of a planned development, the permitted and conditional uses contained therein, are compatible with the neighborhood surrounding the~~

~~proposed development and will not have a material net cumulative adverse impact on the neighborhood or the city as a whole;~~

~~L. The proposed development complies with all other applicable codes and ordinances.~~

A. General Standards for Approval: A conditional use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

In order to identify and evaluate the detrimental effects and the need for and/or adequacy of mitigating conditions, the Planning Commission shall review and consider the following:

Approval of Conditional Use Application

1. Master Plan and Code Compliance

A. The proposed development is supported by the general policies of the City Wide, Community, and Small Area Master plan text and the future land use map policies governing the site;

B. The proposed development is one of the conditional uses specifically listed in this title; and

C. The proposed development is supported by the general purposes and intent of the zoning ordinance including the purpose statement of the zoning district.

2. Use Compatibility

The proposed use at the particular location is compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing development. In determining compatibility, the Planning Commission may consider the following:

- A. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets;
- B. The type of use and its location does not create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected with the development of a permitted use. In determining unusual patterns, the Planning Commission shall consider:
- i. The orientation of driveways and if they direct traffic to the major streets or local streets, and, if directed to the local streets, the impacts to the safety, purpose, and character of the local streets;
 - ii. Parking locations and size, and if parking plans encourage street side parking to the proposed use which impacts the adjacent land uses;
 - iii. Hours of peak land use when traffic to the proposed use would be greatest and that such times and peaks would not impact the ability of the surrounding uses to enjoy the use of their properties; and
 - iv. The hours of operation of the proposed use when compared with the hours of activity/operation of the surrounding uses and the potential of such hours of operation do not create noise, height, or other nuisances not acceptable to the enjoyment of existing surrounding uses or common to the surrounding uses.

C. The internal circulation system of the proposed development is properly designed for motorized, non-motorized and pedestrian traffic, and mitigates impacts on adjacent properties;

D. Existing or proposed utility and public services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources; and

E. Appropriate buffering, such as landscaping, setbacks, and building location is provided to protect adjacent land uses from light, noise and visual impacts.

F. Detrimental concentration of existing non-conforming or conditional uses substantially similar to the use proposed. The analysis is based on an inventory of uses within a quarter mile radius of the subject property.

3. Design Compatibility

The proposed conditional use is compatible with:

A. The architectural character of the community and the surrounding neighborhoods when required by the City's Compatible Infill Ordinance or standards required by the City's Historical Ordinance.

B. The character of the area with respect to: site design and location of parking lots, access ways, and delivery areas; impact on adjacent uses through loss of privacy, objectionable views of large parking or storage areas; or views and sounds of loading and unloading areas;

C. Operating and delivery hours are compatible with adjacent land uses; and

D. The proposed design is compatible with the intensity, size, and scale for the type of use, and with the surrounding uses.

4. Detriment to Persons or Property

The proposed use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor be injurious to property and improvements in the community, existing surrounding uses, buildings, and structures. The applicant shall demonstrate that the proposed use:

A. Does not lead to deterioration of the environment by emitting pollutants into the ground or air that cause detrimental effects to the property or to neighboring properties;

B. Does not encroach on rivers or streams or direct run off into rivers or streams;

C. Does not introduce hazards or potentials for damage to neighboring properties that cannot be mitigated; and

D. Is in keeping with the type of existing uses surrounding the property, and that as proposed the development will improve the character of the area by encouraging reinvestment and upgrading of surrounding properties.

5. Compliance with Other Applicable Regulations

The proposed development complies with all other applicable codes and ordinances.

6. Imposition of the Conditions of Approval

The Planning Commission may impose conditions on the proposed use which are in addition to any conditions specifically listed within this chapter. All conditions imposed shall meet the following criteria:

A. The condition is within the police powers of Salt Lake City;

- B. The condition must substantially further a legitimate public purpose;
- C. The condition must further the same public purpose for which it is imposed;
- D. The applicant/owner may not be required to carry a disproportionate burden in furthering the public purpose; and
- E. Dedications of land and other contributions as conditions of approval must be reasonably related and roughly proportionate to the use of the property for which the conditional use permit is required.

7. Mitigating Conditions

As part of their review, the Planning Commission may impose mitigating conditions on the proposed development. These conditions may include but are not limited to the following areas: landscaping; access; loading and parking areas; sanitation; drainage and utilities; architecture and signage; fencing and screening; setbacks; natural hazards; public safety; environmental impacts; hours and methods of operation; dust, fumes, smoke and odor; noise, vibrations; chemicals, toxins, pathogens, and gases; and heat, light, and radiation.

The conditions which are imposed on a conditional use permit must be expressly attached to the permit and cannot be implied.

8. Denial of Conditional Use Application

The following findings or others may, in the judgment of the Planning Commission, be cause for denial of a conditional use application:

- A. The proposed use is unlawful;
- B. Conditions of approval could not reasonably mitigate the negative impacts of the proposed use.

C. The proposed use would create or pose a nuisance, conflict, or hazard relating to noise, vibration, light, electrical or electronic interference, traffic, odor, fumes, dust, explosion, flooding, contaminations, or other negative effects on the neighboring properties or the community in general, without adequate mitigation.

SECTION 8. **Amending Section 21A.54.120 Limitations on Conditional Use**

Approval. That Section 21A.54.120 of the *Salt Lake City Code*, pertaining to limitations on conditional use approval be, and hereby is, amended to read as follows:

21A.54.120 Limitations On Conditional Use Approval:

Subject to an extension of time granted by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, no conditional use shall be valid for a period longer than twelve (12) months unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, or unless a certificate of occupancy is issued and a use commenced within that period, or unless a longer time is requested and granted by the planning commission, or, in the case of administrative conditional uses, the planning director or designee. Any request for a time extension shall be required not less than thirty (30) days prior to the twelve (12) month time period. The approval of a proposed conditional use by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, shall authorize only the particular use for which it was issued.

SECTION 9. **Amending Section 21A.62.040 Definitions.** That Section 21A.62.040 of the *Salt Lake City Code*, pertaining to definitions be, and hereby is, amended, in part, as follows:

“Compatibility” means capability of existing together in harmony.

“Conditional use” means a land use that because of its unique characteristics or potential impact on the municipality, surrounding neighbors or adjacent land uses may not be compatible in some area or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

“Fuel center” means a subordinate building site located on the same site as a principle building/use for the sale and dispensing of motor fuels or other petroleum products and the sale of convenience retail.

“Gas station” means a principle building site and structures for the sale and dispensing of motor fuels or other petroleum products and the sale of convenience retail. A gas station may include minor auto repair and car wash facilities when such uses are listed as a permitted or conditional use. building and premises where gasoline must be sold, and where oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made:

- A. Sale and servicing of spark plugs, batteries, and distributors and distributor parts;
- B. Tire servicing and repair, but not recapping or regrooving;
- C. Replacement or adjustment of mufflers and tailpipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
- D. Radiator cleaning and flushing; provision of water, antifreeze and the like;
- E. Greasing and lubrication;
- F. Providing and repairing fuel pumps, oil pumps and lines;
- G. Servicing and repair of carburetors;

H. ~~Electrical repairs;~~

I. ~~Adjusting and repairing brakes;~~

J. ~~Minor motor adjustments not involving removal of the head or crankcase; and~~

K. ~~Sale of beverages, packaged foods, tobacco, and similar convenience goods.~~

“Truck stop” means a building site and structures whether the business of maintenance, servicing, storage or repair of trucks, tractor-trailer rigs, eighteen wheel tractor-trailer rigs, busses and similar commercial or freight vehicles is conducted, including the sale and dispensing of motor fuel or other petroleum products and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight sleeping accommodations and restaurant facilities.

SECTION 10. **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 _____, 2007.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2007.

Published: _____.

HB_ATTYS-#2554-v1-Amending_21A_24_Conditional_Use_Provisions_-_11-26-07_draft.DOC

Exhibit A

**Conditional Uses Text Proposed Text Change
400-07-19**

21A.24.190 Table of Permitted and Conditional Uses for Residential Districts:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT																		
	RESIDENTIAL DISTRICTS																		
Use	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R-MU-35	R-MU-45	R-MU	RO
Rooming (boarding) house											€	€	P	P	€	P	P	P	P
Medical and dental clinics and offices															€	€ <u>P</u>	€ <u>P</u>	P3	PP 9
Movie theatres/live performance theatres																C	C	P	<u>P</u>
Tavern/lounge/ Private Clubs/ brewpub; 2,500 sq feet or less in floor area																		C	
Gas station-may include accessory convenience retail and/or "minor repairs" as defined in part VI , chapter 21A.62 of this title															P	€	€	P	
<u>"Fuel Center"</u>																			
Restaurants, without drive-through facilities															€ <u>P</u> <u>10</u>	€ <u>P10</u>	€ <u>P10</u>	P3	
Retail service establishments															<u>P4</u>	<u>P</u>	<u>P</u>	<u>P3</u>	
Institutional																			

Adult day care center														C	<u>C</u> <u>P</u>		P	P	P	P
Governmental uses and facilities																	P	P	P	P9
Museum																	C	C	P3	
Music conservatory																<u>P</u>	P	P	P	
Nursing care facility (see section 21A.36.060 of this title)														P	P		<u>C</u> <u>P</u>	P	P	
Commercial																				
Laboratory; medical; dental; optical																			P3	<u>P</u>
Plant and garden shop, with outdoor retail sales area																C4	C	C	C3	<u>C</u>
<u>Funeral Home/Mortuary</u>																				
House museum in landmark sites (see subsection 21A.24.010S of this chapter)	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	<u>P</u>	P	<u>P</u>	P

Qualifying Provisions:

1. A single apartment unit may be located above first floor retail/office.
2. Provided that no more than 2 two-family buildings are located adjacent to one another and no more than 3 such dwellings are located along the same block face (within subdivisions approved after April 12, 1995).
3. Subject to conformance with the provisions of subsection 21A.24.170E of this chapter.
4. Construction for a nonresidential use shall be subject to all provisions of subsections 21A.24.160I and J of this chapter.
5. See subsection 21A.02.050B of this title for utility regulations.
6. Subject to conformance of the provision to section 21A.36.170 of this title.
7. When located in a building on the Salt Lake City Register of Cultural Resources (see subsection 21A.24.010S of this chapter).
8. Buildings in excess of 7,000 square feet in the SR-1 and R-2 districts when located in a building on the Salt Lake City Chapter of Cultural Resources (see subsection 21A.24 010S of this chapter.
9. Building additions on lots less than 20, 000 square feet for office uses may not exceed 50 percent of the buildings footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to the conditional use process.
10. **Subject to the building and site design review process 21A.59 of this title.**

Exhibit B

21A.26.080 Table of Permitted and Conditional Uses For Commercial Districts:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT						
	COMMERCIAL DISTRICTS						
USE	CN	CB	CC	CS ¹	CSHBD ¹	CG	TC-75
C = Conditional Use P = Permitted Use							
Retail Sales And Services							
"Gas station" (may include accessory convenience retail and/or minor repairs) as defined in, chapter 21A.62	P	P	P	<u>P</u> <u>C9</u>	P	P	
<u>"Fuel Center"</u>			<u>P</u>	<u>C9</u>		<u>P</u>	
<u>"Truck Stop"</u>							
Superstore and hypermarket store				P <u>g</u>		P <u>g</u>	
Value retail/membership wholesale						P <u>g</u>	
Commercial parking garage or lot			<u>C</u> <u>P g</u>		P	P	<u>C</u> <u>P g</u>
Restaurants with drive-through facilities	<u>C9</u>	P	P	P	P	P	C
Retail goods establishments with drive-through facilities	<u>C9</u>	P	P	P	P	P	C
Retail services establishments with drive-through facilities	<u>C9</u>	P	P	P	P	P	C

Qualifying Provisions:

1. Development in the CS district shall be subject to planned development approval pursuant to the provisions of section 21A.54.150 of this title. Certain developments in the CSHBD zone shall be subject to the conditional building and site design review process pursuant to the provisions of subsection 21A.26.060D of this chapter and chapter 21A.59 of this title.
2. See subsection 21A.02.050B of this title for utility regulations.
3. When located in a building listed on the Salt Lake City Register of Cultural Resources (see subsection 21A.24.010S of this part and subsection 21A.26.010K of this chapter).
4. Subject to Salt Lake Valley health department approval.
5. Pursuant to the requirements set forth in section 21A.36.140 of this title.
6. Subject to location restrictions as per section 21A.36.190 of this title.
7. Greater than 3 ambulances at location require a conditional use.
8. Subject to the building and site design review process 21A.59 of this title.
9. Not permitted when abutting a residential use.

Exhibit C

21A.28.040 Table of Permitted and Conditional Uses For Manufacturing Districts:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT	
C = Conditional Use P = Permitted Use	MANUFACTURING DISTRICTS	
USE	M-1	M-2
<i>"Truck Stop" (may include accessory convenience retail and/or minor repairs) as defined in part VI, chapter</i>	<u>C</u>	<u>C</u>
<i>"Fuel Center"</i>	<u>P</u>	<u>P</u>
Recycling processing center (outdoor)	<u>C</u>	<u>P</u> <u>C</u>
Automobile salvage and recycling (outdoor)	<u>C</u>	<u>P</u> <u>C</u>
Living quarters for a caretaker or security guard, limited to uses on lots 1 acre in size or larger and is accessory to a principal use allowed by the zoning district	<u>C</u> <u>P 7</u>	<u>C</u> <u>P 7</u>
Railroad "spur" delivery facility	<u>P</u> <u>C</u>	P

Qualifying Provisions:

1. See subsection 21A.02.050B of this title for utility regulations.
2. Subject to Salt Lake Valley health department approval.
3. Electric generating facilities shall be located within 2,640 ft of an existing 138 kV or larger electric power transmission line.
4. No railroad freight terminal facility may be located within a 5 mile radius of any other existing railroad freight terminal facility.
5. Pursuant to the requirements set forth in section 21A.36.140 of this title.
6. If a place of worship is located within 600 feet of a tavern, private club, brewpub or microbrewery, a written waiver of spacing requirements is required as a condition of approval.
7. Subject to the building and site design review process 21A.59 of this title.

Exhibit D

21A.30.050 Table of Permitted and Conditional Uses For Downtown Districts:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT DOWNTOWN DISTRICTS			
	D-1	D-2	D-3	D-4
C = Conditional Use P = Permitted Use				
Use				
Pawshop	C	P		
Government facilities (excluding those of an industrial nature and prison)	<u>P 5</u>	<u>P 5</u>	P	P
Libraries		<u>P</u>	P	P
Museum	<u>P</u>	<u>P</u>	P	P
Music conservatory	<u>P</u>	<u>P</u>	P	P
Conference centers	<u>P</u>			P
Convention centers with or without hotels	<u>P</u>			P
<u>Funeral Home/Mortuary</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Limousine service		P	<u>P</u>	<u>P</u>
Natural open space and conservation areas on lots less than 4 acres in size	C <u>P 5</u>	C <u>P 5</u>	C <u>P 5</u>	C <u>P 5</u>
Pedestrian pathways, trails and greenways	C <u>P 5</u>	C <u>P 5</u>	C <u>P 5</u>	C <u>P 5</u>

Qualifying Provisions:

1. See subsection 21A.02.050B of this title for utility regulations.
2. Radio station equipment and antennas shall be required to go through the site plan review process to ensure that the color, design and location of all proposed equipment and antennas are screened or integrated into the architecture of the project and are compatible with surrounding uses.
3. Uses allowed only within the boundaries and subject to the provisions of the downtown Main Street core overlay district (section 21A.34.110 of this part).
4. Any car wash located within 165 feet (including streets) of a residential use shall only be permitted as a conditional use.
5. Subject to the building and site design review process 21A.59 of this title.

Exhibit E

21A.32.140 Table of Permitted and Conditional Uses For Special Purpose Districts:

LEGEND		PERMITTED AND CONDITIONAL USES SPECIAL PURPOSE DISTRICTS																	
C = Conditional Use P = Permitted Use		RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU	
Retail service establishments			<u>C7</u>																P
Museums	<u>C</u> <u>P11</u>										P	P	P	P					
Pedestrian pathways, trails and greenways	<u>P11</u>	<u>P11</u>							<u>P11</u>						P				P
<i>Funeral Home/Mortuary</i>																			
Tavern/private club/lounge/brewpub; 2,500 square feet or less in floor area																			C
Off site parking											P	C	C	<u>C</u> <u>P11</u>	<u>C</u> <u>P11</u>				C

Qualifying Provisions:

1. See subsection 21A.02.050B of this title for utility regulations.
2. When located in a building listed on the Salt Lake City Register of Cultural Resources.
3. When located on an arterial street
4. Subject to Salt Lake Valley health department approval.
5. In conjunction with, and within the boundaries of, a cemetery for human remains.
6. Radio station equipment and antennas shall be required to go through the site plan review process to ensure that the color, design and location of all proposed equipment and antennas are screened or integrated into the architecture of the project and are compatible with surrounding uses.
7. When approved as part of a business park planned development pursuant to the provisions of section 21A.54.150 of this title.
8. Kennels, public or private, whether within penned enclosures or within enclosed buildings, shall not be permitted within 200 feet of an existing single-family dwelling on an adjacent lot.
9. Trails and trail heads without parking lots and directional and informational signage specific to trail usage shall be permitted.
10. Greater than 3 ambulances at location requires a conditional use.
11. Subject to the building and site design review process 21A.59 of this title.

3. NOTICE OF CITY COUNCIL HEARING

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering a Zoning Text Amendment to Title 21A Zoning Ordinance. On July 17, 2007 the Council enacted a six month moratorium and the Temporary Land Use Regulations for Conditional Use Permits on Residentially Zoned Properties and Properties Abutting Residentially Zoned Properties. The purpose of this legislation, as stated, was to review Conditional Uses as a whole, changes are proposed to the definition, purpose statement, tables of permitted and conditional uses, the standards for which conditional uses are reviewed as well as the powers and duties of the Planning Commission.

The City Council will hold a public hearing to receive comments regarding the petition. During this hearing, the Planning staff may present information on the petition and anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME:

PLACE: Room 315
City and County Building
451 South State Street
Salt Lake City, Utah

Salt Lake City complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the ADA Coordinator at 535-7971; TDD 535-6021.

If you have any questions relating to this proposal, please attend the meeting or contact Nole Walkingshaw at 535-7128 or via e-mail nole.walkingshaw@slcgov.com.

4. MAILING LIST

LESLIE REYNOLDS-BENNS, PHD
WESTPOINTE CHAIR
1402 MIAMI ROAD
SALT LAKE CITY UT 84116

KENNETH L NEAL
ROSE PARK CHAIR
1071 NORTH TOPAZ
SALT LAKE CITY UT 84116

ANGIE VORHER
JORDAN MEADOWS CHAIR
1988 SIR JAMES DRIVE
SALT LAKE CITY UT 84116

VICKY ORME
FAIRPARK CHAIR
159 NORTH 1320 WEST
SALT LAKE CITY UT 84116

MIKE HARMAN
POPLAR GROVE CHAIR
1044 WEST 300 SOUTH
SALT LAKE CITY UT 84104

RANDY SORENSON
GLENDALE CHAIR
1184 SOUTH REDWOOD DR
SALT LAKE CITY UT 84104

POLLY HART
CAPITOL HILL CHAIR
355 NORTH QUINCE STREET
SALT LAKE CITY UT 84103

WAYNE F GREEN
GREATER AVENUES CHAIR
371 E 7TH AVENUE
SALT LAKE CITY UT 84103

D. CHRISTIAN HARRISON
DOWNTOWN CHAIR
336 WEST BROADWAY, #308
SALT LAKE CITY UT 84101

BILL DAVIS
PEOPLE'S FREEWAY CHAIR
332 WEST 1700 SOUTH
SALT LAKE CITY UT 84115

ANA ARCHULETA
CENTRAL CITY CHAIR
204 HERBERT AVENUE
SALT LAKE CITY UT 84111

JOEL BRISCOE
EAST CENTRAL CHAIR
PO BOX 58902
SALT LAKE CITY UT 84158

JIM FISHER
LIBERTY WELLS CHAIR
PO BOX 522318
SALT LAKE CITY, UT 84152

JON DEWEY
YALECREST CHAIR
1724 PRINCETON AVE
SALT LAKE CITY UT 84108

DANIEL JENSEN
WASATCH HOLLOW CHAIR
1670 EAST EMERSON AVE
SALT LAKE CITY UT 84105

DIANE BARLOW
SUNNYSIDE EAST CHAIR
359 SOUTH 2300 EAST
SALT LAKE CITY UT 84108

ELLEN REDDICK
BONNEVILLE HILLS CHAIR
2177 ROOSEVELT AVENUE
SALT LAKE CITY UT 84108

MICHAEL AKERLOW
FOOTHILL/SUNNYSIDE CHAIR
1940 HUBBARD AVE
SALT LAKE CITY UT 84108

PAM PEDERSEN
EAST LIBERTY PARK CHAIR
PO BOX 520123
SALT LAKE CITY, UT 84152

ARCADIA HEIGHTS/BENCHMARK
CHAIR
Vacant

GRACE SPERRY
SUGAR HOUSE CHAIR
2660 HIGHLAND DRIVE
SALT LAKE CITY UT 84106

JAK HILLS CHAIR
/vacant

BRUCE COHNE
EAST BENCH CHAIR
2384 SOUTH SUMMIT CIRCLE
SALT LAKE CITY, UT 84109

SUNSET OAKS CHAIR
/vacant

INDIAN HILLS CHAIR
/vacant

ST. MARY'S CHAIR
/vacant

5. PLANNING COMMISSION
a. Original Agenda/Notice
November 14, 2007

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, October 10, 2007 at 5:45 p.m.**

Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. This portion of the meeting is open to the public for observation.

1. APPROVAL OF MINUTES FROM WEDNESDAY, SEPTEMBER 26, 2007
2. REPORT OF THE CHAIR AND VICE CHAIR
3. REPORT OF THE DIRECTOR
 - a. **Petitions 410-761 and 490-06-04, Bouck Village Planned Development**--a request by Monte Yedlin for a time extension for the approval of the Bouck Village Planned Development located at approximately 1566 West 500 North in a Single Family Residential (R-1-5,000) Zoning District. The expiration date of the approval for the planned development was on May 20, 2007. The applicant recently purchased the property and is requesting that the approval date be extended until May 10, 2008 to allow time to record the final plat. The applicant is also asking that the side yard of lot 4 be decreased from 20 feet to 15 feet to be consistent with lots 1 through 3 (Staff--Ray McCandless at 535-7282 or ray.mccandless@slcgov.com).
4. PUBLIC HEARING
 - a. **Petitions 410-06-29 & 490-07-09, Capitol View Planned Development and Preliminary Subdivision**--a request for clarification regarding the approval that the Planning Commission granted for this project on June 27, 2007, concerning the proposed average lot size and overall project density (Staff--Lex Traughber (801)535-6184 or lex.traughber@slcgov.com).
 - b. **Petition 410-07-20, Rocky Mountain Power-Donner Way**--a request for approval for a Conditional Use, to install above ground utility vaults (which will replace existing below ground vaults) at approximate locations near 900 S, 910 S, 913 S, 925 S, and 939 S. Donner Way, 895 S. Donner Circle; 3075 E. and 3125 E. Kennedy Drive. The project is in the RMF-45 (Moderate/High Density Multi-Family Residential) Zoning District, in Council District Six (Staff--Marilynn Lewis at 535-6409 or marilynn.lewis@slcgov.com).
 - c. **Petition 400-07-19, Conditional Use**-- a request by the Salt Lake City Council to amend sections of the Salt Lake City Zoning Ordinance relating to Conditional Uses in general and specifically, focusing on the Table of Permitted and Conditional Uses, the criteria for which Conditional Uses are reviewed and approved and the powers and duties of the Planning Commission are relating to conditional uses. This is an Issues Only hearing Public comment will be taken at this hearing; however no final decision will be rendered at this meeting by the Planning Commission as a result of the discussion and public comment. A Planning Commission will schedule a meeting in the future to make a final decision. (On July 17, 2007, the City Council past Ordinance Number 49 of 2007 which placed a moratorium on all conditional uses in residentially zoned districts and those abutting residentially zoned areas throughout the City. This petition is in response to the moratorium (Staff--Nole Walkingshaw at 535-7128 or nole.walkingshaw@slcgov.com).
 - d. **Petition 400-05-16, Building and Site Design Review**--a request by the Salt Lake City Planning Commission, requesting amendments to the zoning ordinance relating to Conditional Building and Site Design Review. In 2005, the City Council Adopted the Conditional Building and Site Design Review Process as part of the Walkable Communities Ordinance. The proposed text amendment will allow for a review of design related requests which have been previously approved through the Conditional Use process to be reviewed through the Building and Site Design Review Process. Items that are proposed to be reviewed through the Building and Site Design Review Process, rather than the conditional use process, include: additional building height, building façade materials, minimum building setbacks and first floor glass. This is an Issues Only hearing to consider and discuss the proposed text amendment. Public comment will be taken at this hearing; however no final decision will be rendered by the Planning Commission at this meeting The Planning Commission will schedule a meeting in the future to make a final decision (Staff--Nole Walkingshaw at 535-7128 or nole.walkingshaw@slcgov.com).

Visit the Planning and Zoning Enforcement Division's website at www.slcgov.com/CED/planning.com for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.

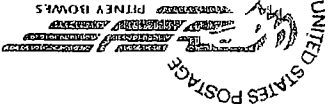
PUBLIC HEARING NOTICE

Salt Lake City Planning Division
451 South State Street, Room 406
PO Box 145480
Salt Lake City UT 84111

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FIRST CLASS



1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing
3. In order to be considerate of everyone attending the meeting, public comments are limited to two (2) minutes per person, per item. A spokesperson who has already been asked by a group to summarize their concerns will be allowed five (5) minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting.
Written comments should be sent to:

Salt Lake City Planning Commission
451 South State Street, Room 406
Salt Lake City UT 84111

4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. The Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at 535-7757; TDD 535-6220.

451 SO. STATE ST. ROOM 406
SALT LAKE CITY, UT 84111

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, November 14, 2007 at 5:45 p.m.**

The field trip is scheduled to leave at 4:00 p.m. Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. This portion of the meeting is open to the public for observation.

APPROVAL OF MINUTES FROM WEDNESDAY, October 24, 2007

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

PUBLIC HEARING

1. **Airport Light Rail Transit Line**— a recommendation will be forwarded to the City Council regarding a proposal by the Utah Transit Authority to build an Airport Light Rail Transit line, including potential track alignment and station locations (Staff—Doug Dansie at 535-6182 or doug.dansie@slcgov.com).
2. **Petition 400-07-18 Riparian Corridor Overlay District**— on July 17, 2007 the City Council enacted a moratorium and Temporary Land Use Regulations for Non-Ephemeral above Ground Streambed Corridors. The purpose, as stated in this draft zoning regulation, is to minimize erosion, stabilize stream banks, protect water quality, preserve fish and wildlife habitats, as well as preserve aesthetic values of natural watercourses and wetland areas. Planning Staff has created the new draft Riparian Corridor Overlay District to address protection for the streams east of I-215, which will include the Jordan River. Also proposed are minor revisions to the existing Lowland Conservancy Overlay District to remove the Jordan River and focus on streams west of I-215 and the surplus canal (Staff—Marilynn Lewis at 535-6409 or marilynn.lewis@slcgov.com).
3. **Petition 400-07-19, Amend Conditional Use Regulations**— a request by the Salt Lake City Council to amend sections of the Salt Lake City Zoning Ordinance relating to Conditional Uses in general and specifically focusing on the Table of Permitted and Conditional Uses, the criteria by which Conditional Uses are reviewed and approved, and the powers and duties of the Planning Commission relating to Conditional Uses. This is an Issues Only hearing to consider and discuss the proposal draft text amendment. Public comment will be taken at this hearing; however, no final decision will be rendered at this meeting by the Planning Commission. On July 17, 2007, the City Council passed Ordinance Number 49 of 2007 which placed a moratorium on all Conditional Uses in residentially zoned districts and those abutting residentially zoned areas throughout the City and this petition is in response to that moratorium (Staff—Nole Walkingshaw at 535-7128 or nole.walkingshaw@slcgov.com).
4. **Petition 400-05-16, Building and Site Design Review**—a request by the Salt Lake City Planning Commission, requesting amendments to the zoning ordinance relating to Conditional Building and Site Design Review. In 2005, the City Council Adopted the Conditional Building and Site Design Review Process as part of the Walkable Communities Ordinance. The proposed text amendment will allow for a review of design related requests, which have been previously approved through the Conditional Use process to be reviewed through the Building and Site Design Review Process. Items that are proposed to be reviewed through the Building and Site Design Review Process, rather than the Conditional Use process, include: additional building height, building façade materials, minimum building setbacks and first floor glass requirements. This is an Issues Only hearing to consider and discuss the proposed draft text amendment. Public comment will be taken at this hearing; however, no final decision will be rendered by the Planning Commission at this meeting. (Staff—Nole Walkingshaw at 535-7128 or nole.walkingshaw@slcgov.com).
5. **Petition 410-07-37, Rocky Mountain Power Utility Boxes- Marmalade**—a request for approval for a Conditional Use, of **above ground electric utility boxes that exceed height and volume limits** located at approximately the northeast corner of 500 North 300 West & southeast corner of 600 North 300 West. The instillation site is located within the public right-of-way. The project purpose is to convert the overhead power distribution lines to underground lines and provide service to the new Marmalade project. Public/private utility structures in residential zoning districts require a Conditional Use review and approval by the Planning Commission. The project is in the RMU-45 (Residential-Mixed Use) Zoning District (Staff—Marilynn Lewis at 535-6260 or marilyn.lewis@slcgov.com or Casey Stewart at 535-6260 or Casey.stewart@slcgov.com).

OTHER BUSINESS

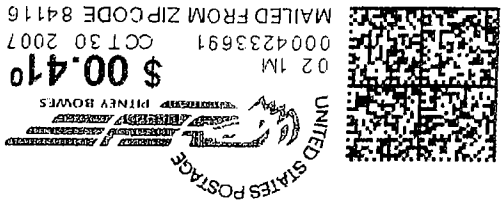
Visit the Planning and Zoning Enforcement Division's website at www.slcgov.com/CED/planning.com for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.

PUBLIC HEARING NOTICE

* Address: Please provide sender with complete and updated delivery address information.

Deliver to #1733

Salt Lake City Planning Division
451 South State Street, Room 406
PO Box 145480
Salt Lake City UT 84111



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Salt Lake City Planning Commission
451 South State Street, Room 406
Salt Lake City UT 84111
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Salt Lake City, UT
84111

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING**
In Room 326 of the City & County Building at 451 South State Street
Wednesday, November 28, 2007 at 5:45 p.m.

The field trip is scheduled to leave at 4:00 p.m. Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. This portion of the meeting is open to the public for observation.

APPROVAL OF MINUTES FROM WEDNESDAY, November 14, 2007

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

1. **Downtown Master Plan update**—(Staff—Doug Dansie at 535-6182 or doug.dansie@slcgov.com).

ISSUES ONLY PUBLIC HEARING

2. **Petition No. 400-07-27, "Formula Based" Business Ordinance Zone Text and Map Amendment**— Salt Lake City Mayor Rocky Anderson has initiated a petition to analyze the appropriateness of amending the provisions of the Salt Lake City Zoning Ordinance, creating a new "Overlay" zone prohibiting "Formula Based" or chain businesses in specific neighborhood business districts (Staff—Kevin LoPiccolo at (801) 535-6003 or kevin.lopiccolo@slcgov.com).

PUBLIC HEARING

3. **Petition 400-07-18, Riparian Corridor Overlay District continuation**— on July 17, 2007 the City Council enacted a moratorium and Temporary Land Use Regulations for Non-Ephemeral above Ground Streambed Corridors. The purpose, as stated in this draft zoning regulation, is to minimize erosion, stabilize stream banks, protect water quality, preserve fish and wildlife habitats, as well as preserve aesthetic values of natural watercourses and wetland areas. Planning Staff has created the new draft Riparian Corridor Overlay District to address protection for the streams east of I-215, which will include the Jordan River. Also proposed are minor revisions to the existing Lowland Conservancy Overlay District to remove the Jordan River and focus on streams west of I-215 and the surplus canal (Staff—Marilynn Lewis at 535-6409 or marilynn.lewis@slcgov.com).
4. **Petition 410-07-26 -Qwest Corporation, Foothill Place Apartment Utility Cabinet**—a request by Michael Johnson, representing Qwest, for a conditional use for utility installation of a power pedestal adjacent to existing telecommunication cabinets within a private easement located in the northwest corner of the Foothill Place Apartments at approximately 2200 East Foothill Drive. The property is located in an RMF-35 Zoning District (Moderate Density Multi Family) in Council District Seven (Staff—Kevin LoPiccolo at 535-6003 or kevin.lopiccolo@slcgov.com).
5. **Petition 410-06-07, Devine Conditional Use for an Office Use in a Landmark Site**—a request by Michael Devine at approximately 1177 East South Temple Street for an extension of time for a conditional use approval to establish an office use in the Armstrong House. This property is a Landmark Site in a SR-1A Zoning District in Council District Three (Staff—Janice Lew at 535-7625 or janice.lew@slcgov.com).
6. **Petition 480-07-28, Deville Cliff Condominiums**—a request by Drew Neidert, requesting preliminary approval for a 14 unit residential condominium conversion located at approximately 633 East 4th Avenue in an SR-1A (Special Development Pattern Residential) Zoning District in Council District Three (Staff—Ana Valdemoros at 535-7236 or ana.valdemoros@slcgov.com).
7. **Petition 490-07-34, Hemingway, Stanley Subdivision Amendment**—a request by Mr. and Mrs. Stanley represented by Gary Evershed of Lowell Construction Company for a subdivision amendment to combine two lots into one at approximately 607 North Capitol Park Avenue. The proposed amendment is in the FR-3 (Foothills Residential) Zoning District in Council District Three (Staff—Ana Valdemoros at 535-7236 or ana.valdemoros@slcgov.com).
8. **Petition 410-07-37, Rocky Mountain Power Utility Boxes- Marmalade**—a request for approval for a Conditional Use, to install above ground electric utility boxes that exceed height and volume limits at the northeast corner of 500 N 300 W, and both the southeast corner and southwest corner of 600 N 300 W. The site is located within the public way. The project purpose is to convert the overhead power distribution lines to underground lines and provide service to the new Marmalade mixed-use project. Public/private utility structures in residential zoning districts require conditional use review and approval by the Planning Commission. The project is in the RMU-45 (Residential-Mixed Use) Zoning District, in Council District Three (Staff—Casey Stewart at 535-6260 or Casey.stewart@slcgov.com).

Visit the Planning and Zoning Enforcement Division's website at www.slcgov.com/CED/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.

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PLANNING DIVISION
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PUBLIC HEARING NOTICE

RECEIVED NOV 15 2007

Salt Lake City Planning Division
451 South State Street, Room 406
PO Box 145480
Salt Lake City UT 84111

1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing
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Written comments should be sent to:

Salt Lake City Planning Commission
451 South State Street, Room 406
Salt Lake City UT 84111

4. Speakers will be called by the Chair.
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5. PLANNING COMMISSION

b. Staff Report

November 14, 2007

PLANNING COMMISSION STAFF REPORT

Conditional Uses 400-07-19 Zoning Text Amendment November 14, 2007



Planning and Zoning Division
Department of Community
Development

Applicant:

Staff: Nole Walkingshaw
535-7128
nole.walkingshaw@slcgov.com

Tax ID: NA

Current Zone: NA

Master Plan Designation: NA

Council District: NA

Acreage: NA

Current Use: NA

Attachments:

- A. Proposed Text Amendments
- B. Work flow and Process of a Conditional Use
- C. Public Comments

REQUEST

On July 17, 2007 the City Council passed Ordinance No. 49 of 2007, an Ordinance Enacting Temporary Land Use Regulations Regarding Conditional Use Permits on Residentially Zoned Properties and on Properties Abutting Residentially Zoned Areas throughout the City. As part of the ordinance the Council initiated a petition to analyze the appropriateness of amending the zoning text relating to conditional uses.

The petition calls for:

- A review of Conditional Uses as a whole,
- Focus on the Table of Permitted and Conditional Uses.
- The criteria for which Conditional Uses are reviewed.
- The powers and duties of the Planning Commission.
- Better define Conditional Uses and Purpose Statement.
- Consistency with State Law.
- The need is to clarify the differences between a Conditional Use and design elements such as, additional height, setback, and façade or site layout.
- Staff has included a complete revision of chapter 21A.59 Conditional Site Design Review Petition No. 400-05-16, the proposed new title for chapter 21A.59 is Building and Site Design Review.

Public input and process:

- A discussion of issues presented by the East Central Community Council and the Salt Lake Coalition for Orderly Development, relating to the “net cumulative impacts” of Conditional Uses and Non-Conforming Uses has been prepared. Additional review of this discussion may be appropriate.
- If proposed text amendment is adopted the application requirements for new applications will change and, with public process input to reflect adopted standards and changes.

PUBLIC NOTICE

An open house was held on September 27, 2007. Notice for this was sent via email through the City’s list serve list. An “issues only” hearing was held on

October 10, 2007. Noticing for this hearing included all names on the City's list serve list and attendees of the open house. Additionally, on October 15, 2007 an email including a memorandum discussing the issues as well as the proposed text changes was sent to all community council chairs and other interested parties. Notice for the Public Hearing was sent via email to all listed in the City's list serve list as well as to all community council chairs and interested parties. All public hearings are posted on the City's Website and include information about the items under review.

PROPOSED TEXT AMENDMENT

See Attachment A

STAFF RECOMMENDATION:

Based on the findings listed in the staff report the planning staff recommends the Planning Commission transmit a favorable recommendation to the City Council to adopt the proposed changes.

Public Comments (See Attachment C)

The public comments which have been received vary from broad statements about existing land-use conditions to specific requests to amend specific uses within the tables. There have been several statements from the East Central Community and the Salt Lake Coalition for Orderly Development, stating the existing land-uses within their area are oversaturated with Conditional Uses and Non-Conforming Uses. They have requested that more be done to protect this neighborhood from additional uses and some guidance or plan on removing uses which are inconsistent with their goals and objectives.

Conditional Uses v. Nonconforming Uses; and what is on the ground today (net cumulative impacts)

A great deal of discussion and comment from the public has to do with the idea that existing uses and the addition of new conditional uses negatively impact some areas of the community. Requests have been made to place a cap, an overlay, or restrictions on introducing new uses where the mixture of non-conforming uses and conditional uses creates an undesirable situation.

“Conditional use” means a use that, because of its unique characteristics or potential impact on the municipality, surrounding, neighbors or adjacent land uses, may not be compatible in some area or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

“Non-conforming use” means any building or land legally occupied by a use at the time of passage of the ordinance codified in this title or amendment thereto which does not conform after passage of said ordinance or amendment thereto with the use regulations of the district in which located.

Staff recognizes that these issues may exist and that in addition to conditional uses and non-conforming uses, patchwork or inappropriate zoning may have also contributed to the problem. It is the intent of this petition to address the specific uses in these areas such that future use requests are perceived as compatible with the surrounding uses. For a complete understanding of how these existing interactions effect the community a

complex spatial analysis would be required. Initially, areas where these net cumulative impacts are perceived to be a problem need to be identified. Secondly, an inventory of what is on the ground would be required. From this point a spatial analysis of the interactions of these uses could be made, and recommendations on how to deal with issues may be presented. The neighborhoods where this effect appears to be present about institutional uses such as the University of Utah, medical facilities and other long standing uses. For generations these neighborhoods have evolved, this evolution reflects the changing values, technology and economies of our cities history.

City Department Comments:

A. Department of Airports

No comments were received from Airports.

B. Building Services Division

Input received was supportive of the changes. No written comments were received.

C. Engineering

No comments were received from Engineering.

D. Fire Department

No comments were received from the Fire Department.

E. Police Department

No comments were received from the Police Department.

F. Property Management

No comments were received from Property Management.

G. Public Services

No comments were received from Public Services.

H. Public Utilities Department

No comments were received from Public Utilities.

I. Transportation Division

No comments were received from the Transportation Division.

Staff Analysis and Findings

When the Salt Lake City Zoning Code was adopted in April 1995, it was assumed that the City had broad discretion in determining whether to grant or deny a conditional use permit. The Table of Permitted and Conditional Uses adopted by the City in its Zoning Code was based upon the more discretionary standards and under current state law, the City's criteria for conditional uses is inadequate and lack specificity. The Municipal Land Use, Development, and Management Act (LUDMA), Title 10, Chapter 9a, Utah Code Ann., was amended in 2005, limiting the City's discretion as to conditional use permits.

The six-month moratorium enacted on July 17, 2007 asked for the following review and amendments to the Salt Lake City Zoning Ordinance.

- *Revise the Table of Permitted and Conditional Uses for residential areas to better define what uses are permitted, conditional, or not allowed in those areas.*

Staff has reviewed all Tables of Permitted and Conditional Uses. Uses which have been identified as problematic by the community, staff, administration or Council have either been proposed to be removed, made conditional, or a qualifying provision has been added within the specific district to help clarify the circumstances for allowing the use in the specific zone. Uses which have been identified as compatible uses within a specific zoning district have been added as either permitted or conditional, and/or a qualifying provision has been added.

- *Clarify the powers, duties, and responsibilities of land use related boards and commissions with regard to conditional uses.*

Staff did not identify any specific deficiencies in the powers, duties, and responsibilities of the boards and commissions with regard to conditional uses. With that said the expectations should be that the clarity of the standards, the rigorous review of the tables of permitted and conditional uses, as well as clarification of the purpose statement and definitions, will enable the boards and commissions to better administrate their powers, duties and responsibilities.

- *Criteria for conditional uses are inadequate and lack specificity.*

Staff has redefined the Purpose Statement of a conditional use, proposes a new definition which is consistent with state law and has reviewed and revised the Standards for Conditional Uses. A comprehensive review of other local jurisdictions, out of state municipalities and information provided by private consultants demonstrated that there are many ways to structure the standards for review. In each review staff looked for standards by which the Planning Commission could potentially deny a particular use.

Table of current language and proposed changes:

Current	Proposed
<p>Purpose Statement: A conditional use is a use which has potential adverse impacts upon the immediate neighborhood and the city as a whole. It requires a careful review of its location, design, configuration and special impact to determine the desirability of allowing it on a particular site. Whether it is appropriate in a particular location requires a weighing, in each case, of the public need and benefit against the local impact, taking into account the applicant's proposals for ameliorating any adverse impacts through special site planning, development techniques and contributions to the provision of public improvements, rights of way and services.</p>	<p>Purpose Statement: A conditional use is a use which , because of its unique characteristics or potential impact on the municipality, surrounding, neighbors or adjacent land uses, may not be compatible or may be compatible only if certain conditions are required that mitigate or eliminate the negative impacts Conditional uses are not allowed by right but may be allowed if appropriate conditions are applied which, in the judgment of the planning commission, or administrative hearing officer would mitigate adverse impacts that may arise by introducing a conditional use on the particular site or it is determined the specific conditional use at the subject location has no negative impacts. It requires a careful review of its location, design, configuration and special impact to determine the desirability of allowing it on a particular site. Whether it is appropriate in a particular location requires a weighing, in each case, of the public need and benefit against the local impact, taking into account the applicant's proposals for ameliorating any adverse impacts through special site planning, development techniques and contributions to the provision of public improvements, rights of way and services.</p>
<p>Definition: Conditional Use: A use that, because of special requirements or characteristics, may be allowed in a particular</p>	<p>Definition: Conditional Use: A use that, because of its unique characteristics or potential impact on the municipality,</p>

<p>zoning district only after review by the planning commission and granting of conditional use approval imposing such conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity. Conditional uses are issued for uses of land and may be transferable from one owner of the land to another.</p>	<p>surrounding, neighbors or adjacent land uses, may not be compatible in some area or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.</p>
<p>Standards: 21A.54.080 Standards For Conditional Uses: The planning commission shall only approve, approve with conditions, or deny a conditional use based upon written findings of fact with regard to each of the standards set forth below and, where applicable, any special standards for conditional uses set forth in a specific zoning district:</p> <ul style="list-style-type: none"> A. The proposed development is one of the conditional uses specifically listed in this title; B. The proposed development is in harmony with the general purposes and intent of this title. and is compatible with and implements the planning goals and objectives of the city, including applicable city master plans; C. C Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets; D. The internal circulation system of the proposed development is properly designed E. Existing or proposed utility services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources; F. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts; G. Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood; H. Landscaping is appropriate for the scale of the development I. The proposed development preserves historical, architectural and environmental features of the property; J. Operating and delivery hours are compatible with adjacent land uses; K. The proposed conditional use or, in the case of a planned development, the permitted and conditional uses contained therein, are compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood or the city as a whole; L. The proposed development complies with all other applicable codes and ordinances. (Ord. 35-99 § 95, 1999: Ord. 26-95 § 2(27-8), 1995) 	<p>Standards: 21A.54.080 Standards For Conditional Uses: A. General Standards for Approval: A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.</p> <p>In order to identify and evaluate the detrimental effects ant the need for and/or adequacy of mitigating conditions, the Planning Commission shall review and consider the following:</p> <p>Approval of Conditional Use Application</p> <ul style="list-style-type: none"> 1. Master Plan and Code Compliance <ul style="list-style-type: none"> A. The proposed development is supported by the general policies of the City Wide, Community, and Small Area Master plan text and the future land use map policies governing the site; B. The proposed development is one of the conditional uses specifically listed in this title; and C. The proposed development is supported by the general purposes and intent of the zoning ordinance including the purpose statement of the zoning district. 2. Use Compatibility <p>The proposed use at the particular location is compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing development. In determining compatibility, the Planning Commission may consider the following:</p> <ul style="list-style-type: none"> A. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets; B. The type of use and its location does not create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected with the development of a permitted use. In determining unusual patterns, the Planning Commission shall consider: <ul style="list-style-type: none"> i. The orientation of driveways and if they direct traffic to the major streets or local streets, and, if directed to the local streets, the impacts to the safety, purpose, and character of the local streets; ii. Parking locations and size, and if parking plans encourage street side parking to the proposed use which impacts the adjacent land uses; iii. Hours of peak land use when traffic to the proposed use would be greatest and that such times and peaks would

- not impact the ability of the surrounding uses to enjoy the use of their properties; and
- iv. The hours of operation of the proposed use when compared with the hours of activity/operation of the surrounding uses and the potential of such hours of operation do not create noise, height, or other nuisances not acceptable to the enjoyment of existing surrounding uses or common to the surrounding uses.
- C. The internal circulation system of the proposed development is properly designed for motorized, non-motorized and pedestrian traffic, and mitigates impacts on adjacent properties;
- D. Existing or proposed utility and public services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources; and
- E. Appropriate buffering such as landscaping, setbacks, and building location, is provided to protect adjacent land uses from light, noise and visual impacts.
- F. Detrimental concentration of existing non-conforming or conditional uses substantially similar to the use proposed.

3. Design Compatibility

The proposed conditional use is compatible with:

- A. The architectural character of the community and the surrounding neighborhoods when required by the City's Compatible Infill Ordinance or standards required by the City's Historical Ordinance, if applicable with respect to: building materials, height; mass; size; orientation of the proposed building and design; and the scale of the type of use. Compatibility is established when there are consistent design and functional relationships so that new structures or additions relate to adjacent development. Consistency shall be based upon height, bulk and scale of adjacent structures. Achieving compatibility does not require the imitation or repetition of the site, building and landscaping design of adjacent development.
- B. The character of the area with respect to: site design and location of parking lots, access ways, and delivery areas; impact on adjacent uses through loss of privacy, objectionable views of large parking or storage areas; or views and sounds of loading and unloading areas;
- C. The proposed development preserves historical, architectural and environmental features of the property;
- D. Operating and delivery hours are compatible with adjacent land uses; and
- E. The proposed design is compatible with the intensity, size, and scale for the type of use, and with the surrounding uses.

4. Detriment to Persons or Property

The proposed use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor be injurious to property and improvements in the community, existing surrounding uses, buildings, and structures. The applicant shall demonstrate that the proposed use:

- A. Does not lead to deterioration of the environment by emitting pollutants into the ground or air that cause detrimental effects to the property or to neighboring properties;

- B. Does not encroach on rivers or streams or direct run off into rivers or streams;
- C. Does not introduce hazards or potentials for damage to neighboring properties that cannot be mitigated; and
- D. Is in keeping with the type of existing uses surrounding the property, and that as proposed the development will improve the character of the area by encouraging reinvestment and upgrading of surrounding properties.

5. Compliance with Other Applicable Regulations

The proposed development complies with all other applicable codes and ordinances.)

6. Imposition of the Conditions of Approval

The Planning Commission may impose conditions on the proposed use which are in addition to any conditions specifically listed within this chapter. All conditions imposed shall meet the following criteria:

- A. The condition is within the police powers of Salt Lake City;
- B. The condition must substantially further a legitimate public purpose;
- C. The condition must further the same public purpose for which it is imposed;
- D. The applicant/owner may not be required to carry a disproportionate burden in furthering the public purpose; and
- E. Dedications of land and other contributions as conditions of approval must be reasonably related and roughly proportionate to the use of the property for which the conditional use permit is required.

7. Mitigating Conditions

As part of their review, the Planning Commission may impose mitigating conditions on the proposed development. These conditions may include but are not limited to the following areas: landscaping; access; loading and parking areas; sanitation; drainage and utilities; architecture and signage; fencing and screening; setbacks; natural hazards; public safety; environmental impacts; hours and methods of operation; dust, fumes, smoke and odor; noise, vibrations; chemicals, toxins, pathogens, and gases; and heat, light, and radiation.

The conditions which are imposed on a conditional use permit must be expressly attached to the permit and cannot be implied.

8. Denial of Conditional Use Application

The following findings or others may, in the judgment of the Planning Commission, be cause for denial of a conditional use application:

- A. The proposed use is unlawful;
- B. Conditions of approval could not reasonably mitigate the negative impacts of the proposed use.
- C. The proposed use would create or pose a nuisance, conflict, or hazard relating to noise, vibration, light, electrical or electronic interference, traffic, odor, fumes, dust, explosion, flooding, contaminations, or other negative effects on the neighboring properties or the community in general, without adequate mitigation.

<p>21A.54.120 Limitations On Conditional Use Approval:</p> <p>Subject to an extension of time granted by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, no conditional use shall be valid for a period longer than twelve (12) months unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, or unless a certificate of occupancy is issued and a use commenced within that period, or unless a longer time is requested and granted by the planning commission, or, in the case of administrative conditional uses, the planning director or designee. The approval of a proposed conditional use by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, shall authorize only the particular use for which it was issued. (Ord. 69-06 § 6, 2006: Ord. 26-95 § 2(27-12), 1995)</p>	<p>21A.54.120 Limitations on Conditional Use Approval:</p> <p>Subject to an extension of time granted by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, no conditional use shall be valid for a period longer than twelve (12) months unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, or unless a certificate of occupancy is issued and a use commenced within that period, or unless a longer time is requested and granted by the planning commission, or, in the case of administrative conditional uses, the planning director or designee. Any request for a time extension shall be required not less than thirty (30) days prior to the twelve (12) month time period. The approval of a proposed conditional use by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, shall authorize only the particular use for which it was issued. (Ord. 69-06 § 6, 2006: Ord. 26-95 § 2(27-12), 1995)</p>

21A.50.05: 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: City Council policies: E.7 GROWTH IN SALT LAKE CITY (10/99)

It is the policy of the Salt Lake City Council that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:

- a. is aesthetically pleasing;
- b. contributes to a livable community environment;
- c. yields no negative net fiscal impact unless an overriding public purpose is served; and
- d. forestalls negative impacts associated with inactivity.

Findings: The proposed text amendment provides regulations which promote the ability to ensure potential development is consistent with the City’s vision.

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 amendments are not site specific. The intention of the proposed amendment is to create a more harmonious relationship between the purpose statement for a zoning district and the Tables of Permitted and Conditional Uses. The changes will accomplish the following: 1) ensure the use is appropriate in the base zoning district by amending the tables of permitted and conditional uses; 2) Provide more appropriate and specific standards by which the decision makers determine whether the use is appropriate; 3) Better define the purpose of the conditional use provisions and better define

exactly what is a conditional use is so that conditions can be applied which will help ensure compliance with developments in the immediate vicinity or allow the denial of a conditional use request where it is found to not be appropriate in an area without conflicting with state law.

Findings: The proposed text amendment will help ensure that future conditional uses will be harmonious with the overall character of existing development in the immediate vicinity of the subject property.

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

Discussion: Although not site specific, the intention of the proposed amendment is to provide regulations giving decision makers the ability to ensure potential adverse affects of future developments on adjacent properties can be successfully mitigated.

Findings: The proposed text amendment will help ensure that adjacent properties are not impacted with adverse affects.

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. However, any future development must meet the provisions of any applicable overlay zoning districts. All uses permitted or conditional are subject to meeting the requirements of any applicable overlay zoning district, in addition to any conditions which may be placed on the proposed development.

Findings: The proposed amendments do not affect existing overlay zoning district standards.

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: Staff routed the proposed text amendments to applicable City departments. The departments that commented where generally supportive of the amendments. The proposal is not site specific. All requests reviewed through the Conditional Use process include applicable department review and input to ensure the public facilities and services are adequate for the proposed use at the specific site.

Findings: Future development will be required to ensure that public utilities and facilities are adequate to serve the proposed use.

Attachment A: Proposed Text Amendment

Conditional Uses
400-07-19

Background

On July 17, 2007 the City Council passed Ordinance No. 49 of 2007, an Ordinance Enacting Temporary Land Use Regulations Regarding Conditional Use Permits on Residentially Zoned Properties and on Properties Abutting Residentially Zoned Areas throughout the City. The petition calls for a review of Conditional Uses as a whole, focusing on the Table of Permitted and Conditional Uses, the criteria for which Conditional Uses are reviewed and the powers and duties of the Planning Commission. This ordinance expires on January 18, 2008; it is our objective to have resolution prior to this date.

21A.54.010 Purpose Statement:

A conditional use is a *land* use which *because of its unique characteristics or potential impact on the municipality, surrounding, neighbors or adjacent land uses, may not be compatible or may be compatible only if certain conditions are required that mitigate or eliminate the negative impacts.* has potential adverse impacts upon the immediate neighborhood and the city as a whole. *Conditional uses are allowed unless appropriate conditions can not be applied which, in the judgment of the planning commission, or administrative hearing officer would mitigate adverse impacts that may arise by introducing a conditional use on the particular site or it is determined the specific conditional use at the subject location has no negative impacts.* It requires a careful review of its location, design, configuration and special impact to determine the desirability of allowing it on a particular site. Whether it is appropriate in a particular location requires a weighing, in each case, of the public need and benefit against the local impact, taking into account the applicant's proposals for ameliorating any adverse impacts through special site planning, development techniques and contributions to the provision of public improvements, rights of way and services. (Ord. 26-95 § 2(27-1), 1995)

21A.54.080 Standards For Conditional Uses:

~~The planning commission shall only approve, approve with conditions, or deny a conditional use based upon written findings of fact with regard to each of the standards set forth below and, where applicable, any special standards for conditional uses set forth in a specific zoning district:~~

- ~~A. — The proposed development is one of the conditional uses specifically listed in this title;~~
- ~~B. — The proposed development is in harmony with the general purposes and intent of *this title*, and is compatible with and implements the planning goals and objectives of the city, including applicable city master plans;~~
- ~~C. — Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets;~~
- ~~D. — The internal circulation system of the proposed development is properly designed;~~
- ~~E. — Existing or proposed utility services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources;~~

- F. ~~Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;~~
- G. ~~Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood;~~
- H. ~~Landscaping is appropriate for the scale of the development;~~
- I. ~~The proposed development preserves historical, architectural and environmental features of the property;~~
- J. ~~Operating and delivery hours are compatible with adjacent land uses;~~
- K. ~~The proposed conditional use or, in the case of a planned development, the permitted and conditional uses contained therein, are compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood or the city as a whole;~~
- L. ~~The proposed development complies with all other applicable codes and ordinances. (Ord. 35-99 § 95, 1999: Ord. 26-95 § 2(27-8), 1995)~~

A. General Standards for Approval: A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

In order to identify and evaluate the detrimental effects and the need for and/or adequacy of mitigating conditions, the Planning Commission shall review and consider the following:

Approval of Conditional Use Application

1. Master Plan and Code Compliance

- A. **The proposed development is supported by the general policies of the City Wide, Community, and Small Area Master plan text and the future land use map policies governing the site;**
- B. **The proposed development is one of the conditional uses specifically listed in this title; and**
- C. **The proposed development is supported by the general purposes and intent of the zoning ordinance including the purpose statement of the zoning district.**

2. Use Compatibility

The proposed use at the particular location is compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing development. In determining compatibility, the Planning Commission may consider the following:

- A. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets;
- B. The type of use and its location does not create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected with the development of a permitted use. In determining unusual patterns, the Planning Commission shall consider:
 - i. The orientation of driveways and if they direct traffic to the major streets or local streets, and, if directed to the local streets, the impacts to the safety, purpose, and character of the local streets;
 - ii. Parking locations and size, and if parking plans encourage street side parking to the proposed use which impacts the adjacent land uses;
 - iii. Hours of peak land use when traffic to the proposed use would be greatest and that such times and peaks would not impact the ability of the surrounding uses to enjoy the use of their properties; and
 - iv. The hours of operation of the proposed use when compared with the hours of activity/operation of the surrounding uses and the potential of such hours of operation do not create noise, height, or other nuisances not acceptable to the enjoyment of existing surrounding uses or common to the surrounding uses.
- C. The internal circulation system of the proposed development is properly designed for motorized, non-motorized and pedestrian traffic, and mitigates impacts on adjacent properties;
- D. Existing or proposed utility and public services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources; and
- E. Appropriate buffering such as landscaping, setbacks, and building location, is provided to protect adjacent land uses from light, noise and visual impacts.
- F. Detrimental concentration of existing non-conforming or conditional uses substantially similar to the use proposed.

3. Design Compatibility

The proposed conditional use is compatible with:

- A. The architectural character of the community and the surrounding neighborhoods when required by the City's Compatible Infill Ordinance or standards required by the City's Historical Ordinance, if applicable with respect to: building materials, height; mass; size; orientation of the proposed building and design; and the scale of the type of use. Compatibility is established when there are consistent design and functional relationships so that new structures or additions relate to adjacent development. Consistency shall be based upon height, bulk and scale of adjacent structures. Achieving compatibility does not require the imitation or repetition of the site, building and landscaping design of adjacent development.
- B. The character of the area with respect to: site design and location of parking lots, access ways, and delivery areas; impact on adjacent uses through loss of privacy, objectionable views of large parking or storage areas; or views and sounds of loading and unloading areas;
- C. The proposed development preserves historical, architectural and environmental features of the property;
- D. Operating and delivery hours are compatible with adjacent land uses; and

E. The proposed design is compatible with the intensity, size, and scale for the type of use, and with the surrounding uses.

4. Detriment to Persons or Property

The proposed use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor be injurious to property and improvements in the community, existing surrounding uses, buildings, and structures. The applicant shall demonstrate that the proposed use:

- A. Does not lead to deterioration of the environment by emitting pollutants into the ground or air that cause detrimental effects to the property or to neighboring properties;
- B. Does not encroach on rivers or streams or direct run off into rivers or streams;
- C. Does not introduce hazards or potentials for damage to neighboring properties that cannot be mitigated; and
- D. Is in keeping with the type of existing uses surrounding the property, and that as proposed the development will improve the character of the area by encouraging reinvestment and upgrading of surrounding properties.

5. Compliance with Other Applicable Regulations

The proposed development complies with all other applicable codes and ordinances.)

6. Imposition of the Conditions of Approval

The Planning Commission may impose conditions on the proposed use which are in addition to any conditions specifically listed within this chapter. All conditions imposed shall meet the following criteria:

- A. The condition is within the police powers of Salt Lake City;
- B. The condition must substantially further a legitimate public purpose;
- C. The condition must further the same public purpose for which it is imposed;
- D. The applicant/owner may not be required to carry a disproportionate burden in furthering the public purpose; and
- E. Dedications of land and other contributions as conditions of approval must be reasonably related and roughly proportionate to the use of the property for which the conditional use permit is required.

7. Mitigating Conditions

As part of their review, the Planning Commission may impose mitigating conditions on the proposed development. These conditions may include but are not limited to the following areas: landscaping; access; loading and parking areas; sanitation; drainage and utilities; architecture and signage; fencing and screening; setbacks; natural hazards; public safety; environmental impacts; hours and methods of operation; dust, fumes, smoke and odor; noise, vibrations; chemicals, toxins, pathogens, and gases; and heat, light, and radiation.

The conditions which are imposed on a conditional use permit must be expressly attached to the permit and cannot be implied.

8. Denial of Conditional Use Application

The following findings or others may, in the judgment of the Planning Commission, be cause for denial of a conditional use application:

- A. The proposed use is unlawful;*
- B. Conditions of approval could not reasonably mitigate the negative impacts of the proposed use.*
- C. The proposed use would create or pose a nuisance, conflict, or hazard relating to noise, vibration, light, electrical or electronic interference, traffic, odor, fumes, dust, explosion, flooding, contaminations, or other negative effects on the neighboring properties or the community in general, without adequate mitigation.*

Residential Districts Purpose Statements:

21A.24.020 FR-1/43,560 Foothills Estate Residential District:

- A. Purpose Statement: The purpose of the FR-1/43,560 foothills estate residential district is to promote environmentally sensitive and visually compatible development of lots not less than forty three thousand five hundred sixty (43,560) square feet in size, suitable for foothills locations. The district is intended to minimize flooding, erosion, and other environmental hazards; to protect the natural scenic character of foothill areas not suitable for development; to promote the safety and well being of present and future residents of foothill areas; and to ensure the efficient expenditure of public funds.

21A.24.030 FR-2/21,780 Foothills Residential District:

- A. Purpose Statement: The purpose of the FR-2/21,780 foothills residential district is to promote environmentally sensitive and visually compatible development of lots not less than twenty one thousand seven hundred eighty (21,780) square feet in size, suitable for foothills locations. The district is intended to minimize flooding, erosion, and other environmental hazards; to protect the natural scenic character of foothill areas not suitable for development; to promote the safety and well being of present and future residents of foothill areas; and to ensure the efficient expenditure of public funds.

21A.24.040 FR-3/12,000 Foothills Residential District:

- A. Purpose Statement: The purpose of the FR-3/12,000 foothills residential district is to promote environmentally sensitive and visually compatible development of lots not less than twelve thousand (12,000) square feet in size, suitable for foothills locations. The district is intended to minimize flooding, erosion, and other environmental hazards; to protect the natural scenic character of foothill areas not suitable for development; to promote the safety and well being of present and future residents of foothill areas; and to ensure the efficient expenditure of public funds. The FR-3/12,000 foothills residential district is intended for application in most areas of foothills development existing as of April 12, 1995.

21A.24.050 R-1/12,000 Single-Family Residential District:

- A. Purpose Statement: The purpose of the R-1/12,000 single-family residential district is to provide for conventional single-family residential neighborhoods with lots twelve thousand (12,000) square feet in size or larger.

21A.24.060 R-1/7,000 Single-Family Residential District:

- A. Purpose Statement: The purpose of the R-1/7,000 single-family residential district is to provide for conventional single-family residential neighborhoods with lots not less than seven thousand (7,000) square feet in size.

21A.24.070 R-1/5,000 Single-Family Residential District:

- A. Purpose Statement: The purpose of the R-1/5,000 single-family residential district is to provide for conventional single-family residential neighborhoods on lots not less than five thousand (5,000) square feet in size.

21A.24.080 SR-1 And SR-1A Special Development Pattern Residential District:

In this chapter and the associated zoning map, the SR-1 district is divided into two (2) sub-areas for the purpose of defining design criteria. In other portions of this text, the SR-1 and SR-1A are jointly referred to as the SR-1 district because all other standards in the zoning ordinance are the same.

A. Purpose Statement: The purpose of the SR-1 special development pattern residential district is to maintain the unique character of older predominantly low density neighborhoods that display a variety of yards, lot sizes and bulk characteristics.

21A.24.100 SR-3 Special Development Pattern Residential District:

A. Purpose Statement: The purpose of the SR-3 special development pattern residential district is to provide lot, bulk and use regulations in scale with the character of development located within the interior portions of city blocks. Off site parking facilities in this district to supply required parking for new development may be approved as part of the conditional use process.

21A.24.110 R-2 Single- And Two-Family Residential District:

A. Purpose Statement: The purpose of the R-2 single- and two-family residential district is to preserve and protect for single-family dwellings the character of existing neighborhoods which exhibit a mix of single- and two-family dwellings by controlling the concentration of two-family dwelling units.

21A.24.120 RMF-30 Low Density Multi-Family Residential District:

A. Purpose Statement: The purpose of the RMF-30 low density multi-family residential district is to provide an environment suitable for a variety of housing types of a low density nature, including multi-family dwellings.

21A.24.130 RMF-35 Moderate Density Multi-Family Residential District:

A. Purpose Statement: The purpose of the RMF-35 Moderate Density Multi-Family Residential District is to provide an environment suitable for a variety of moderate density housing types, including multi-family dwellings.

21A.24.140 RMF-45 Moderate/High Density Multi-Family Residential District:

A. Purpose Statement: The purpose of the RMF-45 Moderate/High Density Multi-Family Residential District is to provide an environment suitable for multi-family dwellings of a moderate/high density.

21A.24.150 RMF-75 High Density Multi-Family Residential District:

A. Purpose Statement: The purpose of the RMF-75 high density multi-family residential district is to provide an environment suitable for high density multi-family dwellings.

21A.24.160 RB Residential/Business District:

A. Purpose Statement: The purpose of the RB residential/business district is to provide for limited commercial use opportunities within existing residential areas located along higher volume streets while preserving the attractiveness of the area for single-family residential use. Such commercial areas are intended to be pedestrian and transit oriented, while acknowledging the need for automobile access. Building design should be focused on compatibility with a residential setting.

21A.24.164 R-MU-35 Residential/Mixed Use District:

A. Purpose Statement: The purpose of the R-MU-35 residential/mixed use district is to implement the objectives of the applicable master plan through district regulations that reinforce the residential character of the area and encourage the development of areas as low/medium density residential urban neighborhoods containing supportive retail, service commercial, and small scale office uses.

21A.24.168 R-MU-45 Residential/Mixed Use District:

- A. Purpose Statement: The purpose of the R-MU-45 residential/mixed use district is to implement the objectives of the applicable master plan through district regulations that reinforce the residential character of the area and encourage the development of areas as medium density residential urban neighborhoods containing supportive retail, service commercial, and small scale office uses.

21A.24.170 R-MU Residential/Mixed Use District:

- A. Purpose Statement: The purpose of the R-MU residential/mixed use district is to reinforce the residential character of the area and encourage the development of areas as high density residential urban neighborhoods containing supportive retail, service commercial, and small scale office uses. The design guidelines are intended to facilitate the creation of a walk able urban neighborhood with an emphasis on pedestrian scale activity while acknowledging the need for transit and automobile access.

21A.24.180 RO Residential/Office District:

- A. Purpose Statement: The RO residential/office district is intended to provide a suitable environment for existing and future mixed use areas consisting of a combination of residential dwellings and office use. This district should encourage the maintenance and rehabilitation of appropriate existing buildings and neighborhood scale.

21A.24.190 Table of Permitted and Conditional Uses for Residential Districts:

21A.24.190

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT																		
	RESIDENTIAL DISTRICTS																		
Use	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R-MU-35	R-MU-45	R-MU	RO
Rooming (boarding) house											€	€	P	P	€	P	P	P	P
Medical and dental clinics and offices															€	€ <u>P</u>	€ <u>P</u>	P3	PP 9
Movie theatres/live performance theatres																C	C	P	<u>P</u>
Tavern/lounge/ Private Clubs/ brewpub; 2,500 sq feet or less in floor area																		C	
Gas station-may include accessory convenience retail and/or "minor repairs" as defined in part VI, chapter 21A.62 of this title															P	€	€	P	
<u>"Fuel Center"</u>																			
Restaurants, without drive-through facilities															€ <u>P</u> <u>10</u>	€ <u>P</u> <u>10</u>	€ <u>P</u> <u>10</u>	P3	
Retail service establishments															<u>P</u> <u>4</u>	<u>P</u>	<u>P</u>	<u>P</u> <u>3</u>	

Institutional																				
Adult day care center													C	<u>€</u> <u>P</u>			P	P	P	P
Governmental uses and facilities																	P	P	P	P9
Museum																	C	C	P3	
Music conservatory																<u>P</u>	P	P	P	
Nursing care facility (see section 21A.36.060 of this title)													P	P			<u>€</u> <u>P</u>	P	P	
Commercial																				
Laboratory; medical; dental; optical																			P3	<u>P</u>
Plant and garden shop, with outdoor retail sales area																C4	C	C	C3	<u>C</u>
<u>Funeral Home/Mortuary</u>																				
House museum in landmark sites (see subsection 21A.24.010S of this chapter)	C	C	C	C	C	C	C		C	C	C	C	C	C	C	<u>P</u>	P	<u>P</u>	P	

Qualifying Provisions:

1. A single apartment unit may be located above first floor retail/office.
2. Provided that no more than 2 two-family buildings are located adjacent to one another and no more than 3 such dwellings are located along the same block face (within subdivisions approved after April 12, 1995).
3. Subject to conformance with the provisions of subsection 21A.24.170E of this chapter.
4. Construction for a nonresidential use shall be subject to all provisions of subsections 21A.24.160I and J of this chapter.
5. See subsection 21A.02.050B of this title for utility regulations.
5. Subject to conformance of the provision to section 21A.36.170 of this title.
7. When located in a building on the Salt Lake City Register of Cultural Resources (see subsection 21A.24.010S of this chapter).
3. Buildings in excess of 7,000 square feet in the SR-1 and R-2 districts when located in a building on the Salt Lake City Chapter of Cultural Resources (see subsection 21A.24 010S of this chapter.
9. Building additions on lots less than 20, 000 square feet for office uses may not exceed 50 percent of the buildings footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to the conditional use process.
10. **Subject to the building and site design review process 21A.59 of this title.**

Commercial Districts Purpose Statements:

21A.26.020 CN Neighborhood Commercial District:

- A. Purpose Statement: The CN neighborhood commercial district is intended to provide for small scale commercial uses that can be located within residential neighborhoods without having significant impact upon residential uses. The design guidelines are intended to reinforce the historical scale and ambiance of traditional neighborhood retail that is designed with the pedestrian as the primary user while ensuring adequate transit and automobile access.

21A.26.030 CB Community Business District:

- A. Purpose Statement: The CB community business district is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods. The design guidelines are intended to facilitate retail that is pedestrian in its orientation and scale, while also acknowledging the importance of transit and automobile access to the site.

21A.26.040 CS Community Shopping District:

- A. Purpose Statement: The purpose of the CS community shopping district is to provide an environment for efficient and attractive shopping center development at a community level scale.

21A.26.050 CC Corridor Commercial District:

- A. Purpose Statement: The purpose of the CC corridor commercial district is to provide an environment for efficient and attractive automobile oriented commercial development along arterial and major collector streets.

21A.26.060 CSHBD Sugar House Business District (CSHBD1 And CSHBD2):

In this chapter and the associated zoning map, the CSHBD zone is divided into two (2) sub areas for the purpose of defining design criteria. In other portions of this text, the CSHBD1 and CSHBD2 zones are jointly referred to as the CSHBD zone because all other standards in the zoning ordinance are the same.

- A. Purpose Statement: The purpose of the CSHBD Sugar House business district is to promote a walk able community with a transit oriented mixed use town center that can support a twenty four (24) hour population. The CSHBD provides for residential, commercial and office use opportunities, with incentives for high density residential land use in a manner compatible with the existing form and function of the Sugar House master plan and the Sugar House business district.

21A.26.070 CG General Commercial District:

- A. Purpose Statement: The purpose of the CG general commercial district is to provide an environment for a variety of commercial uses, some of which involve the outdoor display/storage of merchandise or materials.

21A.26.077 TC-75 Transit Corridor District:

- A. Purpose Statement: The purpose of the TC-75 transit corridor district is to provide an environment for efficient and attractive transit and pedestrian oriented commercial, residential and mixed use development along major transit corridors. The design guidelines are intended to create a pedestrian friendly environment and to emphasize that pedestrian and mass transit access is the primary focus of development.

21A.26.080 Table of Permitted and Conditional Uses For Commercial Districts:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT						
	COMMERCIAL DISTRICTS						
USE	CN	CB	CC	CS ¹	CSHBD ¹	CG	TC-75
Retail Sales And Services							
"Gas station" (may include accessory convenience retail and/or minor repairs) as defined in, chapter 21A.62	<u>P</u>	<u>P</u>	P	<u>P</u> <u>C9</u>	P	P	
<u>"Fuel Center"</u>			<u>P</u>	<u>C9</u>		<u>P</u>	
<u>"Truck Stop"</u>							
Superstore and hypermarket store				<u>P 8</u>		<u>P 8</u>	
Value retail/membership wholesale				<u>?</u>		<u>P 8</u>	
Commercial parking garage or lot			<u>C</u> <u>P 8</u>		P	P	<u>C</u> <u>P 8</u>
Restaurants with drive-through facilities	<u>C9</u>	P	P	P	P	P	C
Retail goods establishments with drive-through facilities	<u>C9</u>	P	P	P	P	P	C
Retail services establishments with drive-through facilities	<u>C9</u>	P	P	P	P	P	C

Qualifying Provisions:

1. Development in the CS district shall be subject to planned development approval pursuant to the provisions of section 21A.54.150 of this title. Certain developments in the CSHBD zone shall be subject to the conditional building and site design review process pursuant to the provisions of subsection 21A.26.060D of this chapter and chapter 21A.59 of this title.
2. See subsection 21A.02.050B of this title for utility regulations.
3. When located in a building listed on the Salt Lake City Register of Cultural Resources (see subsection 21A.24.010S of this part and subsection 21A.26.010K of this chapter).
4. Subject to Salt Lake Valley health department approval.
5. Pursuant to the requirements set forth in section 21A.36.140 of this title.
6. Subject to location restrictions as per section 21A.36.190 of this title.
7. Greater than 3 ambulances at location require a conditional use.
8. Subject to the building and site design review process 21A.59 of this title.
9. Not permitted when abutting a residential use.

Manufacturing Districts Purpose Statements

21A.28.020 M-1 Light Manufacturing District:

- A. Purpose Statement: The purpose of the M-1 light manufacturing district is to provide an environment for light industrial uses that produce no appreciable impact on adjacent properties and desire a clean attractive industrial setting.

21A.28.030 M-2 Heavy Manufacturing District:

- A. Purpose Statement: The purpose of the M-2 heavy manufacturing district is to provide an environment for larger and more intensive industrial uses that do not require, and may not be appropriate, for a nuisance free environment.

21A.28.040 Table of Permitted and Conditional Uses For Manufacturing Districts:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT	
	MANUFACTURING DISTRICTS	
C = Conditional Use P = Permitted Use		
USE	M-1	M-2
<i>"Truck Stop" (may include accessory convenience retail and/or minor repairs) as defined in part VI, chapter</i>	<u>C</u>	<u>C</u>
<i>"Fuel Center"</i>	<u>P</u>	<u>P</u>
Recycling processing center (outdoor)	<u>C</u>	<u>P</u> <u>C</u>
Automobile salvage and recycling (outdoor)	<u>C</u>	<u>P</u> <u>C</u>
Living quarters for a caretaker or security guard, limited to uses on lots 1 acre in size or larger and is accessory to a principal use allowed by the zoning district	<u>C</u> <u>P 7</u>	<u>C</u> <u>P 7</u>
Railroad "spur" delivery facility	<u>P</u> <u>C</u>	P

Qualifying Provisions:

1. See subsection 21A.02.050B of this title for utility regulations.
2. Subject to Salt Lake Valley health department approval.
3. Electric generating facilities shall be located within 2,640 ft of an existing 138 kV or larger electric power transmission line.
4. No railroad freight terminal facility may be located within a 5 mile radius of any other existing railroad freight terminal facility.
5. Pursuant to the requirements set forth in section 21A.36.140 of this title.
6. If a place of worship is located within 600 feet of a tavern, private club, brewpub or microbrewery, a written waiver of spacing requirements is required as a condition of approval.
7. Subject to the building and site design review process 21A.59 of this title.

Downtown Districts Purpose Statements:

21A.30.020 D-1 Central Business District:

- A. Purpose Statement: The purpose of the D-1 Central Business District is to foster an environment consistent with the area's function as the business, retail and cultural center of the community and the region. Inherent in this purpose is the need for careful review of proposed development in order to achieve established objectives for urban design, pedestrian amenities and land use control, particularly in relation to retail commercial uses.

21A.30.030 D-2 Downtown Support District:

- A. Purpose Statement: The purpose of the D-2 downtown support commercial district is to accommodate commercial uses and associated activities that relate to and support the central business district but do not require a location within the central business district. Development within the D-2 downtown support commercial district is also less intensive than that of the central business district.

21A.30.040 D-3 Downtown Warehouse/Residential District:

- A. Purpose Statement: The purpose of the D-3 downtown warehouse/residential district is to provide for the reuse of existing warehouse buildings for multi-family residential use while also allowing for continued warehouse use within the district. The reuse of existing buildings and the construction of new buildings are to be done as mixed use developments containing retail uses on the lower floors and multi-family dwellings on the upper floors.

21A.30.045 D-4 Downtown Secondary Central Business District:

- A. Purpose Statement: The purpose of the D-4 secondary central business district is to foster an environment consistent with the area's function as a housing, entertainment, cultural, business, and retail section of the city. Inherent in this purpose is the need for careful review of proposed development in order to achieve established objectives for urban design, pedestrian amenities and land use control, particularly in relation to retail commercial uses.

21A.30.050 Table of Permitted and Conditional Uses For Downtown Districts:

LEGEND		PERMITTED AND CONDITIONAL USES, BY DISTRICT DOWNTOWN DISTRICTS			
C = Conditional Use P = Permitted Use					
Use		D-1	D-2	D-3	D-4
Pawnshop		€	P		
Government facilities (excluding those of an industrial nature and prison)		<u>P 5</u>	<u>P 5</u>	P	P
Libraries			<u>P</u>	P	P
Museum		<u>P</u>	<u>P</u>	P	P
Music conservatory		<u>P</u>	<u>P</u>	P	P
Conference centers		<u>P</u>			P
Convention centers with or without hotels		<u>P</u>			P
<i>Funeral Home/Mortuary</i>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Limousine service			P	<u>P</u>	<u>P</u>
Natural open space and conservation areas on lots less than 4 acres in size		€ <u>P 5</u>	€ <u>P 5</u>	€ <u>P 5</u>	€ <u>P 5</u>
Pedestrian pathways, trails and greenways		€ <u>P 5</u>	€ <u>P 5</u>	€ <u>P 5</u>	€ <u>P 5</u>

Qualifying Provisions:

1. See subsection 21A.02.050B of this title for utility regulations.
2. Radio station equipment and antennas shall be required to go through the site plan review process to ensure that the color, design and location of all proposed equipment and antennas are screened or integrated into the architecture of the project and are compatible with surrounding uses.
3. Uses allowed only within the boundaries and subject to the provisions of the downtown Main Street core overlay district (section 21A.34.110 of this part).
4. Any car wash located within 165 feet (including streets) of a residential use shall only be permitted as a conditional use.
5. Subject to the building and site design review process 21A.59 of this title.

Special Purpose Districts Purpose Statements:

21A.32.020 RP Research Park District:

A. Purpose Statement: The purpose of the RP research park district is to provide a nuisance free, campus like environment for high technology research and development uses and related activities.

21A.32.030 BP Business Park District:

A. Purpose Statement: The purpose of the BP business park district is to provide a nuisance free, attractive environment for modern offices, light assembly and warehouse development.

21A.32.040 FP Foothills Protection District:

A. Purpose Statement: The purpose of the FP Foothills Protection District is to protect the foothill areas from intensive development in order to protect the scenic value of these areas and to minimize flooding and erosion.

21A.32.050 AG Agricultural District:

A. Purpose Statement: The purpose of the AG Agricultural District is to preserve and protect agricultural uses in suitable portions of Salt Lake City until these lands can be developed for the most appropriate use. These regulations are also designed to minimize conflicts between agricultural and nonagricultural uses.

21A.32.052 AG-2 Agricultural District:

A. Purpose Statement: The purpose of the AG-2 Agricultural District is to preserve and protect agricultural uses in suitable portions of Salt Lake City on lots not less than two (2) acres. These regulations are also designed to minimize conflicts between agricultural and nonagricultural uses.

21A.32.054 AG-5 Agricultural District:

A. Purpose Statement: The purpose of the AG-5 Agricultural District is to preserve and protect agricultural uses in suitable portions of Salt Lake City on lots not less than five (5) acres. These regulations are also designed to minimize conflicts between agricultural and nonagricultural uses.

21A.32.056 AG-20 Agricultural District:

A. Purpose Statement: The purpose of the AG-20 agricultural district is to preserve and protect agricultural uses, on lots not less than twenty (20) acres, in suitable portions of Salt Lake City. These regulations are also designed to minimize conflicts between agricultural and nonagricultural uses.

21A.32.060 A Airport District:

A. Purpose Statement: The purpose of the A airport district is to provide a suitable environment for the Salt Lake City international airport and private uses that function in support of the airport facility.

21A.32.070 PL Public Lands District:

A. Purpose Statement: The purpose of the PL public lands district is to specifically delineate areas of public use and to control the potential redevelopment of public uses, lands and facilities.

21A.32.075 PL-2 Public Lands District:

- A. Purpose Statement: The purpose of the PL-2 public lands district is to specifically delineate areas of public use and to control the potential redevelopment of public uses, lands and facilities in an urban context.

21A.32.080 I Institutional District:

- A. Purpose Statement: The purpose of the I institutional district is to regulate the development of larger public and semipublic uses in a manner harmonious with surrounding uses. The uses regulated by this district are generally those having multiple buildings on a campus like site.

21A.32.090 UI Urban Institutional District:

- A. Purpose Statement: The purpose of the UI urban institutional district is to regulate the development of larger public, semipublic and private institutional uses in an urban context. The uses regulated by this district are generally those having multiple buildings on a campus like site, located within a developed community.

21A.32.100 OS Open Space District:

- A. Purpose Statement: The purpose of the OS open space district is to preserve and protect areas of public and private open space and exert a greater level of control over any potential redevelopment of existing open space areas.

21A.32.105 NOS Natural Open Space District:

- A. Purpose Statement: The purpose of the NOS natural open space district is to protect and ensure stewardship over important natural open land areas of citywide or regional importance.

21A.32.110 MH Mobile Home Park District:

- A. Purpose Statement: The purpose of the MH mobile home park district is to create an environment suitable for mobile home dwelling units.

21A.32.120 EI Extractive Industries District:

- A. Purpose Statement: The purpose of the EI extractive industries district is to provide locational control over extractive uses and to promote the reclamation of these sites. This district establishes regulations for the development of sites suitable for mobile homes.

21A.32.130 MU Mixed Use District:

- A. Purpose: The purpose of the MU mixed use district is to encourage the development of areas as a mix of compatible residential and commercial uses. The district is to provide for limited commercial use opportunities within existing mixed use areas while preserving the attractiveness of the area for residential use. The district is intended to provide a higher level of control over nonresidential uses to ensure that the use and enjoyment of residential properties is not substantially diminished by nonresidential redevelopment. The intent of this district shall be achieved by designating certain nonresidential uses as conditional uses within the mixed use district and requiring future development and redevelopment to comply with established standards for compatibility and buffering as set forth in this section. The design guidelines are intended to facilitate walkable communities that are pedestrian and mass transit oriented while still ensuring adequate automobile access to the site.

21A.32.140 Table of Permitted and Conditional Uses For Special Purpose Districts:

LEGEND	PERMITTED AND CONDITIONAL USES SPECIAL PURPOSE DISTRICTS																	
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU	
C = Conditional Use P = Permitted Use																		
Retail service establishments		<u>CZ</u>																P
Museums	<u>C</u> <u>P11</u>									P	P	P	P					
Pedestrian pathways, trails and greenways	<u>P11</u>	<u>P11</u>						<u>P11</u>						P				P
<u>Funeral Home/Mortuary</u>																		
Tavern/ <u>private club</u> /lounge/brewpub; 2,500 square feet or less in floor area																		C
Off site parking										P	C	C	<u>C</u> <u>P11</u>	<u>C</u> <u>P11</u>				C

Qualifying Provisions:

1. See subsection 21A.02.050B of this title for utility regulations.
2. When located in a building listed on the Salt Lake City Register of Cultural Resources.
3. When located on an arterial street
4. Subject to Salt Lake Valley health department approval.
5. In conjunction with, and within the boundaries of, a cemetery for human remains.
6. Radio station equipment and antennas shall be required to go through the site plan review process to ensure that the color, design and location of all proposed equipment and antennas are screened or integrated into the architecture of the project and are compatible with surrounding uses.
7. When approved as part of a business park planned development pursuant to the provisions of section 21A.54.150 of this title.
8. Kennels, public or private, whether within penned enclosures or within enclosed buildings, shall not be permitted within 200 feet of an existing single-family dwelling on an adjacent lot.
9. Trails and trail heads without parking lots and directional and informational signage specific to trail usage shall be permitted.
10. Greater than 3 ambulances at location requires a conditional use.
11. Subject to the building and site design review process 21A.59 of this title.

21A.54.120 Limitations On Conditional Use Approval:

Subject to an extension of time granted by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, no conditional use shall be valid for a period longer than twelve (12) months unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, or unless a certificate of occupancy is issued and a use commenced within that period, or unless a longer time is requested and granted by the planning commission, or, in the case of administrative conditional uses, the planning director or designee. Any request for a time extension shall be required not less than thirty (30) days prior to the twelve (12) month time period. The approval of a proposed conditional use by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, shall authorize only the particular use for which it was issued. (Ord. 69-06 § 6, 2006: Ord. 26-95 § 2(27-12), 1995)

Definitions 21A.62

Conditional Use: A land use that, because of its unique characteristics or potential impact on the municipality, surrounding, neighbors or adjacent land uses, may not be compatible in some area or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. of special requirements or characteristics, may be allowed in a particular zoning district only after review by the planning commission and granting of conditional use approval imposing such conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity. Conditional uses are issued for uses of land and may be transferable from one owner of the land to another.

Truck stop: A building site and structures where the business of maintenance, servicing, storage or repair of trucks, tractor-trailer rigs, eighteen wheel tractor-trailer rigs, busses and similar commercial or freight vehicles is conducted, including the sale and dispensing of motor fuels or other petroleum products and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight sleeping accommodations and restaurant facilities.

Fuel Center: A subordinate building site located on the same site as a principle building/use for the sale and dispensing of motor fuels or other petroleum products and the sale of convenience retail.

Gas Station: A principle building site and structures for the sale and dispensing of motor fuels or other petroleum products and the sale of convenience retail. A gas station may include minor auto repair and car wash facilities when such uses are listed as a permitted or conditional use.

Compatibility: Capability of existing together in harmony.

**Conditional Uses Text Proposed Text Change
400-07-19**

21A.24.190 Table of Permitted and Conditional Uses for Residential Districts:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT																		
	RESIDENTIAL DISTRICTS																		
Use	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF- 30	RMF- 35	RMF- 45	RMF- 75	RB	R-MU-35	R-MU-45	R-MU	RO
Rooming (boarding) house											€	€	P	P	€	P	P	P	P
Medical and dental clinics and offices															€	€ <u>P</u>	€ <u>P</u>	P3	PP 9
Movie theatres/live performance theatres																C	C	P	<u>P</u>
Tavern/lounge/ Private Clubs/ brewpub; 2,500 sq feet or less in floor area																		C	
Gas station-may include accessory convenience retail and/or "minor repairs" as defined in part VI , chapter 21A.62 of this title															P	€	€	P	
<u>"Fuel Center"</u>																			
Restaurants, without drive-through facilities															€ <u>P</u> <u>10</u>	€ <u>P 10</u>	€ <u>P10</u>	P3	
Retail service establishments															<u>P4</u>	<u>P</u>	<u>P</u>	<u>P3</u>	
Institutional																			

Adult day care center															C	<u>€</u> <u>P</u>		P	P	P	P
Governmental uses and facilities																		P	P	P	P9
Museum																		C	C	P3	
Music conservatory																	<u>P</u>	P	P	P	
Nursing care facility (see section 21A.36.060 of this title)															P	P		<u>€</u> <u>P</u>	P	P	
Commercial																					
Laboratory; medical; dental; optical																				P3	<u>P</u>
Plant and garden shop, with outdoor retail sales area																	C4	C	C	C3	<u>C</u>
<i>Funeral Home/Mortuary</i>																					
House museum in landmark sites (see subsection 21A.24.010S of this chapter)	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	<u>P</u>	P	<u>P</u>	P	

Qualifying Provisions:

1. A single apartment unit may be located above first floor retail/office.
2. Provided that no more than 2 two-family buildings are located adjacent to one another and no more than 3 such dwellings are located along the same block face (within subdivisions approved after April 12, 1995).
3. Subject to conformance with the provisions of subsection 21A.24.170E of this chapter.
4. Construction for a nonresidential use shall be subject to all provisions of subsections 21A.24.160I and J of this chapter.
5. See subsection 21A.02.050B of this title for utility regulations.
6. Subject to conformance of the provision to section 21A.36.170 of this title.
7. When located in a building on the Salt Lake City Register of Cultural Resources (see subsection 21A.24.010S of this chapter).
8. Buildings in excess of 7,000 square feet in the SR-1 and R-2 districts when located in a building on the Salt Lake City Chapter of Cultural Resources (see subsection 21A.24 010S of this chapter.
9. Building additions on lots less than 20, 000 square feet for office uses may not exceed 50 percent of the buildings footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to the conditional use process.
10. **Subject to the building and site design review process 21A.59 of this title.**

21A.26.080 Table of Permitted and Conditional Uses For Commercial Districts:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT						
	COMMERCIAL DISTRICTS						
USE	CN	CB	CC	CS'	CSHBD'	CG	TC-75
C = Conditional Use P = Permitted Use							
Retail Sales And Services							
"Gas station" (may include accessory convenience retail and/or minor repairs) as defined in, chapter 21A.62	P	P	P	<u>P</u> <u>C9</u>	P	P	
<u>"Fuel Center"</u>			<u>P</u>	<u>C9</u>		<u>P</u>	
<u>"Truck Stop"</u>							
Superstore and hypermarket store				<u>P 8</u>		<u>P 8</u>	
Value retail/membership wholesale				<u>?</u>		<u>P 8</u>	
Commercial parking garage or lot			<u>C</u> <u>P 8</u>		P	P	<u>C</u> <u>P 8</u>
Restaurants with drive-through facilities	<u>C9</u>	P	P	P	P	P	C
Retail goods establishments with drive-through facilities	<u>C9</u>	P	P	P	P	P	C
Retail services establishments with drive-through facilities	<u>C9</u>	P	P	P	P	P	C

Qualifying Provisions:

1. Development in the CS district shall be subject to planned development approval pursuant to the provisions of section 21A.54.150 of this title. Certain developments in the CSHBD zone shall be subject to the conditional building and site design review process pursuant to the provisions of subsection 21A.26.060D of this chapter and chapter 21A.59 of this title.
2. See subsection 21A.02.050B of this title for utility regulations.
3. When located in a building listed on the Salt Lake City Register of Cultural Resources (see subsection 21A.24.010S of this part and subsection 21A.26.010K of this chapter).
4. Subject to Salt Lake Valley health department approval.
5. Pursuant to the requirements set forth in section 21A.36.140 of this title.
6. Subject to location restrictions as per section 21A.36.190 of this title.
7. Greater than 3 ambulances at location require a conditional use.
8. Subject to the building and site design review process 21A.59 of this title.
9. Not permitted when abutting a residential use.

21A.28.040 Table of Permitted and Conditional Uses For Manufacturing Districts:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT MANUFACTURING DISTRICTS	
C = Conditional Use P = Permitted Use		
USE	M-1	M-2
<i>"Truck Stop" (may include accessory convenience retail and/or minor repairs) as defined in part VI, chapter</i>	<u>C</u>	<u>C</u>
<i>"Fuel Center"</i>	<u>P</u>	<u>P</u>
Recycling processing center (outdoor)	€	P <u>C</u>
Automobile salvage and recycling (outdoor)	€	P <u>C</u>
Living quarters for a caretaker or security guard, limited to uses on lots 1 acre in size or larger and is accessory to a principal use allowed by the zoning district	€ <u>P 7</u>	€ <u>P 7</u>
Railroad "spur" delivery facility	P <u>C</u>	P

Qualifying Provisions:

1. See subsection 21A.02.050B of this title for utility regulations.
2. Subject to Salt Lake Valley health department approval.
3. Electric generating facilities shall be located within 2,640 ft of an existing 138 kV or larger electric power transmission line.
4. No railroad freight terminal facility may be located within a 5 mile radius of any other existing railroad freight terminal facility.
5. Pursuant to the requirements set forth in section 21A.36.140 of this title.
6. If a place of worship is located within 600 feet of a tavern, private club, brewpub or microbrewery, a written waiver of spacing requirements is required as a condition of approval.
7. Subject to the building and site design review process 21A.59 of this title.

21A.30.050 Table of Permitted and Conditional Uses For Downtown Districts:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT DOWNTOWN DISTRICTS			
C = Conditional Use P = Permitted Use				
Use	D-1	D-2	D-3	D-4
Pawnshop	C	P		
Government facilities (excluding those of an industrial nature and prison)	<u>P5</u>	<u>P5</u>	P	P
Libraries		<u>P</u>	P	P
Museum	<u>P</u>	<u>P</u>	P	P
Music conservatory	<u>P</u>	<u>P</u>	P	P
Conference centers	<u>P</u>			P
Convention centers with or without hotels	<u>P</u>			P
<u>Funeral Home/Mortuary</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Limousine service		P	<u>P</u>	<u>P</u>
Natural open space and conservation areas on lots less than 4 acres in size	C <u>P5</u>	C <u>P5</u>	C <u>P5</u>	C <u>P5</u>
Pedestrian pathways, trails and greenways	C <u>P5</u>	C <u>P5</u>	C <u>P5</u>	C <u>P5</u>

Qualifying Provisions:

1. See subsection 21A.02.050B of this title for utility regulations.
2. Radio station equipment and antennas shall be required to go through the site plan review process to ensure that the color, design and location of all proposed equipment and antennas are screened or integrated into the architecture of the project and are compatible with surrounding uses.
3. Uses allowed only within the boundaries and subject to the provisions of the downtown Main Street core overlay district (section 21A.34.110 of this part).
4. Any car wash located within 165 feet (including streets) of a residential use shall only be permitted as a conditional use.
5. **Subject to the building and site design review process 21A.59 of this title.**

21A.32.140 Table of Permitted and Conditional Uses For Special Purpose Districts:

LEGEND	PERMITTED AND CONDITIONAL USES SPECIAL PURPOSE DISTRICTS																	
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU	
C = Conditional Use P = Permitted Use																		
Retail service establishments		<u>CZ</u>																P
Museums	<u>C</u> <u>P 11</u>									P	P	P	P					
Pedestrian pathways, trails and greenways	<u>P 11</u>	<u>P 11</u>						<u>P 11</u>						P				P
<u>Funeral Home/Mortuary</u>																		
Tavern/ <u>private club</u> /lounge/brewpub; 2,500 square feet or less in floor area																		C
Off site parking										P	C	C	<u>C</u> <u>P 11</u>	<u>C</u> <u>P 11</u>				C

Qualifying Provisions:

1. See subsection 21A.02.050B of this title for utility regulations.
2. When located in a building listed on the Salt Lake City Register of Cultural Resources.
3. When located on an arterial street
4. Subject to Salt Lake Valley health department approval.
5. In conjunction with, and within the boundaries of, a cemetery for human remains.
6. Radio station equipment and antennas shall be required to go through the site plan review process to ensure that the color, design and location of all proposed equipment and antennas are screened or integrated into the architecture of the project and are compatible with surrounding uses.
7. When approved as part of a business park planned development pursuant to the provisions of section 21A.54.150 of this title.
8. Kennels, public or private, whether within penned enclosures or within enclosed buildings, shall not be permitted within 200 feet of an existing single-family dwelling on an adjacent lot.
9. Trails and trail heads without parking lots and directional and informational signage specific to trail usage shall be permitted.
10. Greater than 3 ambulances at location requires a conditional use.
11. Subject to the building and site design review process 21A.59 of this title.

21A.54.010 Purpose Statement:

A conditional use is a land use which because of its unique characteristics or potential impact on the municipality, surrounding, neighbors or adjacent land uses, may not be compatible or may be compatible only if certain conditions are required that mitigate or eliminate the negative impacts. has potential adverse impacts upon the immediate neighborhood and the city as a whole. Conditional uses are allowed unless appropriate conditions can not be applied which, in the judgment of the planning commission, or administrative hearing officer would mitigate adverse impacts that may arise by introducing a conditional use on the particular site or it is determined the specific conditional use at the subject location has no negative impacts. It requires a careful review of its location, design, configuration and special impact to determine the desirability of allowing it on a particular site. Whether it is appropriate in a particular location requires a weighing, in each case, of the public need and benefit against the local impact, taking into account the applicant's proposals for ameliorating any adverse impacts through special site planning, development techniques and contributions to the provision of public improvements, rights of way and services. (Ord. 26-95 § 2(27-1), 1995)

21A.54.080 Standards For Conditional Uses:

The planning commission shall only approve, approve with conditions, or deny a conditional use based upon written findings of fact with regard to each of the standards set forth below and, where applicable, any special standards for conditional uses set forth in a specific zoning district:

- A. — The proposed development is one of the conditional uses specifically listed in this title;
- B. — The proposed development is in harmony with the general purposes and intent of *this title*, and is compatible with and implements the planning goals and objectives of the city, including applicable city master plans;
- C. — Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets;
- D. — The internal circulation system of the proposed development is properly designed;
- E. — Existing or proposed utility services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources;
- F. — Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts;
- G. — Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood;
- H. — Landscaping is appropriate for the scale of the development;
- I. — The proposed development preserves historical, architectural and environmental features of the property;
- J. — Operating and delivery hours are compatible with adjacent land uses;
- K. — The proposed conditional use or, in the case of a planned development, the permitted and conditional uses contained therein, are compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood or the city as a whole;
- L. — The proposed development complies with all other applicable codes and ordinances. (Ord. 35-99 § 95, 1999; Ord. 26-95 § 2(27-8), 1995)

A. General Standards for Approval: A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

In order to identify and evaluate the detrimental effects and the need for and/or adequacy of mitigating conditions, the Planning Commission shall review and consider the following:

Approval of Conditional Use Application

1. Master Plan and Code Compliance

- A. The proposed development is supported by the general policies of the City Wide, Community, and Small Area Master plan text and the future land use map policies governing the site;
- B. The proposed development is one of the conditional uses specifically listed in this title; and
- C. The proposed development is supported by the general purposes and intent of the zoning ordinance including the purpose statement of the zoning district.

2. Use Compatibility

The proposed use at the particular location is compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing development. In determining compatibility, the Planning Commission may consider the following:

- A. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets;
- B. The type of use and its location does not create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected with the development of a permitted use. In determining unusual patterns, the Planning Commission shall consider:
 - i. The orientation of driveways and if they direct traffic to the major streets or local streets, and, if directed to the local streets, the impacts to the safety, purpose, and character of the local streets;
 - ii. Parking locations and size, and if parking plans encourage street side parking to the proposed use which impacts the adjacent land uses;
 - iii. Hours of peak land use when traffic to the proposed use would be greatest and that such times and peaks would not impact the ability of the surrounding uses to enjoy the use of their properties; and

- iv. The hours of operation of the proposed use when compared with the hours of activity/operation of the surrounding uses and the potential of such hours of operation do not create noise, height, or other nuisances not acceptable to the enjoyment of existing surrounding uses or common to the surrounding uses.
- C. The internal circulation system of the proposed development is properly designed for motorized, non-motorized and pedestrian traffic, and mitigates impacts on adjacent properties;
- D. Existing or proposed utility and public services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources; and
- E. Appropriate buffering such as landscaping, setbacks, and building location, is provided to protect adjacent land uses from light, noise and visual impacts.
- F. Detrimental concentrations of existing non-conforming or conditional uses substantially similar to the use proposed. The analysis is based on an inventory of uses within a quarter mile radius of the subject property

3. Design Compatibility

The proposed conditional use is compatible with:

- A. The architectural character of the community and the surrounding neighborhoods when required by the City's Compatible Infill Ordinance or standards required by the City's Historical Ordinance.
- B. The character of the area with respect to: site design and location of parking lots, access ways, and delivery areas; impact on adjacent uses through loss of privacy, objectionable views of large parking or storage areas; or views and sounds of loading and unloading areas;
- C. Operating and delivery hours are compatible with adjacent land uses; and
- D. The proposed design is compatible with the intensity, size, and scale for the type of use, and with the surrounding uses.

4. Detriment to Persons or Property

The proposed use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor be injurious to property and improvements in the community, existing surrounding uses, buildings, and structures. The applicant shall demonstrate that the proposed use:

- A. Does not lead to deterioration of the environment by emitting pollutants into the ground or air that cause detrimental effects to the property or to neighboring properties;
- B. Does not encroach on rivers or streams or direct run off into rivers or streams;
- C. Does not introduce hazards or potentials for damage to neighboring properties that cannot be mitigated; and
- D. Is in keeping with the type of existing uses surrounding the property, and that as proposed the development will improve the character of the area by encouraging reinvestment and upgrading of surrounding properties.

5. Compliance with Other Applicable Regulations

The proposed development complies with all other applicable codes and ordinances.)

6. Imposition of the Conditions of Approval

The Planning Commission may impose conditions on the proposed use which are in addition to any conditions specifically listed within this chapter. All conditions imposed shall meet the following criteria:

- A. The condition is within the police powers of Salt Lake City;**
- B. The condition must substantially further a legitimate public purpose;**
- C. The condition must further the same public purpose for which it is imposed;**
- D. The applicant/owner may not be required to carry a disproportionate burden in furthering the public purpose; and**
- E. Dedications of land and other contributions as conditions of approval must be reasonably related and roughly proportionate to the use of the property for which the conditional use permit is required.**

7. Mitigating Conditions

As part of their review, the Planning Commission may impose mitigating conditions on the proposed development. These conditions may include but are not limited to the following areas: landscaping; access; loading and parking areas; sanitation; drainage and utilities; architecture and signage; fencing and screening; setbacks; natural hazards; public safety; environmental impacts; hours and methods of operation; dust, fumes, smoke and odor; noise, vibrations; chemicals, toxins, pathogens, and gases; and heat, light, and radiation.

The conditions which are imposed on a conditional use permit must be expressly attached to the permit and cannot be implied.

8. Denial of Conditional Use Application

The following findings or others may, in the judgment of the Planning Commission, be cause for denial of a conditional use application:

- A. The proposed use is unlawful;**
- B. Conditions of approval could not reasonably mitigate the negative impacts of the proposed use.**
- C. The proposed use would create or pose a nuisance, conflict, or hazard relating to noise, vibration, light, electrical or electronic interference, traffic, odor, fumes, dust, explosion, flooding, contaminations, or other negative effects on the neighboring properties or the community in general, without adequate mitigation.**

21A.54.120 Limitations On Conditional Use Approval:

Subject to an extension of time granted by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, no conditional use shall be valid for a period longer than twelve (12) months unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, or unless a certificate of occupancy is issued and a use commenced within that period, or unless a longer time is requested and granted by the planning commission, or, in the case of administrative conditional uses, the planning director or designee. Any request for a time extension shall be required not less than thirty (30) days prior to the twelve (12) month time period. The approval of a proposed conditional use by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, shall authorize only the particular use for which it was issued. (Ord. 69-06 § 6, 2006: Ord. 26-95 § 2(27-12), 1995)

Definitions 21A.62.040

Conditional Use: A land use that, because of its unique characteristics or potential impact on the municipality, surrounding, neighbors or adjacent land uses, may not be compatible in some area or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

Truck stop: A building site and structures where the business of maintenance, servicing, storage or repair of trucks, tractor-trailer rigs, eighteen wheel tractor-trailer rigs, busses and similar commercial or freight vehicles is conducted, including the sale and dispensing of motor fuels or other petroleum products and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight sleeping accommodations and restaurant facilities.

Fuel Center: A subordinate building site located on the same site as a principle building/use for the sale and dispensing of motor fuels or other petroleum products and the sale of convenience retail.

Gas Station: A principle building site and structures for the sale and dispensing of motor fuels or other petroleum products and the sale of convenience retail. A gas station may include minor auto repair and car wash facilities when such uses are listed as a permitted or conditional use.

"Gas station" means a building and premises where gasoline must be sold, and where oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where, in addition, the following services may be rendered and sales made:

A. Sale and servicing of spark plugs, batteries, and distributors and distributor parts;

~~B. Tire servicing and repair, but not recapping or regrooving;~~

~~C. Replacement or adjustment of mufflers and tailpipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;~~

~~D. Radiator cleaning and flushing; provision of water, antifreeze and the like;~~

~~E. Greasing and lubrication;~~

~~F. Providing and repairing fuel pumps, oil pumps and lines;~~

~~G. Servicing and repair of carburetors;~~

~~H. Electrical repairs;~~

~~I. Adjusting and repairing brakes;~~

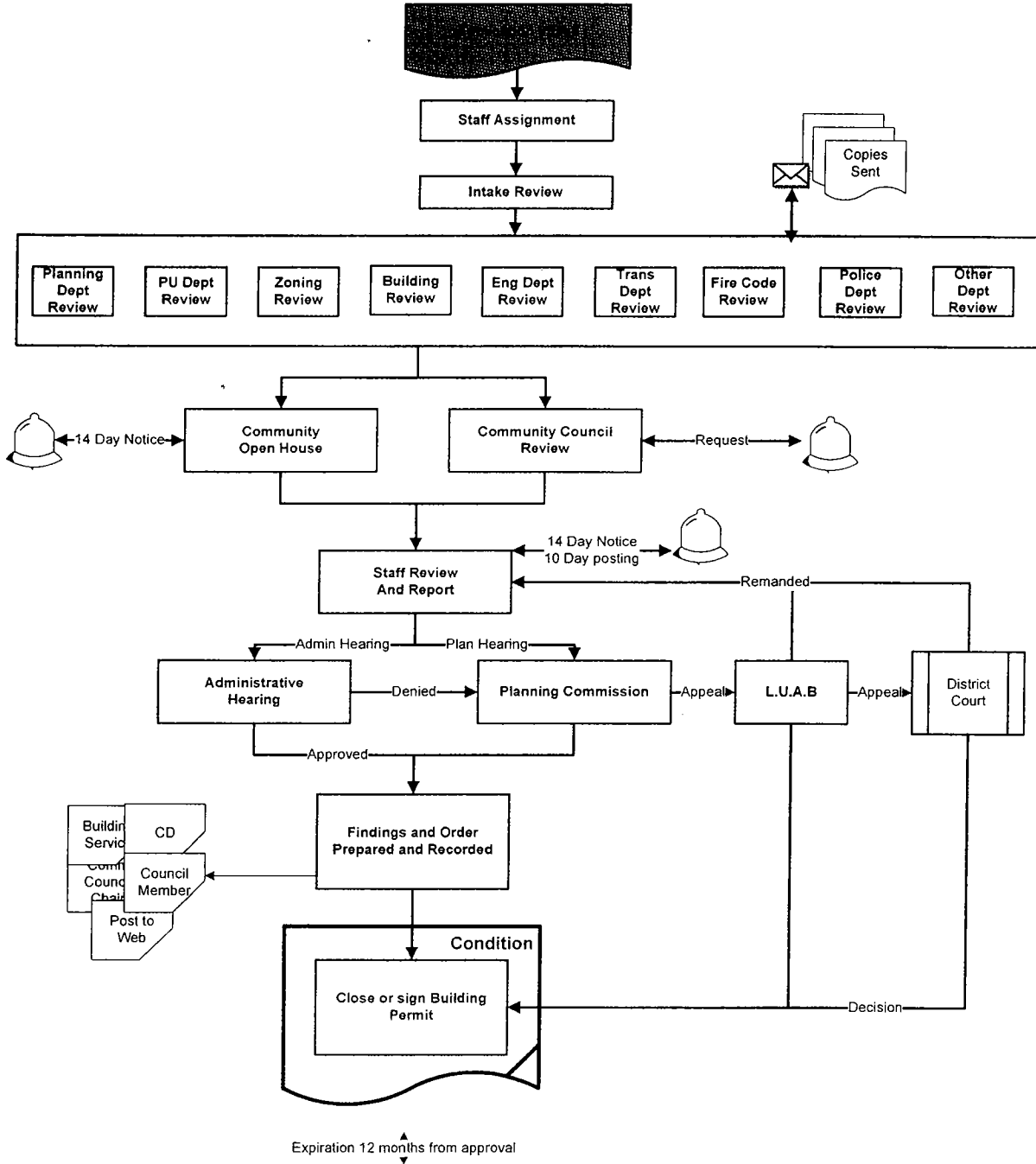
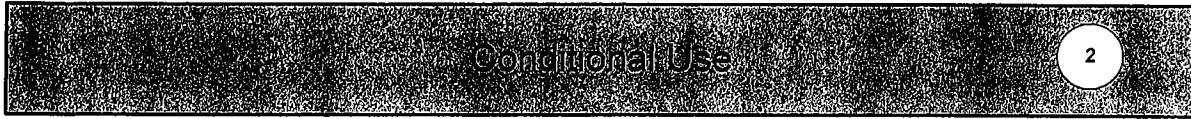
~~J. Minor motor adjustments not involving removal of the head or crankcase; and~~

~~K. Sale of beverages, packaged foods, tobacco, and similar convenience goods.~~

~~Uses permissible at a gas station do not include major mechanical and body work, straightening of frames or body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition, or any activity involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in gas stations.~~

Compatibility: Capability of existing together in harmony.

ATTACHMENT B: Conditional Use Work Flow



ATTACHMENT C: Public Comment

OPEN HOUSE
Salt Lake City Zoning Ordinance Text Amendment
Conditional Uses and Building and Site Design Review
ATTENDANCE ROLL
SEPTEMBER 27, 2007

Please print clearly, as this information will be attached to the subsequent staff report. Thank you.

PRINT NAME <u>DAVE RICHARDS</u> ADDRESS <u>1120 BROWNING</u> ZIP CODE <u>84105</u>	PRINT NAME <u>Lori Gutierrez</u> ADDRESS <u>143 S-900 E</u> ZIP CODE <u>84102</u>
PRINT NAME <u>Ernest Hunter</u> ADDRESS <u>337 SO WINE</u> ZIP CODE <u>84102</u>	PRINT NAME <u>Jay Ingleby</u> ADDRESS <u>1148 Redwood Dr, SLC</u> ZIP CODE <u>84104</u>
PRINT NAME <u>Shane Carlson</u> ADDRESS <u>385 L Street</u> ZIP CODE <u>84103</u>	PRINT NAME <u>NORM TABISH</u> ADDRESS <u>1530 W 1300 St</u> ZIP CODE <u>84104 801 972 9998</u>
PRINT NAME <u>Ron Whitehead</u> ADDRESS <u>P.O. Box 16184 SLC</u> ZIP CODE <u>84116</u>	PRINT NAME _____ ADDRESS _____ ZIP CODE _____
PRINT NAME <u>Marlene Little</u> ADDRESS <u>865 W. Riley Cir SLC</u> ZIP CODE <u>84104</u>	PRINT NAME _____ ADDRESS _____ ZIP CODE _____
PRINT NAME <u>Cindy Cromer</u> ADDRESS <u>816 E 100 S</u> ZIP CODE <u>SLC, UT 84102-4109</u>	PRINT NAME _____ ADDRESS _____ ZIP CODE _____

OPEN HOUSE COMMENTS
Salt Lake City Zoning Ordinance Text Amendment
Conditional Uses, and Building and Site Design Review

Please provide us with the following information, so that we may contact you for further comment. Please print clearly, as this information will be forwarded to the Planning Commission. Thank you.

Name Cindy Cromer

Address 816 E 100 S

Salt Lake City, UT 84102-4109

Phone 801 209-9225

email cindyc@vmh.com

Please provide comments below.

- ① Remove "assisted living facility" as conditional use in RMF-35.
- ② We need an overlay which prohibits any additional conditional uses in the area where they are most highly concentrated.
- ③ Need to find out max. # for resident health care facility (as defined by State).
- ④ Investigate conditional uses which expire w/ changes in ownership.

ATTN: NOEL WALKINGSHAW

From: Jay Ingleby

21A.28.040 Table of Permitted and Conditional Uses For Manufacturing Districts:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT	
	M-1	M-2
C = Conditional Use P = Permitted Use		
USE		
Office and Related Use		
Financial institutions, with or without drive-through facilities <i>OK YES</i>	P	
Offices, medical and nonmedical <i>OKAY YES</i>	P	
Retail Sales and Services		
Automobile and truck repair <i>No</i>	+C	+C
Automobile and truck sales and rental (including large truck) <i>No</i>	+C	+C
Automobile parts sales <i>YES HAVE THESE NOW</i>	P	P
Building materials distribution <i>YES " " "</i>	+C	+C
Communication services <i>YES</i>	P	P
Convenience store <i>YES HAVE THESE NOW</i>	+C	+C
Electronic repair shop <i>YES</i>	P	
Equipment rental <i>No</i>	+C	+C
Furniture repair shop <i>YES</i>	+C	+C
Laundry, dry cleaning and dyeing <i>YES NEED THIS</i>	P	P
Liquor store <i>NO DO NOT NEED THIS</i>	C	+C
Package delivery facility <i>YES</i>	P	P
Recreational vehicle sales and service <i>No</i>	P	P
Restaurants, with or without drive-through facilities <i>YES OKAY</i>	P	
Retail goods establishments with or without drive-through facilities <i>YES</i>	P	P
Tire distribution retail/wholesale <i>No</i>	+C	+C
Truck repair, large <i>NO DO NOT NEED</i>	+C	+C
Upholstery shop <i>YES</i>	P	P
Institutional Uses (Sites < 2 Acres)		
Adult daycare center <i>YES WE NEED THIS TYPE OF BUSINESS</i>	P	P
Child daycare center <i>YES</i>	P	P
Local government facilities <i>YES - OKAY</i>	P	P
Places of worship <i>YES</i>	+C	
Schools, professional and vocational (without outdoor activities) <i>YES</i>	P	P
Schools, professional and vocational (with outdoor activities) <i>YES</i>	P	

21A.28.040

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT	
C = Conditional Use P = Permitted Use	MANUFACTURING DISTRICTS	
USE	M-1	M-2
Commercial Uses		
Blacksmith shop <i>No (Hazard)</i>	P C	P C
Carpet cleaning <i>Yes</i>	P C	P C
Commercial laundry, linen service and dry cleaning establishments <i>Yes</i>	P	P
Diaper service <i>Yes</i>	P	P
Gas station (sales and/or minor repair) <i>Yes</i>	P	P
Greenhouse for food and plant production <i>Yes</i>	P	
Heavy equipment (rental) <i>No - DON'T need</i>	P	P
Heavy equipment (sales and service) <i>No</i>	P	P
Precision equipment repair <i>Yes</i>	P	P
Welding shop <i>Yes</i>	P C	P C
Manufacturing Uses		
Bottling plant <i>Yes</i>	P	P
Cabinet making/woodworking mills <i>Yes</i>	P	P
Chemical manufacturing and storage <i>No - Enough</i>		C
Commercial bakery <i>Yes OKAY</i>	P	P
Concrete manufacturing <i>No - Dirty Business</i>	C	P C
Drop forge industry <i>No (Hazardous)</i>		P C
Explosive manufacturing and storage <i>No (Hazardous)</i>		C
Flammable liquids or gases, heating fuel distribution and storage <i>No Hazardous</i>		P C
Food processing <i>Yes</i>	P C	P C
Grain elevator <i>No (Explosive)</i>		P C
Heavy manufacturing <i>No</i>		P C
Incinerator, medical waste/hazardous waste <i>No (Hazardous)</i>		C
Industrial assembly <i>No</i>		P C
Laboratory: testing <i>8 NO'S (Hazard)</i>	P C	P C
Light manufacturing <i>No (what kind)</i>	P C	P C
Moving and storage <i>No (" " ")</i>	P C	P C

ATTN: NOEL WALKINGSHAW

From: Jay Ingleby

21A.28.040 Table of Permitted and Conditional Uses For Manufacturing Districts:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT	
	M-1	M-2
C = Conditional Use P = Permitted Use		
USE		
Office and Related Use		
Financial institutions, with or without drive-through facilities <i>OK Yes</i>	P	
Offices, medical and nonmedical <i>OKAY Yes</i>	P	
Retail Sales and Services		
Automobile and truck repair <i>No</i>	P C	P C
Automobile and truck sales and rental (including large truck) <i>No</i>	P C	P C
Automobile parts sales <i>Yes have these now</i>	P	P
Building materials distribution <i>Yes " " "</i>	P C	P C
Communication services <i>Yes</i>	P	P
Convenience store <i>Yes have these now</i>	P C	P C
Electronic repair shop <i>Yes</i>	P	
Equipment rental <i>No</i>	P C	P C
Furniture repair shop <i>Yes</i>	P C	P C
Laundry, dry cleaning and dyeing <i>Yes need this</i>	P	P
Liquor store <i>No DO NOT NEED THIS</i>	C	P C
Package delivery facility <i>Yes</i>	P	P
Recreational vehicle sales and service <i>No</i>	P	P
Restaurants, with or without drive-through facilities <i>Yes OKAY</i>	P	
Retail goods establishments with or without drive-through facilities <i>Yes</i>	P	P
Tire distribution retail/wholesale <i>No</i>	P C	P C
Truck repair, large <i>No DO NOT NEED</i>	P C	P C
Upholstery shop <i>Yes</i>	P	P
Institutional Uses (Sites < 2 Acres)		
Adult daycare center <i>Yes we need this type of business</i>	P	P
Child daycare center <i>Yes</i>	P	P
Local government facilities <i>Yes - OKAY</i>	P	P
Places of worship <i>Yes</i>	P	
Schools, professional and vocational (without outdoor activities) <i>Yes</i>	P	P
Schools, professional and vocational (with outdoor activities) <i>Yes</i>	P	

LEGEND		PERMITTED AND CONDITIONAL USES, BY DISTRICT MANUFACTURING DISTRICTS	
C = Conditional Use P = Permitted Use			
USE		M-1	M-2
Automobile salvage and recycling (indoor)	NO (HAZARD)	PC	PC
Automobile salvage and recycling (outdoor)	NO (HAZARD)	C	PC
Bus line terminals	NO (Have them already with UTA)	PC	PC
Bus line yards and repair facilities	NO (UTA)		PC
Communication towers	Yes	P	P
Communication towers, exceeding the maximum building height	NO (AIR TRAFFIC)	C	C
Contractor's yard/office (with exterior storage)	NO (What's stored)	PC	PC
Display room; wholesale	Yes	PC	PC
Hotel or motel	Yes	P	
Impound lot	NO (ENVIRONMENT PROBLEMS)	PC	PC
Limousine service	NO (Prefer NOT IN RESIDENTIAL)	PC	PC
Living quarters for a caretaker or security guard, limited to uses on lots 1 acre in size or larger and is accessory to a principal use allowed by the zoning district	Yes	C	C
Motion picture studio	Yes	P	P
Off site parking	NO (Bad use of property)	PC	PC
Outdoor storage and display	NO (What's stored)	PC	PC
Park and ride lots	Yes	P	P
Park and ride, parking shared with existing use	Yes	PC	PC
Pet cemeteries	NO	PC	
Poultry farm or processing plant	NO (ENVIRONMENT)		PC
Public/private electric generation facility	NO (HAZARDS)	C	C
Public/private utility buildings and structures	Yes	PC	PC
Public/private utility transmission wires, lines, pipes and poles	Yes	P	P
Radio, television station	Yes	P	P
Railroad "spur" delivery facility	NO (Enough already)	PC	PC
Raising of furbearing animals	NO	C	PC
Sewage treatment plant	NO (ENVIRONMENT)	C	C
Slaughterhouses	NO (SICKNESS & DISEASE)	C	PC
Solid waste transfer station	NO (HAZARD)	C	C
Stockyards	NO (HAZARD)	C	PC
Taxicab operation: dispatch, staging and maintenance	Yes	P	P
Vehicle auction establishment	Yes	P	P
Vending cars on private property as per chapter 5.65 of this code	NO (Health concerns)	PC	PC
Wireless telecommunications (see table 21A.40.090E of this title)	Yes	C	C

21A.28.040

Qualifying Provisions:

1. See subsection 21A.02.050B of this title for utility regulations.
2. Subject to Salt Lake Valley health department approval.
3. Electric generating facilities shall be located within 2,640 ft of an existing 138 kV or larger electric power transmission line.
4. No railroad freight terminal facility may be located within a 5 mile radius of any other existing railroad freight terminal facility.
5. Pursuant to the requirements set forth in section 21A.36.140 of this title.
6. If a place of worship is located within 600 feet of a tavern, private club, brewpub or microbrewery, a written waiver of spacing requirements is required as a condition of approval.

(Ord. 61-06 § 1 (Exh. A), 2006; Ord. 1-06 § 30, 2005; Ord. 22-04 § 1 (Exh. A), 2004; Ord. 18-04 § 3, 2004; Ord. 17-04 § 5 (Exh. D), 2004; Ord. 13-04 § 8 (Exh. C), 2004; Ord. 50-02 § 1, 2002; Ord. 23-02 § 4 (Exh. B), 2002; Ord. 84-01 § 1, 2001; Ord. 35-99 § 32, 1999; Ord. 19-98 § 3, 1998; Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(14-3), 1995)

Specific Concerns/ Issues

Several overarching issues have been brought to the attention of the Planning Department by the Salt Lake Coalition for Orderly Development in previous documents and meetings.

They include the primary concern that there is a general crisis of trust and confidence by the community at large regarding the processes followed by the Planning/Permit Departments and can be summarized into four main themes:

- Open and Transparent Process
- Neutrality
- Enforcement
- Professionalism.

These same themes reach into each Community Council area (some more than others) and negatively affect neighborhood specific projects in a variety of ways. Neighborhoods experience different pressures for development. One neighborhood might experience more problems with excessively large homes, while another might be more vulnerable to commercial encroachment, etc. The pressures and impacts are different however the sources of the conflicts are the same. Each Community Council has its own list of specific projects that need to be raised in the context of the broader themes of the Coalition.

East Central Community Council (its residents, local business owners, schools, land owner/developers, etc.) has not only a large variety of concerns/issues, but also in more number due to its location and positioning to downtown (development), the University of Utah, Research Park, transit and state roads, etc.

The East Central neighborhoods have been and continue to be negatively impacted in context of the Coalition concerns.

The following is a revised listing specific to our Community Council:

- **Incorrect Zoning/ Future Land Use Map (causing demolitions, land banking/speculation, up-zoning, monster homes and garages, disruption of neighborhood fabric, etc.)**
- **Proliferation of Non-Conforming/Conditional Uses causing a net cumulative negative effect and disrupting the stated purpose of the zoning classifications.**
 - i.e. -all non-conforming and conditional uses
 - Medical Clinics (27), boarding houses, group homes, etc.

- Montessori School (converted to business use)**
 - McClelland Medical Clinic
 - Gas Station
 - Drug treatment, half way houses, etc.
- **Failure to Complete Authorized Planning Initiatives**
 - i.e. -Small area master plan/ condition of approval (Cancer Wellness House)
- **Impact of Delayed Historic Study Areas** (Method, tear downs, number, priority and cost of intensive level surveys. Lack of tools to support preservation. National registered districts.)
 - i.e. -Gilmer Park
- **Delayed Expansion of the University Historic District** (cost, priority, % intensive level surveys, etc. causing demolitions, land banking, disruptions of neighborhood fabric, etc.)
- **Expansion of Institutional Use in Residential Areas**
 - i.e. -Judge High School (encroachment, residential zone, stadium, etc.)
 - Salt Lake Regional Hospital
 - UU Artist Housing
- **Coordination and Handling of Utility Corridors**
 - i.e. -Rocky Mountain Substations
 - Qwest DSL
 - High Voltage Transmission Line
 - Infrastructure coordination
- **Failure to Implement Historic Guidelines/Criteria - University**
 - i.e. - protection of alleys (garage vs. carriage house)
- **Delayed Transit Corridor Study - Zoning above 7th East**
 - i.e. -IHC
 - Chase Suites
 - Zoning
 - Master Plan/Outreach
- **Increased Packing/BOA Backlog**
 - i.e. -Duplex, Condo conversions
 - Illegal duplex (destabilized neighborhoods)
- **Monster Homes/ Front lot set back**
 - i.e. 1137 Douglas Street

- **Limited Inspections (Enforcement and Permits)**
 - i.e. -Rental Units, Apartment Complexes
 - Habitat for Humanity

- **Deficit in Guidance/Leadership to Developers/Communication with the Community**
 - i.e. -Merit Market
 - Project Universe
 - 1153 E. 7th So.
 - Equal Access to Business Discussions/Negotiations

- **Change in Design from What Was Presented to the Community/ Right of Appeal**
 - i.e. 940 East 7th So.

- **Review Process / Post mortem for Problem Decisions**
 - i.e. Compressor
 - Boarding House

Contact Information:

Esther Oeknick-Hunter
ECCC Community Development/Land Use Chair
Universityneighborhood@hotmail.com
(801) 688-4522

Walkingshaw, Nole

From: Drleslie99@aol.com
Sent: Tuesday, October 16, 2007 9:27 AM
To: Walkingshaw, Nole
Subject: Re: Conditional Use Moratorium, Petition #400-07-19

We, in the Westpointe CC area, have none of these issues to date. We have a very small business district, and one separate 7-11, and the rest is residential (with some very large, but nicely maintained apartment complexes).

I am in sympathy with the Greater Avenues.
Leslie Reynolds-Benns, PhD, Chair, Westpointe CC

See what's new at [AOL.com](#) and [Make AOL Your Homepage](#).

Walkingshaw, Nole

From: Ellen Reddick [reddicker@QWEST.net]
Sent: Monday, December 03, 2007 8:10 AM
To: Walkingshaw, Nole
Subject: FW: Proposed Conditional Use Ordinance Changes

Attachments: conditional use



conditional use

Nole,

Please take a moment and address some of these concerns from a small business owner at 9th & 9th.

Thanks

Ellen Reddick
(801) 581-0369

-----Original Message-----

From: jja-1@comcast.net [mailto:jja-1@comcast.net]
Sent: Monday, December 03, 2007 12:47 AM
To: reddicker@QWEST.net; mcc@cwesq.net
Subject: Proposed Conditional Use Ordinance Changes

Hi Ellen, Mary

(Is this the right email for Mary?)

I am VERY concerned about this conditional use ordinance, particularly with the revised purpose statements in the CN ("pedestrian as primary user") and CB zones ("pedestrian in orientation and scale"). It may seem subtle and inconsequential. But, this type of vague, potentially restrictive, language has the potential (and has been so used in the past) to be the lever that the anti-business residential advocates use as the justification for unfriendly restrictions to businesses - both general (arguing for further use limitations within a district, e.g, no dry cleaners); and specific (e.g. lobbying against a particular business' conditional use application, or shared, off-site parking arrangement). The routine is - "Well. it's inconsistent with the purpose statement for this zone". This is a slippery slope, which only has the potential to be to the disadvantage of property owners and entrepreneurs - especially small ones and start-ups, and no potential that I can see to be helpful to them (at least in the absence of linked economic development measures).

I am unaware of any precedent in SLC for business viability in these zones which relies, or could rely, predominantly on foot traffic. And there can be prospect for such viability, until the City's mass transit system is considerably more robust and considerably more heavily utilized, which clearly is not a near term possibility. Further, it flies in the face of the City's own data and planning patterns pertaining to Transit Oriented Developments, which, unless I am mistaken, rely on pedestrians being willing to walk NO FURTHER than 5 blocks from transit stops to residence, work or shopping. Can you think of a single business outside the CBD which does a nut-cracking portion, let alone a predominance of, its business, from foot traffic from a five block radius?. I can't.

How about purpose statements that emphasize the viability and vibrancy of the businesses and districts as economic engines and community gathering places? After all, these are BUSINESS districts, not squatters in residential enclaves. Why should there be purpose

statements that imply that the existence of these district is problematic, instead of those which emphasize the necessary community functions they provide and the remarkable community assets which they represent (and the even more remarkable ones the COULD represent)? In my opinion, we are never going to get to "long term viable", let alone, "World class" without this paradigm shift.

Interested in your thoughts,

Jim

CONDITIONAL USE(S) IN RESIDENTIAL DISTRICTS

DATE RECEIVED	CASE NUMBER	ADDRESS	PETITIONER	REQUEST	ZONE&DISTRICT
5/8/2007	410-07-12	3113 Carrigan Canyon Drive	Mark Miller	Accessory Structure/Acc. Lot	FR-1/D-7
4/17/2007	410-07-10	324 North A Street	Steven Lowe	Accessory Structure/Acc. Lot	SR-1A/D-3
10/2/006	410-06-37	1017 South 1400 West	Marion Barnhill	Flag Lot	R-1/7000/D-2
7/6/2006	410-06-28	149 South 900 East	Robert Bunnell	Rooming House	RMF-35/D-4
3/9/2006	410-06-07	1177 East South Temple	Mike Devine	Home/Office	SR-1A/D-3
11/28/2005	410-775	725 West 300 North	Guadalupe Church	Demolition of Rectory	R-1/5000/D-2
9/26/2005	410-769	734 South 700 East	Islamic Society	Place of Worship	RMF-30/D-4
7/22/2005	410-757	1401 West 700 South	Mike Davey	Place of Worship	R-1/5000/D-2
1/3/2005	410-715	273 North East Capitol Street	Bernard Rosenson	Assisted Living Facility	RMF-35/D-3
11/22/2004	410-713	1803 South 600 East	Tracy Stocking	Church Parking Lot	R-1/5000/D-4/D-5
9/6/2001	410-556	57 South 1100 East	Cancer Wellness	Community Center	R-2/D-4
6/20/2001	410-546	2535 South Douglas Street	Rober Marshall	Church Parking Lot	R-1/5000/D-7
5/18/2001	410-540	934 West Fremont Avenue	McNeil Eng.	Parking Lot	R-1/5000/D-2
3/8/2001	410-526	261 South 900 East	Eldredge&Nicholson	Place of Worship	RMF-30/D-4
1/10/2001	410-517	1750 East 1700 South	Buredette	Flag Lot	R-1/D-6
12/7/2000	410-514	132 South 1400 West	Sprint	Additional Height	R-1/7000/D-2
9/2/2000	410-368	158 North 600 West	Salt Lake Mission	Church & related ministries	SR-1/D-3
6/7/2000	410-474	464 South Concord Street	Boy's&Girl's Club	Recreation Center	R-1/5000 D-2
4/3/2000	410-456	612 South 400 East	Akbar Matinkhar	Temporary Parking	RMF-35/D-4
3/15/2000	410-453	1700 South 1300 East	Westminster	Parking Structure	I/D-7, 6 & 5
3/1/2000	410-452	720 East Ashton Ave	Kelly Lamoreaux	Bed and Breakfast	RMF-35/D-5
2/10/2000	410-451	1382 West Van Bueren Ave	Brian Black	Flag Lot	R-1/7000/D-2
11/1/1999	410-376	2534 Wilshire Drive	Alan Bradshaw	Flag Lot	R-1/7000/D-7
9/29/1999	410-375	340 East 100 South	Odyssey House	Outpatient Services	R-MU/D-4
6/16/1999	410-356	2673 South Preston Place	SLC Corporation	Parking for elderly housing	RMF-35/D-7
6/3/1999	410-354	203 South 200 East	David Rohoxit	Parking Lot	D-1/D-4
5/3/1999	410-349	251 East 700 South	SLC & SL County	Senior Center	RMF-75/D-4
4/30/1999	410-349	1274 East South Temple	Kanzson Inc.	Place of Worship	RMF-45/D-4
1/25/1999	410-336	1469 South Cheyenne	Community Dev.	Resident Home	R-1/7000/D-2
5/4/1998	410-308	718 South 600 East	Youth Resource	Treatment Facility	RMF-30/D-4
1/23/1998	410-303	1611 South West Temple	United Services	Transitional Home	RMF-35/D-2
12/3/1997	410-294	175 North 300 West	LDS Church	High School Seminary	PL/D-3
11/24/1997	410-294	1041 North Redwood Road	Latin America Council	Place of Worship	RMF-30/D-1
9/24/1997	410-284	2615 Stringham Ave	BBSA Architects	Place of Worship	R-1/5000/D-7
9/5/1997	410-279	240 East 600 South	Travelers Aid Society	Homeless Shelter (temporary)	D-3/D-4

CONDITIONAL USE(S) IN RESIDENTIAL DISTRICTS

7/29/1997	410-272	1024 South 500 East	St. John's	Pre-School	R-1/5000/D-5
6/18/1997	410-272	273 North East Capitol Street	Tom Sieg	Bed and Breakfast	RMF-35/D-3
3/21/1997	410-261	1397 West Stetson Way	William Richardson	Flag Lot	RMF-35/D-3
3/21/1997	410-262	675 North F Street	LDS Church	Place of Worship	R-1/7000/D-2
11/8/1996	410-251	13th Ave & F Street	Glenn Lloyd	Place of Worship	FR-3/D-3
9/13/1996	410-243	1683 East Atkin Avenue	Brian Jessop	Flag Lot	R-1/7000/D-7
9/12/1996	410-242	1185 West 1000 North	Vietnamese Church	Place of Worship	R-1/7000/D-1
7/29/1996	410-236	553 North Cambridge Circle	Don Halverson	Basketball Court	FR-3/D-3
43 conditional uses granted or denied by the Planning Commission since July 29, 1996					
Conditional uses granted or denied are for residential districts only					

5. PLANNING COMMISSION

c. Minutes and Agendas

Briefing October 10, 2007

Hearing November 14, 2007

Hearing November 28, 2007

NOTE: Field trip scheduled to leave at 4:00 p.m.

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, October 10, 2007 at 5:45 p.m.**

Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. This portion of the meeting is open to the public for observation.

1. APPROVAL OF MINUTES FROM WEDNESDAY, SEPTEMBER 26, 2007
2. REPORT OF THE CHAIR AND VICE CHAIR
3. REPORT OF THE DIRECTOR

- a. **Petitions 410-761 and 490-06-04, Bouck Village Planned Development**--a request by Monte Yedlin for a time extension for the approval of the Bouck Village Planned Development located at approximately 1566 West 500 North in a Single Family Residential (R-1-5,000) Zoning District. The expiration date of the approval for the planned development was on May 20, 2007. The applicant recently purchased the property and is requesting that the approval date be extended until May 10, 2008 to allow time to record the final plat. The applicant is also asking that the side yard of lot 4 be decreased from 20 feet to 15 feet to be consistent with lots 1 through 3 (Staff--Ray McCandless at 535-7282 or ray.mccandless@slcgov.com).

4. PUBLIC HEARING

- a. **Petitions 410-06-29 & 490-07-09, Capitol View Planned Development and Preliminary Subdivision**--a request for clarification regarding the approval that the Planning Commission granted for this project on June 27, 2007, concerning the proposed average lot size and overall project density (Staff--Lex Traughber (801)535-6184 or lex.traughber@slcgov.com).
- b. **Petition 410-07-20, Rocky Mountain Power-Donner Way**--a request for approval for a Conditional Use, to install above ground utility vaults (which will replace existing below ground vaults) at approximate locations near 900 S, 910 S, 913 S, 925 S, and 939 S. Donner Way, 895 S. Donner Circle; 3075 E. and 3125 E. Kennedy Drive. The project is in the RMF-45 (Moderate/High Density Multi-Family Residential) Zoning District, in Council District Six (Staff--Marilynn Lewis at 535-6409 or marilynn.lewis@slcgov.com).
- c. **Petition 400-07-19, Conditional Use**-- a request by the Salt Lake City Council to amend sections of the Salt Lake City Zoning Ordinance relating to Conditional Uses in general and specifically, focusing on the Table of Permitted and Conditional Uses, the criteria for which Conditional Uses are reviewed and approved and the powers and duties of the Planning Commission are relating to conditional uses. This is an Issues Only hearing Public comment will be taken at this hearing; however no final decision will be rendered at this meeting by the Planning Commission as a result of the discussion and public comment. A Planning Commission will schedule a meeting in the future to make a final decision. (On July 17, 2007, the City Council past Ordinance Number 49 of 2007 which placed a moratorium on all conditional uses in residentially zoned districts and those abutting residentially zoned areas throughout the City. This petition is in response to the moratorium (Staff--Nole Walkingshaw at 535-7128 or nole.walkingshaw@slcgov.com).
- d. **Petition 400-05-16, Building and Site Design Review**--a request by the Salt Lake City Planning Commission, requesting amendments to the zoning ordinance relating to Conditional Building and Site Design Review. In 2005, the City Council Adopted the Conditional Building and Site Design Review Process as part of the Walkable Communities Ordinance. The proposed text amendment will allow for a review of design related requests which have been previously approved through the Conditional Use process to be reviewed through the Building and Site Design Review Process. Items that are proposed to be reviewed through the Building and Site Design Review Process, rather than the conditional use process, include: additional building height, building façade materials, minimum building setbacks and first floor glass. This is an Issues Only hearing to consider and discuss the proposed text amendment. Public comment will be taken at this hearing; however no final decision will be rendered by the Planning Commission at this meeting The Planning Commission will schedule a meeting in the future to make a final decision (Staff--Nole Walkingshaw at 535-7128 or nole.walkingshaw@slcgov.com).

Visit the Planning and Zoning Enforcement Division's website at www.slcgov.com/CED/planning.com for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.

MEETING GUIDELINES

1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearing swill be opened for public comment. Community Councils will present their comments at the beginning of the hearing.
3. In order to be considerate of everyone attending the meeting, public comments are limited to two (2) minutes per person, per item. A spokesperson who has already been asked by a group to summarize their concerns will be allowed five (5) minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting. Written comments should be sent to:
*Salt Lake City Planning Commission
 451 South State Street, Room 406
 PO Box 145480
 Salt Lake City UT 84111*
4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. Salt Lake City Corporation complies will all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at 535-7757; TDD 535-6220.

On Tuesday, August 28, 2007, I personally posted copies of the foregoing notice within the City and County Building at 451 South State Street at the following locations: Planning Division, Room 406; City Council Bulletin Board, Room 315; and Community Affairs, Room 345. A copy of the agenda has also been faxed/e-mailed to all Salt Lake City Public Libraries for posting and to the Salt Lake Tribune and Deseret News.

Signed _____
Tami Hansen

STATE OF UTAH)
 :SS
 COUNTY OF SALT LAKE)

SUBSCRIBED AND SWORN to before me this day August 28, 2007

NOTARY PUBLIC residing in Salt Lake County, Utah

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, October 10, 2007**

Present for the Planning Commission meeting were Chairperson Matthew Wirthlin and Vice Chairperson Mary Woodhead; Commissioners Frank Algarin, Tim Chambless, Babs De Lay, Susie McHugh and Kathy Scott. Commissioners Robert Forbis, Peggy McDonough and Prescott Muir were excused from the meeting.

Present from the Planning Division were George Shaw, Planning Director, Kevin LoPiccolo, Zoning Administrator; Marilyn Lewis, Principal Planner, Lex Traugher, Senior Planner, Nole Walkingshaw, Senior Planner, and Cecily Zuck, Senior Secretary. Laura Kirwan, City Attorney, was also present.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Wirthlin called the meeting to order at 5:46 p.m. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were: Frank Algarin, Tim Chambless, Kathy Scott, Matthew Wirthlin and Mary Woodhead. Planning Staff present were: Marilyn Lewis, Ray McCandless and George Shaw.

APPROVAL OF THE MINUTES from Wednesday, September 26, 2007.

(This item was heard at 5:47 p.m.)

Vice Chairperson Woodhead made a motion to approve the minutes with noted changes. Commissioner McHugh seconded the motion. All voted 'Aye'. The minutes were approved.

REPORT OF THE CHAIR AND VICE-CHAIR

(This item was heard at 5:49 p.m.)

Chairperson Wirthlin noted it was his understanding that the Commission felt the content of the October 5, 2007, Salt Lake City Tribune article regarding the Planning Division was fairly one-sided and made exaggerated claims, and he wished to take responses from the Commissioners regarding the issues raised in said article.

Chairperson Wirthlin noted that in his experience with Planning Staff he had always found them to be professional, hard-working, responsive, and fair-minded. Chairperson Wirthlin noted that there was still room for improvement, as with any organization, but felt as though the Planning Department was moving in the right direction.

Commissioner McHugh noted that the Planning Division had been extremely understaffed lately and was still processing a great deal of City business.

Commissioner De Lay added that the Planning Division also had been extremely under funded. She stated her gratitude for the work the Planning Department had done in the past. Commissioner De Lay noted that she would like to see the Commission put forth a motion of support for the Planning Division.

Vice Chairperson Woodhead noted her appreciation for the hard work that Planning Staff put into the issues which came before the Planning Commission, and for their presence at the Commission meetings. She also noted that this hard work was quite appreciated by the Commissioners.

Commissioner Scott stated that she did not feel it was necessary that the Planning Commission make a motion, but rather, an expression of gratitude for all of the Planning Division's hard work. She furthered that the Planning Division was also under a great deal of developmental pressure, and the Planning Staff was taking the necessary measures to deal with the recent pressures, which had been brought forth by changes to state law as well as new development trends.

Commissioner Chambless noted his disappointment in the fact that the press was not present at the meeting and he hoped that in the future, the City Council would provide the Planning Division with the funding necessary to move forward with long-term planning issues that could not be addressed at this time.

Commissioner Algarin thanked Planning Staff for their dedication and positive attitudes and stated that he felt staff had been not only willing, but had responded well to the requests for more information the Commissioners had made in the past.

Chairperson Wirthlin inquired of the Commissioners if they felt a motion was necessary regarding the issue.

Vice Chairperson Woodhead noted that as everyone had spoken regarding the issue, a motion might not be necessary, but that all of the present Commissioners had gone on record to express their appreciation and support of staff.

Chairperson Wirthlin noted that he had spoken with members of the Commission who were not present and they felt the same way regarding the article; they echoed the sentiments of gratitude and appreciation for the Planning Staff and their hard work and dedication.

REPORT OF THE DIRECTOR

(This item was heard at 5:57 p.m.)

George Shaw noted that there were upcoming dates the Commission might want to keep in mind:

Mr. Shaw noted that there were three upcoming subcommittee meetings for the Planning Commission, the first of which would be held on October 16, 2007.

Mr. Shaw noted that after the next regular Planning Commission meeting on October 24, 2007, there would be a couple of items for the subcommittee to review; the Downtown Master Plan Update and the Gigante project, which was a proposed planned development for a mixed-use shopping center at approximately 600 North and Redwood Road.

Mr. LoPiccolo noted that the applicants for Gigante had recently reactivated their planned development request.

Mr. Shaw noted that the Airport Light rail project would be holding an open house at the Fair Park on October 18, 2007, at 7:00 p.m., and stated that while there still needed to be a recommendation made by the Commission, more research was required, and this open house would be held to gather more public input in regards to the proposed alignment, location of the tracks in the North Temple right-of-way and stations for the Airport Light rail route.

OTHER BUSINESS

(This item was heard at 5:59 p.m.)

Petitions 410-761 and 490-06-04, Bouck Village Planned Development – a request by Monte Yedlin for a time extension for the approval of the Bouck Village Planned Development located at approximately 1566 West 500 North in a Single Family Residential (R-1-5,000) Zoning District. The expiration date of the approval for the planned development was on May 20, 2007. The applicant recently purchased the property and is requesting that the approval date be extended

Commissioner Scott seconded the motion. All voted, "Aye". The motion passed unanimously.

Chairperson Wirthlin called for a five minute recess at this time.

Petition 400-07-19, Conditional Use— a request by the Salt Lake City Council to amend sections of the Salt Lake City Zoning Ordinance relating to Conditional Uses in general and specifically, focusing on the Table of Permitted and Conditional Uses, the criteria for which Conditional Uses are reviewed and approved and the powers and duties of the Planning Commission are relating to conditional uses. This is an Issues Only hearing Public comment will be taken at this hearing; however no final decision will be rendered at this meeting by the Planning Commission as a result of the discussion and public comment. The Planning Commission will schedule a meeting in the future to make a final decision. (On July 17, 2007, the City Council past Ordinance Number 49 of 2007 which placed a moratorium on all conditional uses in residentially zoned districts and those abutting residentially zoned areas throughout the City. This petition is in response to the moratorium.)

Petition 400-05-16, Building and Site Design Review—a request by the Salt Lake City Planning Commission, requesting amendments to the zoning ordinance relating to Conditional Building and Site Design Review. In 2005, the City Council Adopted the Conditional Building and Site Design Review Process as part of the Walkable Communities Ordinance. The proposed text amendment will allow for a review of design related requests which have been previously approved through the Conditional Use process to be reviewed through the Building and Site Design Review Process. Items that are proposed to be reviewed through the Building and Site Design Review Process, rather than the conditional use process, include: additional building height, building façade materials, minimum building setbacks and first floor glass. This is an Issues Only hearing to consider and discuss the proposed text amendment. Public comment will be taken at this hearing; however no final decision will be rendered by the Planning Commission at this meeting The Planning Commission will schedule a meeting in the future to make a final decision.

(The above items were heard concurrently at 7:04 p.m.)

Chairperson Wirthlin recognized Nole Walkingshaw as staff representative.

Mr. Walkingshaw noted that a City Council initiated moratorium on conditional uses had prompted the study of these issues. Mr. Walkingshaw noted that the moratorium had been directed predominantly towards conditional uses in residential neighborhoods or regarding uses that abutted properties in residential districts. He noted that staff had taken a holistic approach to the issue and reviewed not only the conditional use tables, but also, where the word 'conditional' had appeared in the Zoning Ordinance; which brought about, in tandem, the review of Petition 400-05-16, the Building and Site Design Review process.

Mr. Walkingshaw stated that the issue at hand was the separation of conditional use issues from the Building and Site Design Review process. Mr. Walkingshaw noted that a lot of this would occur through simple text amendments to the Ordinance. He noted that an administrative process would be introduced for some approvals, with specific design criteria. Mr. Walkingshaw stated that in the event that an item would be undergoing both the Building and Site Design Review process and conditional use process, they would be reviewed concurrently.

Chairperson Wirthlin noted that this change could clarify several issues regarding the difference between the two processes.

Chairperson Wirthlin opened the floor to public comment at 7:12 p.m.

Chairperson Wirthlin noted that Esther Hunter, 1049 Norris Place, had left a card in regards to these issues, which stated that the current recommendations did not address the specific issues facing the East Central Neighborhood. She provided a list of those issues for the Commission and staff as well.

Cindy Cromer, 816 East 100 South, referenced page 5 of the staff memorandum and noted that the gas station change in the CB (Community Business) Zoning District removed it as a permitted use and replaced it as a conditional use. Ms. Cromer noted that the Purpose Statement for the CB District stated that it was intended to provide for, "the close integration of moderately sized commercial areas with adjacent residential neighborhoods". She noted that the CB zone anticipated an adjacent residential neighborhood, and that there was nothing in the proposed revisions which gave a standard for how far residential dwellings should be from a proposed gas station. Ms. Cromer noted that in her opinion, the proposed standards were as vague and worthless as the current standards. She noted that she would like to see a quantifiable, measurable and predictable standard for the development community, as well as for citizens investing in residences within the City; a standard such as a defined distance.

Ms. Cromer noted that the largest issue the Bryant Neighborhood brought before the Commission was the concentration of conditional uses in a particular area. She noted that there was nothing in the proposed changes to address the proliferation of conditional uses in particular neighborhoods, and noted that her neighborhood would continue to be dumped on under the current revisions. Ms. Cromer stated that the proposed changes seemed to concentrate on changes to gas stations and mortuaries, but did not address the issues regarding the overwhelming number of conditional uses in particular neighborhoods. Ms. Cromer also noted that the proposed changes did not address the problems associated with the transference of a conditional use; where a new property owner would obtain a parcel with a conditional use and then change that use from the original approval without any public notification. Ms. Cromer gave the example of a neighboring property which changed ownership and turned from a bed and breakfast to a law office without any notice to neighboring properties.

Commissioner Chambless noted his interest in specific recommendations from Ms. Cromer regarding this issue.

Ms. Cromer noted that one of the changes which could occur would be a survey and rezoning of her neighborhood to make broader zoning districts, because as it stood, it was a patchwork of different zones which furthered the proliferation of conditional uses and very discrepant uses on abutting properties. Ms. Cromer noted that if the ordinance stated that a conditional use was based upon the zone of the particular parcel and did not take into account the surrounding parcel and the prevailing zoning, the ordinance would be perpetuating a mess, and the City needed a different approach.

Commissioner Scott inquired of Ms. Cromer if she had attended the open house and if she had a chance to review the revised standards at that time.

Ms. Cromer noted that to a data driven person, the revised standards were no better than the current standards for review of conditional uses, noting that while they removed the 'net cumulative adverse impacts' language, they were still very vague.

Commissioner Scott noted that a distance requirement for gas stations had been mentioned and wondered if Ms. Cromer had any other suggestions regarding quantifiable standards for conditional uses.

Ms. Cromer noted that one standard she might suggest would be to limit the number of bed and breakfasts within a particular area. Ms. Cromer stated that standards could be set which the City felt were reasonable, and if they turned out to be wrong, they could be adjusted.

John Gardner, 1073 East 2100 South and a property owner in Sugarhouse, noted that he was interested in the clarification of the Building and Site Design Review process. He stated that the difference between the two processes had been quite confusing. Mr. Gardner voiced his support for the changes, noting that the two processes were actually very different and that they needed clarification.

Chairperson Wirthlin noted that there was no one else present to speak to the petition and closed the public comment portion of the Issues Only Hearing at 7:32 p.m.

Mr. LoPiccolo noted that in revising the conditional use tables and addressing the CB Zoning District, staff had added the term fuel center, which was essentially a gas station. Mr. LoPiccolo noted that the Smith's fuel center would be a permitted use under the current ordinance and a conditional use under the proposed changes. Mr. LoPiccolo noted that if the public felt that the proposed changes were still too intense, the uses could be removed. He stated that what staff had intended when revising the criteria for approval or denial of conditional uses, Standards A-K, was to tie conditional uses to the general purpose statement of a district. Mr. LoPiccolo noted that this inclusion would allow for someone who was reading the purpose statement to understand what uses could be encompassed by the zoning district.

Mr. LoPiccolo noted that Ms. Cromer's issues seemed to be regarding nonconforming uses. Mr. LoPiccolo noted that staff was reviewing Chapter 38 of the Salt Lake City Zoning Ordinance, which dealt with non-complying structures and nonconforming uses, and noted that these two things should not be confused. He stated that a nonconforming use was simply a use that at one time was legal but over time and through down zoning, it was taken out of the ordinance, and therefore became a legal nonconforming use. Mr. LoPiccolo noted that staff had made an attempt to address what they felt were high impact uses: boarding houses, gas stations in the CN (Neighborhood Commercial) Zoning District, fuel stations and gas stations in the CB Zoning District. Mr. LoPiccolo noted that staff had been told by the City Attorney's office to leave group homes as they were.

Commissioner De Lay noted that she understood this and felt that what staff had was at least a start in the right direction. She noted that this process was tantamount to a master plan for the City in her mind, and the document was becoming closer to the state law and more user-friendly, however, it would be very beneficial for the Commission to know, in much greater detail, how staff came to these decisions. She stated that she would like to see more input from the general community regarding the proposed changes, particularly from the Community Councils. She noted that the Commission would be passing along a recommendation to the City Council on a very important document for the future, and did not feel that there was enough information from City staff or the community at large at this point to do so.

Commissioner Scott stated that the City Council had put the moratorium on conditional uses in place in August, and wondered if staff had any idea of who began the Coalition for Orderly Development.

Mr. Walkingshaw noted that he did not know who had started the Coalition for Orderly Development, and had not been to any of the meetings. Mr. Walkingshaw noted that he did know that it was comprised of active members of the community, and had met with members of Community Development Staff and members of the City Council.

Mr. Walkingshaw noted that his communications with the City Council had primarily been through staff members, discussing the intents of the documents and so forth. Mr. Walkingshaw noted that the City Council had all been informed of the open houses regarding these issues, but he had not received any feedback, with the exception of discussions on mortuaries.

Mr. LoPiccolo noted that they had been proactive in providing this information to the public, but that it was possible for the Planning staff to be more proactive in obtaining assistance from the community on the issue.

Commissioner De Lay stated that she was also interested if there were any new uses which could be included in these tables such as green or environmental uses.

Commissioner Scott noted that there should also be something in the text to address the proliferation of conditional uses within the City, as mentioned earlier by Ms. Cromer.

Chairperson Wirthlin inquired if this issue of the dispersal of conditional uses could be studied by staff, and what mechanisms would be available to a municipality to control the dispersal and or concentration of such uses.

Mr. Walkingshaw noted that this dispersal of conditional uses was not contemplated in the current scheme of the language; to do that would require a density survey and a great deal of study.

Commissioner McHugh noted that this type of limitation was currently being considered by the County regarding check cashing institutions.

Mr. LoPiccolo noted that staff could reevaluate the way that the City looked at conditional uses. He stated that he had worked in four cities previous to this and the proliferation of conditional uses had never had such an impact for him before working for Salt Lake City; as conditional uses were typically a use permitted, subject to conditions in other jurisdictions. He noted that if a property were to meet those conditions, in theory, it would be no different than a permitted use. Mr. LoPiccolo stated that there may be uses in the residential districts which should, based upon the purpose statement, not be allowed at all.

Chairperson Wirthlin requested a summary of each Zoning District's Purpose Statement from staff.

Mr. Walkingshaw noted that staff could provide that for the Commissioners.

Vice Chairperson Woodhead inquired if staff was researching other municipalities and how their ordinances dealt with the issues regarding the dispersal and distances of these uses.

Mr. Walkingshaw noted that staff had been researching other ordinances; however, the issues of dispersal and distance could be dealt with through qualifying provisions, or the footnotes to the tables of permitted and conditional uses. He stated that a qualifying provision for a gas station, for example, could read that a gas station not be allowed within 100 feet of a residential property. Mr. Walkingshaw noted that this attention to detail in creating the qualifying provisions was the next necessary step in the process.

Commissioner De Lay noted that such qualifying provisions would clarify these issues greatly.

Mr. Walkingshaw noted that this issue would come back as a public hearing on November 14, 2007, and would be part of an agenda including only two issues, the review of these uses, and the Riparian Overlay Corridor.

Commissioner De Lay stated that she would much prefer that staff address all of the Community Councils with this issue before it came back as a public hearing item. Commissioner De Lay inquired if there were a way to limit the number of conditional uses granted in a particular time period or neighborhood through the text change.

Mr. LoPiccolo noted that this could be a very difficult situation, citing the example that all churches with Salt Lake City required conditional use permits, and the exclusion of one group over another, due to the date they applied for the permit, could easily be viewed as discriminatory.

Chairperson Wirthlin echoed his agreement with Commissioner De Lay in the importance of this issue. He noted that the fact that the text amendments really needed to be reviewed on a line-by-line basis, it would be beneficial for the Commission to form a subcommittee to review some of these issues in a more intensive process.

Mr. LoPiccolo asked for a consensus from the Commission regarding conditional uses and if the Commission was comfortable in reviewing only the residential districts or wished to review commercial and manufacturing districts as well.

Commissioner De Lay noted that she felt all of the City's Zoning Districts should be reviewed as Salt Lake was moving to mixed uses; live-work spaces. She stated that this meant more density and was not reflected in the proposed changes.

Vice Chairperson Woodhead noted that at the open house, there had been some opposition to the conditional uses for manufacturing districts, and some of those concerns could be addressed through the creation of better defined qualifying provisions for those districts as well.

Commissioner Scott noted that in the draft language for the review of conditional uses, Condition K had changed considerably in the proposed language, but "significant impact" was still extremely difficult to prove quantitatively.

Mr. Shaw noted that "significant" could certainly be objective, but sometimes a project could come through which met all of the criteria, but still didn't feel right as a use for the particular zone, and therefore, staff had felt that an additional provision was necessary. Mr. Shaw noted that the Commission would have to define what a "significant impact" was in the future.

Commissioner Algarin noted that he was in support of a subcommittee for the issue, and felt as though the issue may not need to be as subjective as the Commission felt it was.

Commissioner De Lay stated that she felt these issues could take a good deal of time to resolve and wondered if there was any way to assist those citizens who were looking for a conditional use now.

Mr. LoPiccolo noted that the moratorium on conditional uses would end in February and the process would automatically go back to business as usual.

Commissioner McHugh inquired if another moratorium could be instated.

Mr. Walkingshaw noted that there were legal takings issues with a moratorium lasting beyond six months, and did not think that the City Council could simply add on time.

Commissioner McHugh inquired if staff could find out for sure.

Mr. Shaw noted that he understood that the Commission wanted to review the issue thoroughly, and stated that the distance provision for conditional uses was an option he was interested in as well, however, the Commission needed to move along in the process. Mr. Shaw noted that some of the issues at hand were subjective; whether a use should be permitted or not permitted, and when the documents arrived before the City Council, they would be edited again. Mr. Shaw noted that there were areas in the community which needed the new ordinance as soon as possible.

Commissioner De Lay noted that there were also new uses such as live-work, which had not been addressed and needed more attention in the ordinance.

Chairperson Wirthlin noted that there would not be any reason why the Commission could continue to work on the ordinance through future amendments.

Commissioner Scott noted that she would like to get the City Council involved at this point in the subcommittee process rather than later. Commissioner Scott noted that she would like to communicate with the Coalition for Orderly Development in order to obtain their expertise and opinion on these issues.

Mr. LoPiccolo noted that he could get the Commission their contact information.

Commissioner De Lay inquired if the Commission could be comprised not only of the Planning Commissioners, but also City Council and Community Council members.

Mr. Shaw noted that Commissioner De Lay's idea regarding the subcommittee was excellent and could certainly be explored. He noted that he would like to see these text changes occur before the end of the moratorium to provide the City with more control regarding the proliferation of conditional uses in certain areas.

Chairperson Wirthlin noted that this was a first step forward on a proposal that needed greater attention in the future. He stated that he believed that a text change should be in place at the time the moratorium expired, however, there was no reason that the Commission could not continue to refine the conditional use ordinances as it was a necessary task for the City. He noted that he felt the rest of the Commission was extremely committed to this as well.

Commissioner De Lay noted that in the future she would like to see data from each Community Council regarding what conditional use impacts they were experiencing.

Mr. LoPiccolo noted that staff could compile data regarding the number of conditional uses the Planning Commission had seen over the past five years.

Commissioner De Lay inquired if there was a way to know how many conditional uses there were in a particular Community Council area currently.

Mr. LoPiccolo noted that the staff could pull from the past data for the Planning Commission and could expand the data for a number of years, then that data could be broken down by Community Council district.

Chairperson Wirthlin stated that he would like to know who from the community at large would be interested in serving on the subcommittee; including Community Council, City Council, and Coalition for Orderly Development members. He asked for volunteers from the Planning Commission who would be willing to serve on the subcommittee at this time.

Commissioners De Lay, Scott, McHugh and Chairperson Wirthlin volunteered to serve on the subcommittee.

Mr. Walkingshaw noted that finding a standard to justify the disapproval of a project solely on it's not sitting right with the community was an extremely difficult task and could not be found in any other municipality's ordinance. Mr. Walkingshaw stated that going through the tables therefore became that much more important to identify appropriate and inappropriate uses for each zoning district.

The meeting adjourned at 8:15 p.m.

**AMENDED AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, November 14, 2007 at 5:45 p.m.**

The field trip is scheduled to leave at 4:00 p.m. Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. This portion of the meeting is open to the public for observation.

APPROVAL OF MINUTES FROM WEDNESDAY, October 24, 2007

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

PUBLIC HEARING

1. **Airport Light Rail Transit Line**— a recommendation will be forwarded to the City Council regarding a proposal by the Utah Transit Authority to build an Airport Light Rail Transit line, including potential track alignment and station locations (Staff—Doug Dansie at 535-6182 or doug.dansie@slcgov.com).
2. **Petition 400-07-18 Riparian Corridor Overlay District**— on July 17, 2007 the City Council enacted a moratorium and Temporary Land Use Regulations for Non-Ephemeral above Ground Streambed Corridors. The purpose, as stated in this draft zoning regulation, is to minimize erosion, stabilize stream banks, protect water quality, preserve fish and wildlife habitats, as well as preserve aesthetic values of natural watercourses and wetland areas. Planning Staff has created the new draft Riparian Corridor Overlay District to address protection for the streams east of I-215, which will include the Jordan River. Also proposed are minor revisions to the existing Lowland Conservancy Overlay District to remove the Jordan River and focus on streams west of I-215 and the surplus canal (Staff—Marilynn Lewis at 535-6409 or marilynn.lewis@slcgov.com).
3. **Petition 400-07-19, Amend Conditional Use Regulations**— a request by the Salt Lake City Council to amend sections of the Salt Lake City Zoning Ordinance relating to Conditional Uses in general and specifically focusing on the Table of Permitted and Conditional Uses, the criteria by which Conditional Uses are reviewed and approved, and the powers and duties of the Planning Commission relating to Conditional Uses. This is an Issues Only hearing to consider and discuss the proposal draft text amendment. Public comment will be taken at this hearing; however, no final decision will be rendered at this meeting by the Planning Commission. On July 17, 2007, the City Council passed Ordinance Number 49 of 2007 which placed a moratorium on all Conditional Uses in residentially zoned districts and those abutting residentially zoned areas throughout the City and this petition is in response to that moratorium (Staff—Nole Walkingshaw at 535-7128 or nole.walkingshaw@slcgov.com).
4. **Petition 400-05-16, Building and Site Design Review**—a request by the Salt Lake City Planning Commission, requesting amendments to the zoning ordinance relating to Conditional Building and Site Design Review. In 2005, the City Council Adopted the Conditional Building and Site Design Review Process as part of the Walkable Communities Ordinance. The proposed text amendment will allow for a review of design related requests, which have been previously approved through the Conditional Use process to be reviewed through the Building and Site Design Review Process. Items that are proposed to be reviewed through the Building and Site Design Review Process, rather than the Conditional Use process, include: additional building height, building façade materials, minimum building setbacks and first floor glass requirements. This is an Issues Only hearing to consider and discuss the proposed draft text amendment. Public comment will be taken at this hearing; however, no final decision will be rendered by the Planning Commission at this meeting (Staff—Nole Walkingshaw at 535-7128 or nole.walkingshaw@slcgov.com).
5. **Petition 410-07-37, Rocky Mountain Power Utility Boxes- Marmalade**—a request for approval for a Conditional Use, of above ground electric utility boxes that exceed height and volume limits located at approximately the north st corner of 600 North 300 West. The instillation site is lo **POSTPONED** ject purpose is to convert the overhead power distribut service to the new Marmalade project. Public/private utiliti ire a Conditional Use review and approval by the Planning Commission. The project is in the RMU-45 (Residential-Mixed Use) Zoning District (Staff—Marilynn Lewis at 535-6260 or marilyn.lewis@slcgov.com or Casey Stewart at 535-6260 or Casey.stewart@slcgov.com).

OTHER BUSINESS

Visit the Planning and Zoning Enforcement Division's website at www.slcgov.com/CED/planning.com for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, November 14, 2007**

Present for the Planning Commission meeting were Chairperson Matthew Wirthlin, Vice Chair Mary Woodhead, and Commissioners Peggy McDonough, Susie McHugh, Prescott Muir, Tim Chambless, and Robert Forbis. Commissioners Babs De Lay, Kathy Scott, and Frank Algarin were excused from the meeting.

Present from the Planning Division were George Shaw, Planning Director; Kevin LoPiccolo, Planning Manager; Marilyn Lewis, Principal Planner; Nole Walkingshaw, Zoning Administrator; and Cecily Zuck, Senior Secretary. Staff from additional City departments included: Lynn Pace, City attorney, and Brad Stewart, Public Utilities.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Wirthlin called the meeting to order at 5:50 p.m. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

The field trip scheduled prior to the meeting was canceled.

APPROVAL OF THE MINUTES from Wednesday, October 24, 2007.

(This item was heard at 5:52 p.m.)

Commissioner McHugh made a motion to approve the minutes with noted changes. Commissioner Chambless seconded the motion. All in favor voted, "Aye," the minutes were approved unanimously.

REPORT OF THE CHAIR AND VICE CHAIR

(This item was heard at 5:53 p.m.)

Chairperson Wirthlin thanked the Commissioners for participating in numerous subcommittee meetings the past month.

Commissioner Muir noted that he had attended another city's Planning Commission meeting and noticed that it was their practice that when a motion was called for there was an individual Commissioner voice roll call for the motion.

Chairperson Wirthlin noted that was a good suggestion and he would adopt that practice immediately and have staff review Robert's Rules of Order to clarify.

PUBLIC HEARING

(This item was heard at 5:54 p.m.)

Airport Light Rail Transit Line— a recommendation will be forwarded to the City Council regarding a proposal by the Utah Transit Authority to build an Airport Light Rail Transit line, including potential track alignment and station locations.

Chairperson Wirthlin noted that Doug Dansie was the staff representative on this petition, but was unable to attend the meeting and George Shaw would present the petition to the public and Planning Commission.

Mr. Shaw stated that this petition had been before the Commission a couple of times, and had been presented individually to a few of the Community Councils. On October 18, 2007 a public

(This item was heard at 9:59 p.m.)

Petition 400-07-19, Amend Conditional Use Regulations— a request by the Salt Lake City Council to amend sections of the Salt Lake City Zoning Ordinance relating to Conditional Uses in general and specifically focusing on the Table of Permitted and Conditional Uses, the criteria by which Conditional Uses are reviewed and approved, and the powers and duties of the Planning Commission relating to Conditional Uses. This is an Issues Only hearing to consider and discuss the proposal draft text amendment. Public comment will be taken at this hearing; however, no final decision will be rendered at this meeting by the Planning Commission. On July 17, 2007, the City Council passed Ordinance Number 49 of 2007 which placed a moratorium on all Conditional Uses in residentially zoned districts and those abutting residentially zoned areas throughout the City and this petition is in response to that moratorium.

Chairperson Wirthlin acknowledged Nole Walkingshaw as staff representative.

Mr. Walkingshaw stated that in addition to this petition staff had completed a review of conditional uses and a conditional site design review. One driving factor for the City Council's moratorium was to become more consistent with state law. In the body of the state law, there was a portion of language, which framed what was being restructured, which stated, *a conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the applicable standards, the conditional use may be denied.*

Mr. LoPiccolo summarized that initially the Commission reviewed this petition followed by a subcommittee. The coalition also met with staff to discuss issues within East Central/Central City for quite a long time. He noted that staff recognized that there were areas of deficiency within Salt Lake City, which mainly dealt with nonconforming uses. He noted that after the Commission had requested that staff provide data in regards to this petition, he went back as far as the July of 1996 Planning Commission request log. He noted that for the purpose of this request data was excluded which dealt with utilities or any type of telecommunications, planned developments, or anything occurring in abutting properties.

Mr. LoPiccolo stated that primarily all of the zoning layouts were modified, with a little more time spent on the residential areas, and these standards were recreated and would be what staff applied in the future conditional use review, which would allow for a lot more latitude.

Mr. Shaw stated that this redraft would also allow for more concise language to give to the applicant in the future as to why the conditional use was being denied.

Commissioner Muir inquired if the State ordinance distinguished between building a site design review and conditional uses.

Mr. LoPiccolo stated it did not, and the conditional design review had been redesigned and would be called building and site design review.

Mr. Walkingshaw stated that part of the past confusion was that additional height and setbacks fell under conditional uses, but was really dealing with design elements, so staff separated design elements from uses.

Commissioner Muir inquired how this process would differ from the Board of Adjustment, where if an applicant wanted to exceed the ordinance they needed to prove a hardship.

Mr. LoPiccolo stated that it was the same as an applicant not being required to meet every standard when coming before the Planning Commission.

Commissioner Muir inquired that if an applicant exceeded an area of the design element, then it would trigger a site design review by the Commission.

Mr. Shaw noted that was correct.

Commissioner McDonough inquired if the planned development were a type of conditional use.

Mr. LoPiccolo stated that they were, and staff was working on the planned development ordinance to allow the Commission to have more control over large developments coming into the city.

Commissioner McHugh inquired about how square footage of a project was handled under the building site review.

Mr. LoPiccolo stated that unless the underlying zoning ordinance restricted the floor area, then the Commission had no control over that; however, big changes to the ordinance included new regulations for drive throughs, neighborhood commercial zones and proximities for certain uses in relationship to residential areas.

Chairperson Wirthlin opened up the public hearing portion of the meeting.

Cindy Cromer (816 East 100 South) stated she read the moratorium from the City Council, which did not direct the Commission to deal with the dispersal issue, but the Commission had dictated to staff that they wanted to see the concentration of conditional uses. She stated that it was imperative that the standards the Commission did approve addressed the dispersal issues.

Shane Carlson (375 L Street, Greater Avenues Community Council) stated that the distinction between a conditional use and a non-conforming use is functionally the same; and he was suggesting a distinction in documentation, so when these types of projects come forward there will be a record to locate where these types of project already exist to help keep them balance through out the city.

Esther Hunter—stated she agreed with what both Ms. Cromer and Mr. Carlson stated. She noted that there are unique problems in the East Central/Central City, which need to be looked at in greater detail and be provided with more detailed definitions and standards to mitigate these issues.

Vice Chair Woodhead inquired what Ms. Hunter meant by standards.

Ms. Hunter stated that a net cumulative effect was written into the master plan, but how did the Commission define that and how would impacts be proved.

Dave Richards stated that he had seen a lot of conflicts in the area between business and residential zones, and would like to know why the Commission will be considering them as permitted instead of conditional use if this new language is adopted.

Chairperson Wirthlin closed the public portion of the hearing.

Mr. Walkingshaw noted that there were three types of conditional uses: standard conditional uses, planned developments, and administrative consideration of conditional uses, which are specific uses that the Commission delegated administrative decision.

Mr. LoPiccolo stated that the reason restaurants were turned into a permitted use was so they would be subject to the design review, and the Commission would still review the plans if it were a new building.

Commissioner McHugh inquired if a rooming house would not be allowed in an RMF-35, than why was it necessarily allowed in an RMF-45 when the next jump would be an RMF-75—perhaps staff could consider that a rooming house was not a permitted use in the RMF-45.

Mr. Shaw stated that the Commission could change that if they wanted to.

Mr. Pace stated that the challenged faced under the State statute was there was a presumption that if the adverse impacts were mitigated than it was okay.

Vice Chair Woodhead inquired if accumulation was not considered an adverse impact.

Mr. Pace noted that the Commission had the latitude to decide what factors cannot be mitigated.

Commissioner McDonough stated that in on page 7 of the staff report; paragraph D it stated that, *a proposed use could negatively effect property values and or quality of life.*

Mr. Walkingshaw noted that in the proposed text amendment paragraphs C and D had been stricken, he just had not update that portion of the staff report.

Commissioner McDonough inquired of the Commission, if they felt they wanted to address concentrated uses, especially in residential single-family areas.

Chairperson Wirthlin suggested that staff should review these issues and provide additional language to deal with this.

Mr. Pace noted that the Commission could address their issues generically and then deal with the facts as they came forward in the future, but the Commission would still have the authority to address factors that needed to be mitigated depending on what was involved with individual proposals.

Vice Chair Woodhead stated she would like to see language that addressed this in the ordinance.

Mr. Walkingshaw inquired if a qualifying provision would be helpful.

Mr. Pace noted that what the Commission might want to do would be to look at the degree of mitigation, which might be vastly different with each project, so in the language maybe the issues of concentration would not be listed under use compatibility, but under mitigation.

Commissioner Muir stated that regarding concentration the Commission should quantify and set a specific limit.

Mr. Pace noted that would be possible, but how specific does the Commission want to get, because after all the uses were looked at you could start to quantify it becomes much more detailed than the ordinance attempts to provide.

Chairperson Wirthlin inquired if the first step should not be to quantify, but add language that would function as a first step to look at.

Commissioner McDonough inquired where they could integrate this language into the ordinance.

Mr. Pace noted that it could fit into paragraph 2 of the ordinance, which assumes that a new project was compatible with what had already been built, and not necessarily the zoning; however, if the Commission wanted to say a new project was or was not compatible with the base zone, then it would be addressed in the table of uses. Mr. Pace suggested that the additional language be added as a letter paragraph under paragraph 2.

Mr. LoPiccolo stated that when staff redid the standards, the purpose statement of the underlying zones was included, which he felt was always a way out for the Commission to not allow a use because it was inconsistent with that statement.

Chairperson Wirthlin suggested adding to section 2, *concentration of existing non-conforming or conditional uses substantially similar to the use proposed*, which would essentially allow the Commission to take that into consideration when understanding if a structure was compatible.

Mr. Pace stated that was fine, and suggested that the Commission add *detrimental* in front of *concentration*. Then it was not focused on the concentration itself.

Chairperson Wirthlin called for a motion.

Vice Chair Woodhead stated that the agenda stated that this was an Issues Only hearing.

Mr. Pace stated that it could be adopted at the next meeting, and recommended that the Commission postpone consideration of this matter until the November 28, 2007 Planning Commission Meeting—and the agenda be amended to add this reconsideration.

Commissioner Forbis made a motion to postpone the Planning Commissions decision on Petition 400-05-16, until the November 28, Planning Commission Meeting and amended that meeting's agenda to reflect the decision of the Planning Commission.

Commissioner McHugh seconded the motion.

Commissioners Forbis, McHugh, Chambless, McDonough, Muir, and Woodhead voted, "Aye," and the motion carried unanimously.

(This item was heard at 11:05 p.m.)

Petition 400-05-16, Building and Site Design Review—a request by the Salt Lake City Planning Commission, requesting amendments to the zoning ordinance relating to Conditional Building and Site Design Review. In 2005, the City Council Adopted the Conditional Building and Site Design Review Process as part of the Walkable Communities Ordinance. The proposed text amendment will allow for a review of design related requests, which have been previously approved through the Conditional Use process to be reviewed through the Building and Site Design Review Process. Items that are proposed to be reviewed through the Building and Site Design Review Process, rather than the Conditional Use process, include: additional building height, building façade materials, minimum building setbacks and first floor glass requirements. This is an Issues Only hearing to consider and discuss the proposed draft text amendment. Public comment will be taken at this hearing; however, no final decision will be rendered by the Planning Commission at this meeting.

Chairperson Wirthlin recognized Nole Walkingshaw as staff representative.

Mr. Walkingshaw stated that this petition is an attempt to have some clarification between conditional uses and building design site issues.

Chairperson Wirthlin opened up the public portion of the hearing.

Shane Carlson, inquired about the future dimensional question that might be seen by the Commission in the future, and what type would be dealt with on a staff level versus the Commission level. He also inquired about the noticing for the next meeting and requested if staff could give him the most current changes to the text to look over before then.

Chairperson Wirthlin closed the public portion of the hearing.

Mr. Walkingshaw stated that in the D-1 Central Business District there was language changed to help control height levels on corners of streets to 375 feet, and to minimize building mass at higher elevations to preserve scenic views.

Commissioner Forbis made a motion regarding Petition 400-05-16 be continued to the next Planning Commission meeting and that the agenda be amended to reflect that the Planning Commission will be making a decision regarding this petition at the meeting on November 28, 2007.

Commissioner McHugh seconded the motion.

Commissioners Forbis, McHugh, Chambless, McDonough, Muir, and Woodhead voted, "Aye," and the motion carried unanimously.

There was no unfinished business.

The meeting adjourned at 11:11 p.m.

Tami Hansen, Planning Commission Secretary

**SECOND AMENDED AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, November 28, 2007 at 5:45 p.m.**

The field trip is scheduled to leave at 4:00 p.m. Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. This portion of the meeting is open to the public for observation.

APPROVAL OF MINUTES FROM WEDNESDAY, November 14, 2007

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

1. **Downtown Master Plan update**—(Staff—Doug Dansie at 535-6182 or doug.dansie@slcgov.com).

UNFINISHED BUSINESS

2. **Petition 400-07-19, Amend Conditional Use Regulations (Previous Planning Commission public hearing held on November 14, 2007)** — a request by the Salt Lake City Council to amend sections of the Salt Lake City Zoning Ordinance relating to Conditional Uses in general and specifically focusing on the Table of Permitted and Conditional Uses, the criteria by which Conditional Uses are reviewed and approved, and the powers and duties of the Planning Commission relating to Conditional Uses. On July 17, 2007, the City Council passed Ordinance Number 49 of 2007 which placed a moratorium on all Conditional Uses in residentially zoned districts and those abutting residentially zoned areas throughout the City and this petition is in response to that moratorium (Staff—Nole Walkingshaw at 535-7128 or nole.walkingshaw@slcgov.com).
3. **Petition 400-05-16, Building and Site Design Review (Previous Planning Commission public hearing held on November 14, 2007)** —a request by the Salt Lake City Planning Commission, requesting amendments to the zoning ordinance relating to Conditional Building and Site Design Review. In 2005, the City Council Adopted the Conditional Building and Site Design Review Process as part of the Walkable Communities Ordinance. The proposed text amendment will allow for a review of design related requests, which have been previously approved through the Conditional Use process to be reviewed through the Building and Site Design Review Process. Items that are proposed to be reviewed through the Building and Site Design Review Process, rather than the Conditional Use process, include: additional building height, building façade materials, minimum building setbacks and first floor glass requirements. (Staff—Nole Walkingshaw at 535-7128 or nole.walkingshaw@slcgov.com).
4. **Petition 400-07-18, Riparian Corridor Overlay District continuation (Previous Planning Commission public hearing held on November 14, 2007)** — on July 17, 2007 the City Council enacted a moratorium and Temporary Land Use Regulations for Non-Ephemeral above Ground Streambed Corridors. The purpose, as stated in this draft zoning regulation, is to minimize erosion, stabilize stream banks, protect water quality, preserve fish and wildlife habitats, as well as preserve aesthetic values of natural watercourses and wetland areas. Planning Staff has created the new draft Riparian Corridor Overlay District to address protection for the streams east of I-215, which will include the Jordan River. Also proposed are minor revisions to the existing Lowland Conservancy Overlay District to remove the Jordan River and focus on streams west of I-215 and the surplus canal (Staff—Marilynn Lewis at 535-6409 or marilynn.lewis@slcgov.com).

ISSUES ONLY PUBLIC HEARING

5. **Petition No. 400-07-27, "Formula Based" Business Ordinance Zone Text and Map Amendment (Previous Planning Commission public hearing held on November 14.** [redacted] **POSTPONED** [redacted] y Anderson has initiated a petition to analyze the provisions of the Salt Lake City Zoning Ordinance prohibiting "Formula Based" or chain businesses in specific neighborhood business districts (Staff—Kevin LoPiccolo at (801) 535-6003 or kevin.lopiccolo@slcgov.com).

PUBLIC HEARING

6. **Petition 410-07-26, for Qwest Corporation, Foothill Place Apartment Utility Cabinet conditional use**—a request by Michael Johnson, representing Qwest, for a conditional use for utility installation of a power pedestal adjacent to existing telecommunication cabinets within a private easement located at the northwest corner of the Foothill Place Apartments at approximately 2200 East Foothill Drive. The property is located in an RMF-35 Zoning District (Moderate Density Multi Family) in Council District Seven (Staff—Kevin LoPiccolo at 535-6003 or kevin.lopiccolo@slcgov.com).
7. **Petition 410-06-07, Devine Conditional Use for an Office Use in a Landmark Site**—a request [redacted] **WITHDRAWN** [redacted] ately 1177 East South Temple Street for an exterior use in the Armstrong District in Council District Three (Staff—Janice Lew at 535-7625 or janice.lew@slcgov.com).
8. **Petition 480-07-28, Deville Cliff Condominiums**—a request by Drew Neidert, requesting preliminary approval for a 14 unit residential condominium conversion located at approximately 633 East 4th Avenue in an SR-1A (Special Development Pattern Residential) Zoning District in Council District Three (Staff—Ana Valdemoros at 535-7236 or ana.valdemoros@slcgov.com).
9. **Petition 490-07-34, Hemingway, Stanley Subdivision Amendment**—a request by Mr. and Mrs. Stanley represented by Gary Evershed of Lowell Construction Company for a subdivision amendment to combine two lots into one at approximately 607 North Capitol Park Avenue. The proposed amendment is in the FR-3 (Foothills Residential) Zoning District in Council District Three (Staff—Ana Valdemoros at 535-7236 or ana.valdemoros@slcgov.com).
10. **Petition 410-07-37, for Rocky Mountain Power Utility Boxes-Marmalade conditional use**—a request for approval for a Conditional Use, to install above ground electric utility boxes that exceed height and volume limits at the northeast corner of 500 N 300 W, and both the southeast corner and southwest corner of 600 N 300 W. The site is located within the public way. The project purpose is to convert the overhead power distribution lines to underground lines and provide service to the new Marmalade mixed-use project. Public/private utility structures in residential zoning districts require conditional use review and approval by the Planning Commission. The project is in the RMU-45 (Residential-Mixed Use) Zoning District, in Council District Three (Staff—Casey Stewart at 535-6260 or Casey.stewart@slcgov.com).

Visit the Planning and Zoning Enforcement Division's website at www.slcgov.com/CED/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, November 28, 2007**

Present for the Planning Commission meeting were Chairperson Matthew Wirthlin, Vice Chair Mary Woodhead, and Commissioners Peggy McDonough, Susie McHugh, Prescott Muir, Tim Chambless, Babs De Lay, Kathy Scott, and Robert Forbis. Commissioner Frank Algarin was excused from the meeting.

Present from the Planning Division were George Shaw, Planning Director; Kevin LoPiccolo, Planning Manager; Marilyn Lewis, Principal Planner; Nole Walkingshaw, Zoning Administrator; Ana Valdemoros, Associate Planner; Casey Stewart, Principle Planner; and Tami Hansen, Senior Secretary. Staff from additional City departments included: Laura Kirwan, City attorney, and Brad Stewart from public utilities.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Wirthlin called the meeting to order at 5:45 p.m.

A field trip was held prior to the meeting. Planning Commissioners present were: Tim Chambless, Kathy Scott, and Mary Woodhead. Planning Staff present were: George Shaw, Casey Stewart, Ana Valdemoros.

APPROVAL OF THE MINUTES from Wednesday, October 24, 2007.

(This item was heard at 5:46 p.m.)

Commissioner Muir made a motion to approve the minutes with noted changes. Commissioner McDonough seconded the motion. All in favor voted, "Aye," the minutes were approved unanimously.

REPORT OF THE DIRECTOR

(This item was heard at 5:49 p.m.)

Downtown Master Plan update—

UNFINISHED BUSINESS

(This item was heard at 5:56 p.m.)

Petition 400-07-19, Amend Conditional Use Regulations (Previous Planning Commission public hearing held on November 14, 2007) — a request by the Salt Lake City Council to amend sections of the Salt Lake City Zoning Ordinance relating to Conditional Uses in general and specifically focusing on the Table of Permitted and Conditional Uses, the criteria by which Conditional Uses are reviewed and approved, and the powers and duties of the Planning Commission relating to Conditional Uses. On July 17, 2007, the City Council passed Ordinance Number 49 of 2007 which placed a moratorium on all Conditional Uses in residentially zoned districts and those abutting residentially zoned areas throughout the City and this petition is in response to that moratorium

Petition 400-05-16, Building and Site Design Review (Previous Planning Commission public hearing held on November 14, 2007) — a request by the Salt Lake City Planning Commission, requesting amendments to the zoning ordinance relating to Conditional Building and Site Design Review. In 2005, the City Council Adopted the Conditional Building and Site Design Review Process as part of the Walkable Communities Ordinance. The proposed text amendment will allow for a review of design related requests, which have been previously approved through the Conditional Use process to be reviewed through the Building and Site Design Review

Process. Items that are proposed to be reviewed through the Building and Site Design Review Process, rather than the Conditional Use process, include: additional building height, building façade materials, minimum building setbacks and first floor glass requirements.

Chairperson Wirthlin recognized Nole Walkingshaw as staff representative.

Members of the Commission discussed and made proposed changes to the language of the Conditional Uses Text.

Commissioner McDonough made a motion regarding Petitions 400-05-16 and 400-07-19 that based on the findings listed in the staff report, the Planning Commission forward a favorable recommendation to the City Council with the following changes to the Conditional Uses Text:

1. **The question mark be removed in Section 21A.26.080 regarding value retail/membership wholesale, under Permitted and Conditional Uses, by District Commercial Districts, CS1 on page 3.**
2. **Under 2. Use Compatibility Condition F should read: Detrimental concentration of existing non-conforming or conditional uses substantially similar to the use proposed *within a quarter mile radius.***
3. **Under 3. Design Compatibility, Condition A should read, *The architectural character of the community and the surrounding neighborhoods when required by the City's Compatible Infill Ordinance or standards required by the City's Historical Ordinance;* and the rest of A. should be delete.**
4. **Under 3. Design Compatibility, condition C which states, *the proposed development preserves historical, architectural and environmental features of the property,* should be deleted.**

Commissioner De Lay seconded the motion.

Commissioners De Lay, Forbis, Scott, McHugh, Chambless, McDonough, Muir, and Woodhead voted, "Aye," the motion passed unanimously.

Petition 400-07-18, Riparian Corridor Overlay District continuation (Previous Planning Commission public hearing held on November 14, 2007) — on July 17, 2007 the City Council enacted a moratorium and Temporary Land Use Regulations for Non-Ephemeral above Ground Streambed Corridors. The purpose, as stated in this draft zoning regulation, is to minimize erosion, stabilize stream banks, protect water quality, preserve fish and wildlife habitats, as well as preserve aesthetic values of natural watercourses and wetland areas. Planning Staff has created the new draft Riparian Corridor Overlay District to address protection for the streams east of I-215, which will include the Jordan River. Also proposed are minor revisions to the existing Lowland Conservancy Overlay District to remove the Jordan River and focus on streams west of I-215 and the Surplus Canal.

Chairperson Wirthlin recognized Marilyn Lewis as staff representative.

Members of the Commission deliberated the language of the Riparian Corridor Overlay ordinance.

Chairperson Wirthlin opened the public portion of the hearing.

Cindy Cromer (816 East 100 South) stated she was in support of the Riparian Corridor overlay.

6. ORIGINAL PETITION

Petition No. 400-07-19

By _____
City Council

is requesting a petition for
Amending the Ordinance relating
to Conditional Uses

Date Filed _____

Address _____

SALT LAKE CITY ORDINANCE
No. 49 of 2007

(An Ordinance Enacting Temporary Land Use Regulations
Regarding Conditional Use Permits on Residentially Zoned Properties
and on Properties Abutting Residentially Zoned Areas Throughout the City)

AN ORDINANCE ENACTING TEMPORARY LAND USE REGULATIONS
REGARDING CONDITIONAL USE PERMITS ON RESIDENTIALLY ZONED PROPERTIES
AND ON PROPERTIES WHICH ABUT RESIDENTIALLY ZONED AREAS THROUGHOUT
THE CITY.

WHEREAS, Section 10-9a-504 of the Utah Code allows cities, without a public hearing, to enact ordinances establishing temporary land use regulations for any part or all of the City if the City Council makes a finding of compelling, countervailing public interest; and

WHEREAS, Section 10-9a-504 of the Utah Code. allows the City in a temporary land use regulation to prohibit or regulate the erection, construction, reconstruction or alteration of any building or structure; and

WHEREAS, when the Salt Lake City Zoning Code was adopted in April 1995, it was assumed that the City had broad discretion in determining whether to grant or deny a conditional use permit; and

WHEREAS, the Municipal Land Use, Development, and Management Act, Title 10, Chapter 9a, Utah Code Ann., was amended in 2005, limiting the City's discretion as to conditional use permits; and

WHEREAS, the Table of Permitted and Conditional Uses adopted by the City in its zoning code was based upon the more discretionary standard; and

WHEREAS, under current state law, the City's criteria for conditional uses are inadequate and lack specificity, and the City needs to review and revise its Table of Permitted and Conditional Uses for residential areas to better define what uses are allowed, conditional, or not allowed in those areas; and

WHEREAS, it is necessary to clarify the powers, duties, and responsibilities of land use related Boards and Commissions under current state law with regard to conditional uses; and

WHEREAS, due to escalating land values and increasing development pressures, there is a substantial risk that the City may be required by state law to approve conditional use applications which under the current criteria may not be compatible with residentially zoned areas, and which would damage the character of those residential neighborhoods; and

WHEREAS, the City Council has serious concerns regarding the need to protect the residential neighborhoods of the City and to preserve the character of those areas from incompatible land uses; and

WHEREAS, since under the City's zoning ordinances, conditional use permits run with the land, the approval of a conditional use application which may be inappropriate for a residentially zoned area would result in a long term, and perhaps irreversible, detrimental impact upon those residential neighborhoods; and

WHEREAS, the City finds that the need to provide greater protection for the residential neighborhoods in the City constitutes a compelling, countervailing public interest which justifies a temporary land use regulation; and

WHEREAS, the City Council finds that the City's interest in adopting these temporary land use regulations outweighs any private interest in developing under other existing standards;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Finding of compelling, counter-veiling public interest. Pursuant to Section 10-9a-504 of the Utah Code., the City Council expressly finds that the risk of a long term detrimental impact upon its residential neighborhoods resulting from the potential approval of inappropriate conditional use applications constitutes a compelling, countervailing public interest sufficient to justify these temporary land use regulations.

SECTION 2. Balancing of Public vs. Private Interests. The City Council further finds that any harm to private interests is *de minimus* and is outweighed by the City's interest in maintaining the character of its existing residential neighborhoods while the City Council reviews and evaluates specific proposals for changes to the table of permitted and conditional uses for residential zoning districts and the City's conditional use regulations. The City Council finds that no conditional use application which has not received final approval from the City prior to 5:00 p.m. on July 17, 2007, in full compliance with existing zoning regulations, other City ordinances and requirements applicable to new construction, has any right to develop under those existing regulations.

SECTION 3. Temporary zoning regulations. Notwithstanding any other ordinance which the City Council may have adopted which may provide otherwise, during the period of this temporary land use regulation, the City shall not accept, process or approve any application for a conditional use permit for any property in a residential zoning district, or for any property which abuts a residentially zoned district.

SECTION 4. Boundaries. This temporary land use regulation shall apply to all properties within the City.

SECTION 5. Duration. These temporary land use regulations shall remain in effect for a period of six months from the effective date of this ordinance, or until the effective date of the City Council's action adopting revisions to the City's table of permitted and conditional uses for residential districts and revisions to the City's conditional use regulations, whichever occurs first.

SECTION 6. Exemptions. These temporary land use regulations prohibiting the acceptance, processing or approval of any conditional use applications shall not apply to applications for planned developments or for public or private utility facilities or utility structures. Accordingly, any application for a planned use development and for public or private utility facilities or utility structures may continue to be filed, processed and decided notwithstanding the terms of these temporary land use regulations.

SECTION 7. Effective date. This ordinance shall become effective upon publication.

Passed by the City Council of Salt Lake City, Utah, this 17 day of July, 2007.


CHAIRPERSON

ATTEST:


CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date 7/19/07
By Juan K

Transmitted to Mayor on July 25, 2007.

Mayor's Action: X Approved. _____ Vetoed.


MAYOR

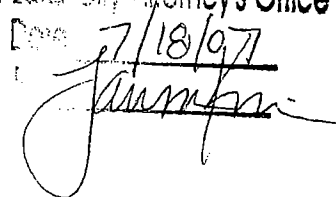
ATTEST:


CHIEF DEPUTY CITY RECORDER

(SEAL)



Bill No. 49 of 2007.
Published: July 18, 2007

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 7/18/07


PETITION CHECKLIST

Date	Planner Initials	Supervisor Initials	Director Initials	Action Required
7-18-07	rw			Petition Delivered to Planning
7-18-07	rw			Petition Assigned to <u>Robt Walkingshaw</u>
11-28-07	rw	RP		Planning Staff or Planning Commission Action Date <u>11-28-07</u>
12-7-07	rw	RP		Transmittal Cover Letter Followed Template (margins, headings, returns etc)
12-7-07	rw	RP		Table of Contents
12-7-07	rw	RP		Chronology
12-7-07	rw	RP		Ordinance Prepared by the Attorney's Office Include general purpose statement of petition (top of ordinance) Include Strike and Bold -(Legislative Copy) (where applicable) Include Clean Copy (Ensure stamped by Attorney) Include Sidwell Numbers (where applicable) Include Legal Description-review, date and initial (where applicable) Ensure most recent ordinance used Ensure Exhibits (tables etc) are attached
12-7-07	rw	RP		Council Hearing Notice Include Purpose of Request Include zones affected (where applicable) Include address of property (where applicable) Include TDD Language
12-7-07	rw	RP		Mailing List of Petition and Labels, (include appropriate Community Councils, applicant and project planner) (include photocopy of labels)
12-7-07	rw	RP		Planning Commission Notice Mailing Postmark Date Verification (on agenda) Newspaper Notice for Rezoning and Master Plan Amendments (proof of publication or actual publication)
12-7-07	rw	RP		Planning Commission Staff Report
12-7-07	rw	RP		Planning Commission Minutes and Agenda
7-17-07	rw	RP		Yellow Petition Cover and Paperwork Initiating Petition (Include application, Legislative Intent memo from Council, PC memo and minutes or Mayor's Letter initiating petition.)
				Date Set for City Council Action: <u>1-8-08</u> Petition filed with City Recorder's Office

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering 2 ordinances to amend the Salt Lake City Code, Title 21A, Zoning, relating to permitted and conditional uses in all zoning districts, the conditional use process, regulations and standards, and the building and site design review process, regulations and standards pursuant to Petition Nos. 400-05-16 and 400-07-19.

Petition No. 400-05-16 relates to action taken by the Planning Commission on June 15, 2005, requesting a reevaluation of City Code, Title 21A, Chapter 21A.59, Conditional Building and Site Design Review. The purpose is to change the current practice of reviewing certain design elements through the Conditional Use process because consideration of these elements relates more to the design of a project rather than the proposed use. The intent is to clearly separate the processes and regulations for conditional use applications and building and site design review applications.

Petition No. 400-07-19 relates to action taken by the City Council on July 17, 2007, enacting temporary land use regulations for conditional use permits on residentially zoned properties and properties abutting residentially zoned properties. The purpose, in part, was to allow the City Administration an opportunity to:

- Review permitted and conditional uses allowed in residential zones to better define what uses are permitted, conditional or not permitted in those areas.
- Establish more clearly defined, specific standards of review and criteria for conditional use requests.
- Clarify the powers, duties and responsibilities of land use related Boards and Commissions with regard to conditional use approval.

In order to provide a comprehensive review of both petitions, the City Administration has processed both petitions concurrently.

The City Council will hold a public hearing to receive comments and consider action on the proposed ordinances. During this hearing, the Planning staff may present information on the petition and anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE: **January 15, 2008**

TIME: **7:00 p.m.**

PLACE: Room 315
City and County Building
451 South State Street
Salt Lake City, Utah

Salt Lake City complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the ADA Coordinator at 535-7971; TDD 535-6021.

If you have any questions relating to this proposal, please attend the public hearing or contact Nole Walkingshaw at 535-7128 or via e-mail nole.walkingshaw@slcgov.com.