
MEMORANDUM

DATE: October 8, 2009

TO: Council Members

FROM: Janice Jardine
Land Use Policy Analyst

SUBJECT: Amending sections of Title 21A- Zoning of the *Salt Lake City Code* to provide additional clarity and consistency with existing City land use regulations. (zoning code maintenance/fine-tuning)
Petition No. PLNPCM2008-00640

On September 22, 2009, the Council received a briefing on this item. No issues were raised by Council Members.

POTENTIAL MOTIONS:

1. ["I move that the Council"] Adopt an ordinance amending sections of amending sections of Title 21A- Zoning of the *Salt Lake City Code* to provide additional clarity and consistency with existing City land use regulations.
2. ["I move that the Council"] Not adopt an ordinance amending sections of Title 21A- Zoning of the *Salt Lake City Code* to provide additional clarity and consistency with existing City land use regulations.

SALT LAKE CITY CORPORATION

FRANK B. GRAY
DIRECTOR

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR

RALPH BECKER
MAYOR

MARY DE LA MARE-SCHAEFER
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.
DEPUTY DIRECTOR

CITY COUNCIL TRANSMITTAL



David Everitt, Chief of Staff



Date Received: By SRB

Date Sent to City Council: 07/14/2009

TO: Salt Lake City Council
Carlton Christensen, Chair

DATE: July 9, 2009

FROM: Mary DeLaMare-Schaefer,
Community & Economic Development Deputy Director
on behalf of Frank Gray, Community & Economic Development Department Director



RE: Petition PLNPCM2008-00640: Zoning Text Amendment by Mayor Becker for Code Maintenance – Fine Tuning

STAFF CONTACTS: Everett Joyce, Senior Planner at 801-535-7930 or
everett.joyce@slcgov.com

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

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: Petition PLNPCM2008-00640 by Salt Lake City Mayor Becker requests that the Planning Commission analyze and adjust the City Code related to Zoning Ordinances to provide for clarity and efficiency of use as part of an ongoing process of code maintenance. Nine fine tuning text amendments are being processed with this petition.

Analysis: Summary of Proposed Code Changes – A summary of the proposed text changes proposed are discussed below. Exhibit A – Proposed Ordinance Amendments of the Planning Commission Staff Report includes a more detailed report on the specific code changes.

- 1) **Chapter 21A.46 Signs 21A.46.110** – Clarify the extension limits for projecting signs within the sign standards of the Downtown D-1 and D-4 Zoning Districts. Other Zoning District sign standard tables contain text stating how far projecting signs may extend. Proposed text changes are to treat the Downtown Zoning District sign standards similar to other Zoning District sign standards.
- 2) **Chapter 21A.46 Yard Sale Signs** – The Zoning Ordinance identifies that the display period for garage and yard sale signs is three days. The City’s Business License Ordinance standards contain text defining the display period for such signs as limited to seven days. The City’s Zoning Enforcement Division uses the seven day limit for enforcement purposes since the business license division permits a seven day display period. To provide consistency the proposed sign code text change is that the display period for garage and yard sale signs will be seven days.
- 3) **21A.52.090A Extension of Time Granted for Special Exceptions** – The General Applications and Procedures Section 21A.10.10 of the Zoning Ordinance identifies that extensions of time for granted approvals *may* be extended. Within section 21A.52.090 General Conditions To Be Applied To All Special Exceptions the text identifies the zoning administrator *shall* rather than *may* grant extensions of time. The proposed text change is to replace *shall* with *may* to provide consistency within the Zoning Ordinance related to time extensions of granted approvals.
- 4) **21A.32 Special Purpose Districts, 21A.34 Overlay Districts, 21A.62 Definitions** – The zoning ordinance text adopted in 1995 contained Floor Area Ratios (FAR) for the Research Park, Business Park and Institutional Zoning Districts. Floor area ratio was eliminated from the applicable zoning districts through previous zoning text amendments. However, remnants of zoning ordinance text still contain references to floor area ratios. The proposed text changes clean up these remnant references to floor area ratio. The changes will delete all FAR references within the Special Purpose Districts, Summary Tables, State Street Commercial Corridor Overlay, and Definitions sections of the ordinance.
- 5) **21A.24 Interior Side Yard and Corner Yard Setback Requirements in RMF - Residential Multifamily Zones for Uses Other Than Residential** – The Zoning Ordinance provides standards for minimum yard requirements. Within the RMF-30, RMF-35 and RMF-45 Zoning Districts yard requirements are provided for single-family, twin home, and multi-family uses. However, there is not specific interior side yard or corner side requirement distances for other permitted or conditional uses allowed within these districts. These uses are typically nonresidential support uses allowed within the residential zoning districts. The proposed changes provide a setback similar to the multifamily requirements.
- 6) **21A.24.120 RMF-30 Low Density Multi-Family Residential District: G. Maximum Building Coverage and 21A.24.130 RMF-35 Moderate Density Multi-Family Residential District: G. Maximum Building Coverage for Nonresidential Uses** – There are no maximum building coverage standards for nonresidential land uses in the

RMF-30 and RMF-35 Zoning Districts. Maximum building coverage allowance in 21A.24.120.G (RMF-30) and 21A.24.130.G (RMF-35) Zones for nonresidential uses need clarity for surface coverage of all principal and accessory buildings. The proposed changes provide that the surface coverage of all principal and accessory buildings shall not exceed the highest percentage of lot area presently allowed within the specific zoning district.

- 7) **21A.08.030, Zoning Certificates** – There is conflicting text regarding when a zoning certificate is required. Section 21A.08.030, Zoning Certificates requires zoning certificates for principle buildings or a change in status of an existing building or site. Section 21A.40.030 requires a zoning certificate for accessory uses. The proposed changes do not require that accessory buildings or structures have a Zoning Certificate. The existing code for Section 21A.42 Temporary Uses relies upon the zoning certificate for documenting and tracking temporary uses. On a functional basis, these uses are documented and tracked through the temporary use permit system. The zoning code is being modified to use the temporary use permit program rather than the zoning certificate program for tracking temporary uses permits.
- 8) **Chapter 21A.22 Zoning Districts, Map And Boundaries: 21A.22.030 Boundaries** – In mapping the new zoning districts for the 1995 citywide zoning rewrite project certain lots were intentionally split zoned. The zoning district boundaries on these lots were established by using a typical boundary depth from the right of way. The boundary depth was intended to be adjusted to catch entire parcels when the boundary line was near a property line. However, sometimes the boundary line was drawn without recognizing small remnant portions of properties and these parcels were not being placed within one entire zoning district. When a parcel is split zoned in a manner that creates a small portion of the lot with a different zoning district, the boundary line majority zoning district should coincide with the nearest property line. The proposed text change recognizes that split zoned lots with a remnant portion depth of less than 30 feet should be considered to be zoned with the zoning district classification that pertains to the majority of the lot.
- 9) **21A.52.030G Special Exceptions** – The zoning ordinance contains a special exception for circular driveways. The specific standards for circular driveways are provided in Section 21A.44.020.f.7d. This special exception is approved whenever abutting property owner signatures are obtained and the circular driveway design meets the standards in Chapter 44. Since circular driveways are not approved unless they meet the specific standards, the special exception process does not provide any discretionary design aspects to the circular driveway standards. Therefore, a special exception process is not necessary, since any allowed circular driveway must meet the standards set forth in Section 21A.44.020.f.7d.

Master Plan Considerations: The community master plan land use policies generally define neighborhood, community and regional land use locations and characteristics. They do not specifically address the level of detail that code maintenance addresses.

In Salt Lake City, the Zoning Ordinance has been one of the main tools used to implement the goals and objectives of the adopted land use planning documents. All of the proposed changes to the text, as outlined, are intended to clarify or further advance the purposes, goals, objectives and policies of the adopted general plan of Salt Lake City. The proposed changes do not alter the various purpose statements included in the Zoning Ordinance. The proposed amendments will help ensure compatibility with the adopted master plans of the City.

PUBLIC PROCESS:

An Open House was held on September 18, 2008. Notice of the Open House was sent to Community Council chairs and those whose names are on the Planning Division's Listserve. Notice was also posted on the City's website. There were no comments received related to the posted Open House issues.

The Planning Commission held a Public Hearing on October 8, 2008. No issues were raised at the Public Hearing. The Planning Commission unanimously passed a motion to forward a favorable recommendation to the City Council.

RELEVANT ORDINANCES:

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 5 of the Planning Commission Staff Report.

Table of Contents

1. Chronology

2. Ordinance

3. City Council Notice and Mailing List

- i. Hearing Notice
- ii. Mailing List

4. Planning Commission

- i. Public Hearing Notice and Postmark / Agenda
- ii. Planning Commission Minutes
- iii. Planning Commission Staff Report

5. Original Petitions

- i. Petition PLNPCM2008-00640 Part II - Fine Tuning Sep 08

Exhibit 1

Chronology

Chronology

- | | |
|--------------------|---|
| June 23, 2008 | Petition assigned to Everett Joyce |
| September 4, 2008 | Presentation to Community Council chairs at Mayor's monthly meeting |
| September 18, 2008 | City-wide Community Council Open House |
| October 16, 2008 | Requested City departmental review |
| October 28, 2008 | Mailed notices for Planning Commission public hearing to Community Council Chairs |
| October 28, 2008 | Posted public hearing agenda notice on website and Planning Listserve |
| November 5, 2008 | Staff report posted on web page |
| November 12, 2008 | Planning Commission public hearing |
| November 13, 2008 | Ordinance request sent to City Attorney |
| November 19, 2008 | Planning Commission ratified minutes of November 12, 2008 meeting |

Exhibit 2
Ordinance

LEGISLATIVE

SALT LAKE CITY ORDINANCE
No. ____ of 2009
(An Ordinance Amending Certain Provisions of Title
21A (Zoning) of the *Salt Lake City Code*)

An ordinance amending certain sections of Title 21A (Zoning) of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2008-00640 to provide additional clarity and efficiency in land use regulation.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on November 12, 2008 to consider a request made by Salt Lake City Mayor Ralph Becker (petition no. PLNPCM2008-00640) to amend the text of Title 21A (Zoning) of the *Salt Lake City Code* to provide further clarity and efficiency in land use regulation; and

WHEREAS, at its November 12, 2008 hearing, the Planning Commission voted in favor of recommending to the City Council that the City Council amend the sections of Title 21A of the *Salt Lake City Code* identified herein; and

WHEREAS, after a public hearing on this matter the City Council has determined that the following ordinance is in the City’s best interests,

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

SECTION 1. Amending text of *Salt Lake City Code* section 21A.46.110.A.3.a. That the table, titled “STANDARDS FOR THE D-1 AND D-4 DISTRICTS”, which is located at section 21A.46.110.A.3.a (Sign Type, Size And Height Standards For The D-1 And D-4 Districts) of the *Salt Lake City Code*, shall be, and hereby is, amended, in part, such that only the following provisions of said table are amended:

STANDARDS FOR THE D-1 AND D-4 DISTRICTS	
Types Of Signs Permitted	Minimum Setback ²
Projecting building sign	<u>May extend</u> 6 ft. from face of building but not within 2 ft. of the back of curb ⁶

Projecting business storefront sign	May extend 4 ft. from face of building but not within 2 ft. of the back of curb ⁶
Projecting parking entry sign	May extend 4 ft. from face of building but not within 2 ft. of the back of curb ⁶

SECTION 2. Amending text of Salt Lake City Code section 21A.46.070.Q.2. That section 21A.46.070.Q.2 of the *Salt Lake City Code* (Temporary Signs - Display Period And Removal), shall be, and hereby is amended, in part, such that only the following provision of said subsection related to garage and yard sale signs is amended:

Sign Type	Display Period	Removal Required Three Days After
Garage/yard sale sign	2 sales per year (3 7 days maximum per sale)	End of sale

SECTION 3. Amending text of Salt Lake City Code section 21A.52.090.A. That section 21A.52.090.A of the *Salt Lake City Code* (General Conditions To Be Applied To All Special Exceptions), shall be, and hereby is, amended to read as follows:

- A. **Special Exceptions:** Subject to an extension of time granted upon application to the zoning administrator, no special exception shall be valid for a period longer than twelve (12) months unless a building permit is issued within that period and construction is diligently pursued to completion. Prior to the completion of the twelve (12) months, the applicant may request and the zoning administrator ~~shall~~ may approve a twelve (12) month extension.

SECTION 4. Amending portions of text of Salt Lake City Code sections 21A.32, 21A.34 and 21A.62. That sections 21A.32 (Special Purpose Districts), 21A.34 (Overlay Districts) and 21A.62 (Definitions) of the *Salt Lake City Code* shall be, and hereby are, amended to eliminate all references to Floor Area Ratio (FAR) from Title 21A, and such pertinent sections shall be amended as follows:

- A. Amending text of Salt Lake City Code section 21A.32.150. That the table, titled “**Table Of Yard And Bulk Requirements-Special Purpose Districts**”, which is located at

section 21A.32.150 of the *Salt Lake City Code*, shall be, and hereby is, amended, in part, to omit all references to Floor Area Ratio therein.

B. Amending text of *Salt Lake City Code* section 21A.34.090. That section 21A.34.090 of the *Salt Lake City Code* (South State Street Corridor Overlay District), shall be, and hereby is, amended to read as follows:

21A.34.090 SSSC South State Street Corridor Overlay District:

A. **Purpose:** The purpose of the SSSC South State Street corridor overlay district is to acknowledge and reinforce the historical land development patterns along South State Street between 900 South and 2100 South.

B. **Maximum Building Height Exemption:** Buildings located within the BP business park base zoning district within the SSSC South State Street corridor overlay district may exceed the height of the base zoning district to a height not to exceed six (6) stories or ninety feet (90'), whichever is less.

~~C. **Maximum Floor Area Ratio Exemption:** Buildings located within the BP business park zoning district within the SSSC South State Street corridor overlay district are exempted from the maximum floor area ratio requirements.~~

~~D~~ **C. Minimum Yard Requirement Exemption:**

~~E~~ **D. District Location:** The South State Street corridor overlay district is the area generally aligned with the State/Main Street corridor from 900 South to 2100 South, within the following approximate boundaries referenced on the zoning map:

~~F~~ **E. Entrance And Visual Access:**

~~G~~ **F. Parking Lot/Structure Lighting:** If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for the parking lot/structure security lighting are limited to sixteen feet (16') in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties.

C. Amending text of *Salt Lake City Code* section 21A.62.040. That section 21A.62.040 of the *Salt Lake City Code* (Definitions), shall be, and hereby is, amended to omit the definition of “floor area ratio” from that section.

SECTION 5. Amending text of Salt Lake City Code section 21A.24.120.E. That section 21A.24.120.E of the *Salt Lake City Code* (Minimum Yard Requirements - Low Density Multi-Family Residential Districts), shall be, and hereby is, amended to read as follows:

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

E. Minimum Yard Requirements:

1. **Front Yard:** Twenty feet (20').

2. **Corner Side Yard:** Ten feet (10').

3. **Interior Side Yard:**

a. **Single-Family Detached And Two-Family Dwellings:**

i. **Interior Lots:** Four feet (4') on one side and ten feet (10') on the other.

ii. **Corner Lots:** Four feet (4').

b. **Single-Family Attached:** No yard is required, however if one is provided it shall not be less than four feet (4').

c. **Twin Home Dwelling:** No yard is required along one side lot line. A ten foot (10') yard is required on the other.

d. **Multi-Family Dwelling:** Ten feet (10') on each side.

e. **All Other Permitted And Conditional Uses:** Ten feet (10') on each side.

4. **Rear Yard:** Twenty five percent (25%) of the lot depth, but not less than twenty feet (20') and need not exceed twenty five feet (25').

SECTION 6. Amending text of Salt Lake City Code section 21A.24.130.E. That section 21A.24.130.E of the *Salt Lake City Code* (Minimum Yard Requirements - Moderate Density Multi-Family Residential Districts), shall be, and hereby is, amended to read as follows:

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

E. Minimum Yard Requirements:

1. **Front Yard:** Twenty feet (20').

2. **Corner Side Yard:** Ten feet (10').

3. **Interior Side Yard:**

a. **Single-Family Detached And Two-Family Dwellings:**

i. **Interior Lots:** Four feet (4') on one side and ten feet (10') on the other.

ii. **Corner Lots:** Four feet (4').

b. **Single-Family Attached:** No yard is required, however, if one is provided it shall not be less than four feet (4').

c. **Twin Home Dwelling:** No yard is required along one side lot line while a ten foot (10') yard is required on the other.

d. **Multi-Family Dwellings:**

i. **Interior Lots:** Side yard shall be at least ten feet (10').

e. **All Other Permitted And Conditional Uses:** Ten feet (10') on each side.

4. **Rear Yard:** Twenty five percent (25%) of the lot depth, but not less than twenty feet (20') and need not exceed twenty five feet (25').

SECTION 7. Amending text of Salt Lake City Code section 21A.24.140.E. That section 21A.24.140.E of the *Salt Lake City Code* (Minimum Yard Requirements - Moderate/High Density Multi-Family Residential Districts), shall be, and hereby is, amended to read as follows:

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

E. Minimum Yard Requirements:

1. **Front Yard:** Twenty percent (20%) of lot depth, but need not exceed twenty five feet (25'). For buildings legally existing on April 12, 1995, the required front yard shall be no greater than the existing yard.

2. **Corner Side Yard:**

a. **Single-Family Attached Dwellings:** Ten feet (10').

b. **Multi-Family Dwellings:** Twenty feet (20').

c. All Other Permitted And Conditional Uses: Twenty feet (20').

3. **Interior Side Yard:**

a. **Single-Family Attached Dwelling:** No yard is required, however if one is provided it shall not be less than four feet (4').

b. **Multi-Family Dwellings:** The minimum yard shall be eight feet (8'); provided, that no principal building is erected within ten feet (10') of a building on an adjacent lot.

e. All Other Permitted And Conditional Uses: Ten feet (10') on each side.

4. **Rear Yard:** The rear yard shall be twenty five percent (25%) of the lot depth, but need not exceed thirty feet (30').

SECTION 8. Amending text of Salt Lake City Code section 21A.24.120.G. That section 21A.24.120.G of the *Salt Lake City Code* (Maximum Building Coverage - Low Density Multi-Family Residential Districts), shall be, and hereby is, amended to read as follows:

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

G. Maximum Building Coverage:

1. **Single-Family Detached:** The surface coverage of all principal and accessory buildings shall not exceed forty five percent (45%) of the lot area.

2. **Single-Family Attached Dwellings:** The surface coverage of all principal and accessory buildings shall not exceed fifty percent (50%) of the lot area.

3. **Two-Family And Twin Home Dwellings:** The surface coverage of all principal and accessory buildings shall not exceed fifty percent (50%) of the lot area.

4. **Multi-Family Dwellings:** The surface coverage of all principal and accessory buildings shall not exceed forty percent (40%) of the lot area.

5. **Existing Dwellings:** For dwellings existing on April 12, 1995, the coverage of such existing buildings shall be considered legally conforming.

6. **Nonresidential Land Uses:** The surface coverage of all principal and accessory buildings shall not exceed fifty percent (50%) of the lot area.

SECTION 9. Amending text of Salt Lake City Code section 21A.24.130.G. That section 21A.24.130.G of the *Salt Lake City Code* (Maximum Building Coverage - Moderate Density Multi-Family Residential Districts), shall be, and hereby is, amended to read as follows:

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

G. Maximum Building Coverage:

1. **Single-Family Detached:** The surface coverage of all principal and accessory buildings shall not exceed forty five percent (45%) of the lot area.
2. **Single-Family Attached Dwellings:** The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.
3. **Two-Family And Twin Home Dwellings:** The surface coverage of all principal and accessory buildings shall not exceed fifty percent (50%) of the lot area.
4. **Multi-Family Dwellings:** The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.
5. **Existing Dwellings:** For dwellings existing on April 12, 1995, the coverage of such existing buildings shall be considered legally conforming.
6. **Nonresidential Land Uses:** The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.

SECTION 10. Amending text of Salt Lake City Code section 21A.08. That section 21A.08 of the *Salt Lake City Code* (Zoning Certificate), shall be, and hereby is, amended to read as follows:

Chapter 21A.08 ZONING CERTIFICATE

21A.08.010 Purpose Statement:

The zoning certificate serves two (2) general purposes. First, it provides a means to document the review of plans for conformance with this Title. Second, because the certificate must be filed along with all other applications submitted in connection with a specific development proposal, it provides an ongoing record of actions taken with respect to the authorized use of a particular parcel or site. Because the certificate serves as a vehicle for routine plan review by the Zoning

Administrator prior to special reviews by other decision-making bodies, it avoids needless special reviews of incomplete plans.

21A.08.020 Authority To Issue Zoning Certificate:

The Zoning Administrator shall have authority to issue zoning certificates, but only in accordance with the provisions of this Chapter.

21A.08.030 Zoning Certificate Requirement:

Except as otherwise expressly required herein upon April 12, 1995, a zoning certificate shall be required for the following:

- A. **Building Permit:** Any new principal building development activity requiring a building permit.
- B. **Change Of Land Use Type:** Any change of land use type.
- C. **Increased Parking Or Landscaping Requirements:** Any modification to a property or development that requires an increase in parking or landscaping requirements. ~~Temporary Uses: Temporary uses in accordance with the requirements of Part IV, Chapter 21A.42 of this Title.~~
- D. ~~**Nonconforming Uses:** All noneonforming uses that apply for a land use interpretation in accordance with the requirements of Chapter 21a.12 of this Part.~~
- E. ~~**Site Development Permit:** Site development permits in accordance with requirements of Chapter 18.28 of this Code.~~
- F. ~~**Subdivision:** The subdivision of any parcel of land.~~

21A.08.040 Application For Zoning Certificate:

Application for a zoning certificate may be made only by the owner of the property or building or the property owner's authorized agent for which the zoning certificate is sought. The application shall be made to the Zoning Administrator on a form or forms provided by the office of the Zoning Administrator. A record of all zoning certificates issued shall be kept on file in the office of the Zoning Administrator.

- A. **Application Requirements For Building Permits Or Change In Land Use Type That Require Increased Parking:** Each application for a zoning certificate for any new principal building permit, an increased parking requirement, an increased landscaping requirement or change of land use type that requires additional parking shall be accompanied by the following:

1. A statement describing:
 - a. The type of structure containing the use, if any,
 - b. The exact nature of the most recent use of such structure or lot,
 - c. The exact nature of the proposed use of the structure or lot, and
 - d. The number of off-street parking and loading spaces currently provided on the zoning lot;
2. A site plan, drawn to scale and fully dimensioned, including:
 - a. The topography, actual shape and dimensions of the lots to be built upon or used,
 - b. The exact size and location on the lot of the existing and proposed buildings, structures, and accessory buildings,
 - c. The existing and intended use of each building or part of a building,
 - d. The number of dwelling units the building is designed to accommodate,
 - e. The number and location of off-street parking stalls to be provided,
 - f. The location and design of loading docks and facilities, and
 - g. Such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of this Title.

~~B. Application Requirements For Building Permits Or Change In Land Use Type That Do Not Require Additional Parking:~~ Each application for a zoning certificate for any building permit or change in type of land use that does not require additional parking shall be accompanied by the following material:

~~A statement describing:~~

- ~~1. The type of structure containing the use, if any;~~
- ~~2. The exact nature of the most recent use of such structure or lot;~~
- ~~3. The exact nature of the proposed use of the structure or lot; and~~
- ~~4. The number of off street parking and loading spaces currently provided on the zoning lot.~~

~~C. **Application Requirements For Temporary Uses:** Each application for a zoning certificate for a temporary use shall be accompanied by the requirements of subsection 21A.42.060A of this Title.~~

~~D. **Application Requirements For Nonconforming Uses:** Each application for a zoning certificate for a nonconforming use shall be accompanied by the requirements of subsection 21A.12.040A of this Part, application for administrative interpretations.~~

~~E. **Application Requirements For Site Development Permits:** Each application for a zoning certificate for a site development permit shall be accompanied by requirements of Chapter 18.28 of this Code~~

SECTION 11. Amending text of Salt Lake City Code section 21A.40.030. That section 21A.40.030 of the *Salt Lake City Code* (Zoning Compliance Required), shall be, and hereby is, amended to read as follows:

21A.40.030 Zoning Compliance Required:

No ~~accessory use~~, new principal building or structure shall be established or constructed unless a zoning certificate has been issued.

SECTION 12. Amending text of Salt Lake City Code section 21A.42.050.A. That section 21A.42.050.A of the *Salt Lake City Code* (Process for Constitutionally Protected Temporary Uses), shall be, and hereby is, amended to read as follows:

21A.42.050 Process For Constitutionally Protected Temporary Uses:

A. Notification To City: If an applicant for a building permit ~~zoning certificate~~ for a temporary use claims that the activity is protected by the first amendment to the constitution of the United States or article I, section 15 of the constitution of Utah, and that the process specified in this chapter for considering the temporary use is insufficiently expeditious or unreasonably burdensome, the applicant shall notify the zoning administrator of the timetable which the applicant claims is necessary to process the application and any burdens which the applicant claims to be unreasonable.

SECTION 13. Amending text of Salt Lake City Code section 21A.42.060. That section

21A.42.060 of the *Salt Lake City Code* shall be, and hereby is, amended to read as follows:

21A.42.060 ~~Zoning Certificate~~ Temporary Use Permit Required-Special Standards For Issuance And Revocation:

A ~~zoning certificate~~ temporary use permit is required for temporary uses, in accordance with the following standards set forth below:

- A. Application: An application shall be submitted to the zoning administrator. Every application for a temporary use shall include a site plan, traffic plan, including the date, time, location and anticipated attendance of a temporary event or use, anticipated access routes, ingress and egress for emergency vehicles, and available parking in the vicinity, and the application shall be submitted to the zoning administrator at least thirty (30) calendar days before the scheduled date that the temporary event or use is to take place unless the zoning administrator approves a shorter application deadline.
- B. Fees: The application for a temporary use shall be accompanied by a fee established on the fee schedule.
- C. Approval: A ~~zoning certificate~~ temporary use permit for a temporary use may be issued by the zoning administrator; provided, that the applicant meets all applicable requirements of this chapter and any other requirements deemed necessary by the zoning administrator to ensure that the temporary use will not have a detrimental impact upon other properties.
- D. Basis For ~~Certificate~~ Permit Denial: A ~~zoning certificate~~ temporary use permit shall be denied if the zoning administrator determines that the public health, safety or welfare would be impaired, or if the applicant has not adequately addressed traffic and parking issues associated with the proposed use.
- E. Conditional ~~Certificate~~ Permit: A ~~zoning certificate~~ temporary use permit for a temporary use may be conditioned upon such special requirements as the zoning administrator may determine are necessary to achieve the purposes of this title and to protect the public health, safety and welfare.
- F. Revocation Of ~~Certificate~~ Permit: A ~~zoning certificate~~ temporary use permit shall be revoked by the zoning administrator pursuant to the procedures of section 21A.08.060 of this title, if any of the standards and conditions imposed pursuant to such ~~certificate~~ permit, are violated.

G. Appeal: Any person adversely affected by the decision of the zoning administrator, may appeal the decision to the board of adjustment pursuant to the provisions of part II, chapter 21A.16 of this title.

SECTION 14. Amending text of Salt Lake City Code section 21A.42.090. That section 21A.42.090 of the *Salt Lake City Code* (Use Limitations), shall be, and hereby is, amended to read as follows:

21A.42.090 Use Limitations:

- A. General Limitations: Every temporary use shall comply with the use limitations applicable in the district in which it is located as well as with the limitations made applicable to specified temporary uses by section 21A.42.070 of this chapter.
- B. Hours And Days Of Operation: No temporary use shall be operated during any hours or on any days of the week except as designated by the zoning administrator, in the ~~zoning certificate~~ temporary use permit required by section 21A.08.030 of this title, on the basis of the nature of the temporary use and the character of the adjacent and surrounding area.
- C. Traffic: No temporary use shall be permitted if additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on adjacent and surrounding streets and uses.
- D. Sign Limitations: Temporary signs may be permitted in accordance with the procedures and requirements of chapter 21A.46 of this part.
- E. Parking: Before approving any temporary use, the zoning administrator shall make an assessment of the total number of off street parking spaces that will be reasonably required in connection with the proposed temporary use, on the basis of the particular use, its intensity, and the availability of other parking facilities in the area. No temporary use shall be authorized that would, in the opinion of the zoning administrator, reduce the amount of required off street parking spaces available for a use in connection with permanent uses located on the same zoning lot.

SECTION 15. Amending text of Salt Lake City Code section 21A.22.030. That section 21A.22.030 of the *Salt Lake City Code* (Zoning District Boundaries), shall be, and hereby is, amended to read as follows:

21A.22.030 Boundaries:

In the event that uncertainties exist with respect to the intended boundaries of the various districts as shown on the zoning map, the following rules shall apply:

- A. Centerlines And Right Of Way Lines As Boundaries: Where the designation of a boundary line on the zoning map coincides with the edge of a street, alley, waterway or other right of way, the centerline of such right of way line shall be construed to be the boundary of the district.
- B. Property Lines As Boundaries: Where a district boundary coincides with the location of a property line, as recorded by the Salt Lake County recorder as of April 12, 1995, the property line shall be construed to be the boundary of the district.
- C. Scaled Lines As Boundaries: Where the district boundaries do not coincide with the location of rights of way or property lines, the district boundary shall be determined by measuring such boundary lines through the use of the map scale as shown on the zoning map. If a district boundary splits a parcel at a depth of less than 30 feet or an average of 30 feet in the case of irregular shaped parcel, then the entire parcel is considered zoned the majority district that covers the parcel.
- D. Clarification Of Map Interpretation: The zoning administrator shall hear and decide all applications for interpretation of district boundary lines shown on the zoning map pursuant to the provisions of part II, chapter 21A.12 of this title. The zoning administrator shall have the authority only to interpret boundary lines, not to change the location of district boundary lines or to rezone property.

SECTION 16. Amending text of Salt Lake City Code section 21A.44.020.F. That section

21A.44.020.F(7) of the *Salt Lake City Code* (Driveway Standards), shall be, and hereby is, amended to read as follows:

21A.44.020 General Off Street Parking Requirements:

7. Driveway Standards:

- a. **Driveway Location:** In nonresidential districts, the minimum distance between curb cuts shall be twelve feet (12'). In residential districts, driveways shall be six feet (6') from abutting property lines and ten feet (10') from street corner property lines.

b. **Driveway Widths:** In front and corner side yards, driveway widths shall not exceed twenty two feet (22') in SR-1 and SR-3 residential districts. In all other districts, the driveways in front and corner side yards shall not exceed thirty feet (30') in width, unless a wider driveway is approved through the site plan review process.

c. **Shared Driveways:** Shared driveways, where two (2) or more properties share one driveway access, may be permitted by the development review team.

d. **Circular Driveways:** Circular driveways that connect to a driveway extending to a legal parking location shall be permitted in the front yard area as a special exception. ~~Circular driveways shall be constructed of~~ concrete, brick pavers, block or other hard surface material, other than asphalt. ~~¶The circular driveway shall be situated such that the street front edge is situated parallel to the property line, shall be set back at least fifteen feet (15') from the property line, shall not be wider than twelve feet (12') in width, and shall not be used for overnight parking.~~

e. **Driveway Surface:** All driveways providing access to parking areas or lots shall be improved and maintained as hard surface.

SECTION 17. Amending text of Salt Lake City Code section 21A.52.030. That section 21A.52.030.G of the *Salt Lake City Code* (Special Exceptions Authorized), shall be, and hereby is, amended to read as follows:

G. Intentionally left blank. ~~Circular driveways (subsection 21A.44.020F7d of this title).~~

SECTION 18. 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 _____, 2009.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2009.

Published: _____.

HB_ATT#6369-v1-Ordinance - Zoning Fine Tuning Part II

FINAL

SALT LAKE CITY ORDINANCE
No. _____ of 2009
(An Ordinance Amending Certain Provisions of Title
21A (Zoning) of the *Salt Lake City Code*)

An ordinance amending certain sections of Title 21A (Zoning) of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2008-00640 to provide additional clarity and efficiency in land use regulation.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on November 12, 2008 to consider a request made by Salt Lake City Mayor Ralph Becker (petition no. PLNPCM2008-00640) to amend the text of Title 21A (Zoning) of the *Salt Lake City Code* to provide further clarity and efficiency in land use regulation; and

WHEREAS, at its November 12, 2008 hearing, the Planning Commission voted in favor of recommending to the City Council that the City Council amend the sections of Title 21A of the *Salt Lake City Code* identified herein; and

WHEREAS, after a public hearing on this matter the City Council has determined that the following ordinance is in the City’s best interests,

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

SECTION 1. Amending text of *Salt Lake City Code* section 21A.46.110.A.3.a. That the table, titled “STANDARDS FOR THE D-1 AND D-4 DISTRICTS”, which is located at section 21A.46.110.A.3.a (Sign Type, Size And Height Standards For The D-1 And D-4 Districts) of the *Salt Lake City Code*, shall be, and hereby is, amended, in part, such that only the following provisions of said table are amended:

STANDARDS FOR THE D-1 AND D-4 DISTRICTS	
Types Of Signs Permitted	Minimum Setback ²
Projecting building sign	May extend 6 ft. from face of building but not within 2 ft. of the back of curb ⁶

Projecting business storefront sign	May extend 4 ft. from face of building but not within 2 ft. of the back of curb ⁶
Projecting parking entry sign	May extend 4 ft. from face of building but not within 2 ft. of the back of curb ⁶

SECTION 2. Amending text of Salt Lake City Code section 21A.46.070.Q.2. That section 21A.46.070.Q.2 of the *Salt Lake City Code* (Temporary Signs - Display Period And Removal), shall be, and hereby is amended, in part, such that only the following provision of said subsection related to garage and yard sale signs is amended:

Sign Type1	Display Period	Removal Required Three Days After
Garage/yard sale sign	2 sales per year (7 days maximum per sale)	End of sale

SECTION 3. Amending text of Salt Lake City Code section 21A.52.090.A. That section 21A.52.090.A of the *Salt Lake City Code* (General Conditions To Be Applied To All Special Exceptions), shall be, and hereby is, amended to read as follows:

- A. **Special Exceptions:** Subject to an extension of time granted upon application to the zoning administrator, no special exception shall be valid for a period longer than twelve (12) months unless a building permit is issued within that period and construction is diligently pursued to completion. Prior to the completion of the twelve (12) months, the applicant may request and the zoning administrator may approve a twelve (12) month extension.

SECTION 4. Amending portions of text of Salt Lake City Code sections 21A.32, 21A.34 and 21A.62. That sections 21A.32 (Special Purpose Districts), 21A.34 (Overlay Districts) and 21A.62 (Definitions) of the *Salt Lake City Code* shall be, and hereby are, amended to eliminate all references to Floor Area Ratio (FAR) from Title 21A, and such pertinent sections shall be amended as follows:

- A. Amending text of Salt Lake City Code section 21A.32.150. That the table, titled “**Table Of Yard And Bulk Requirements-Special Purpose Districts**”, which is located at

section 21A.32.150 of the *Salt Lake City Code*, shall be, and hereby is, amended, in part, to omit all references to Floor Area Ratio therein.

B. Amending text of *Salt Lake City Code* section 21A.34.090. That section 21A.34.090 of the *Salt Lake City Code* (South State Street Corridor Overlay District), shall be, and hereby is, amended to read as follows:

21A.34.090 SSSC South State Street Corridor Overlay District:

- A. **Purpose:** The purpose of the SSSC South State Street corridor overlay district is to acknowledge and reinforce the historical land development patterns along South State Street between 900 South and 2100 South.
- B. **Maximum Building Height Exemption:** Buildings located within the BP business park base zoning district within the SSSC South State Street corridor overlay district may exceed the height of the base zoning district to a height not to exceed six (6) stories or ninety feet (90'), whichever is less.
- C. **Minimum Yard Requirement Exemption:**
- D. **District Location:** The South State Street corridor overlay district is the area generally aligned with the State/Main Street corridor from 900 South to 2100 South, within the following approximate boundaries referenced on the zoning map:
- E. **Entrance And Visual Access:**
- F. **Parking Lot/Structure Lighting:** If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for the parking lot/structure security lighting are limited to sixteen feet (16') in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties.

C. Amending text of *Salt Lake City Code* section 21A.62.040. That section 21A.62.040 of the *Salt Lake City Code* (Definitions), shall be, and hereby is, amended to omit the definition of “floor area ratio” from that section.

SECTION 5. Amending text of Salt Lake City Code section 21A.24.120.E. That section 21A.24.120.E of the *Salt Lake City Code* (Minimum Yard Requirements - Low Density Multi-Family Residential Districts), shall be, and hereby is, amended to read as follows:

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

E. Minimum Yard Requirements:

1. **Front Yard:** Twenty feet (20').
2. **Corner Side Yard:** Ten feet (10').
3. **Interior Side Yard:**
 - a. **Single-Family Detached And Two-Family Dwellings:**
 - i. **Interior Lots:** Four feet (4') on one side and ten feet (10') on the other.
 - ii. **Corner Lots:** Four feet (4').
 - b. **Single-Family Attached:** No yard is required, however if one is provided it shall not be less than four feet (4').
 - c. **Twin Home Dwelling:** No yard is required along one side lot line. A ten foot (10') yard is required on the other.
 - d. **Multi-Family Dwelling:** Ten feet (10') on each side.
 - e. **All Other Permitted And Conditional Uses:** Ten feet (10') on each side.
4. **Rear Yard:** Twenty five percent (25%) of the lot depth, but not less than twenty feet (20') and need not exceed twenty five feet (25').

SECTION 6. Amending text of Salt Lake City Code section 21A.24.130.E. That section 21A.24.130.E of the *Salt Lake City Code* (Minimum Yard Requirements - Moderate Density Multi-Family Residential Districts), shall be, and hereby is, amended to read as follows:

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

E. Minimum Yard Requirements:

1. **Front Yard:** Twenty feet (20').

2. **Corner Side Yard:** Ten feet (10').

3. **Interior Side Yard:**

a. **Single-Family Detached And Two-Family Dwellings:**

i. **Interior Lots:** Four feet (4') on one side and ten feet (10') on the other.

ii. **Corner Lots:** Four feet (4').

b. **Single-Family Attached:** No yard is required, however, if one is provided it shall not be less than four feet (4').

c. **Twin Home Dwelling:** No yard is required along one side lot line while a ten foot (10') yard is required on the other.

d. **Multi-Family Dwellings:**

i. **Interior Lots:** Side yard shall be at least ten feet (10').

e. **All Other Permitted And Conditional Uses:** Ten feet (10') on each side.

4. **Rear Yard:** Twenty five percent (25%) of the lot depth, but not less than twenty feet (20') and need not exceed twenty five feet (25').

SECTION 7. Amending text of Salt Lake City Code section 21A.24.140.E. That section 21A.24.140.E of the *Salt Lake City Code* (Minimum Yard Requirements - Moderate/High Density Multi-Family Residential Districts), shall be, and hereby is, amended to read as follows:

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

E. Minimum Yard Requirements:

1. **Front Yard:** Twenty percent (20%) of lot depth, but need not exceed twenty five feet (25'). For buildings legally existing on April 12, 1995, the required front yard shall be no greater than the existing yard.

2. **Corner Side Yard:**

a. **Single-Family Attached Dwellings:** Ten feet (10').

b. **Multi-Family Dwellings:** Twenty feet (20').

c. **All Other Permitted And Conditional Uses:** Twenty feet (20').

3. Interior Side Yard:

a. **Single-Family Attached Dwelling:** No yard is required, however if one is provided it shall not be less than four feet (4').

b. **Multi-Family Dwellings:** The minimum yard shall be eight feet (8'); provided, that no principal building is erected within ten feet (10') of a building on an adjacent lot.

e. **All Other Permitted And Conditional Uses:** Ten feet (10') on each side.

4. **Rear Yard:** The rear yard shall be twenty five percent (25%) of the lot depth, but need not exceed thirty feet (30').

SECTION 8. Amending text of Salt Lake City Code section 21A.24.120.G. That section 21A.24.120.G of the *Salt Lake City Code* (Maximum Building Coverage - Low Density Multi-Family Residential Districts), shall be, and hereby is, amended to read as follows:

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

G. Maximum Building Coverage:

1. **Single-Family Detached:** The surface coverage of all principal and accessory buildings shall not exceed forty five percent (45%) of the lot area.

2. **Single-Family Attached Dwellings:** The surface coverage of all principal and accessory buildings shall not exceed fifty percent (50%) of the lot area.

3. **Two-Family And Twin Home Dwellings:** The surface coverage of all principal and accessory buildings shall not exceed fifty percent (50%) of the lot area.

4. **Multi-Family Dwellings:** The surface coverage of all principal and accessory buildings shall not exceed forty percent (40%) of the lot area.

5. **Existing Dwellings:** For dwellings existing on April 12, 1995, the coverage of such existing buildings shall be considered legally conforming.

6. **Nonresidential Land Uses:** The surface coverage of all principal and accessory buildings shall not exceed fifty percent (50%) of the lot area.

SECTION 9. Amending text of Salt Lake City Code section 21A.24.130.G. That section 21A.24.130.G of the *Salt Lake City Code* (Maximum Building Coverage - Moderate Density Multi-Family Residential Districts), shall be, and hereby is, amended to read as follows:

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

G. Maximum Building Coverage:

1. **Single-Family Detached:** The surface coverage of all principal and accessory buildings shall not exceed forty five percent (45%) of the lot area.
2. **Single-Family Attached Dwellings:** The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.
3. **Two-Family And Twin Home Dwellings:** The surface coverage of all principal and accessory buildings shall not exceed fifty percent (50%) of the lot area.
4. **Multi-Family Dwellings:** The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.
5. **Existing Dwellings:** For dwellings existing on April 12, 1995, the coverage of such existing buildings shall be considered legally conforming.
6. **Nonresidential Land Uses:** The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.

SECTION 10. Amending text of Salt Lake City Code section 21A.08. That section 21A.08 of the *Salt Lake City Code* (Zoning Certificate), shall be, and hereby is, amended to read as follows:

Chapter 21A.08 ZONING CERTIFICATE

21A.08.010 Purpose Statement:

The zoning certificate serves two (2) general purposes. First, it provides a means to document the review of plans for conformance with this Title. Second, because the certificate must be filed along with all other applications submitted in connection with a specific development proposal, it provides an ongoing record of actions taken with respect to the authorized use of a particular parcel or site. Because the certificate serves as a vehicle for routine plan review by the Zoning

Administrator prior to special reviews by other decision-making bodies, it avoids needless special reviews of incomplete plans.

21A.08.020 Authority To Issue Zoning Certificate:

The Zoning Administrator shall have authority to issue zoning certificates, but only in accordance with the provisions of this Chapter.

21A.08.030 Zoning Certificate Requirement:

Except as otherwise expressly required herein upon April 12, 1995, a zoning certificate shall be required for the following:

- A. **Building Permit:** Any new principal building development activity requiring a building permit.
- B. **Change Of Land Use Type:** Any change of land use type.
- C. **Increased Parking Or Landscaping Requirements:** Any modification to a property or development that requires an increase in parking or landscaping requirements.

21A.08.040 Application For Zoning Certificate:

Application for a zoning certificate may be made only by the owner of the property or building or the property owner's authorized agent for which the zoning certificate is sought. The application shall be made to the Zoning Administrator on a form or forms provided by the office of the Zoning Administrator. A record of all zoning certificates issued shall be kept on file in the office of the Zoning Administrator.

- A. **Application Requirements For Building Permits Or Change In Land Use Type:** Each application for a zoning certificate for any new principal building permit, an increased parking requirement, an increased landscaping requirement or change of land use type shall be accompanied by the following:

- 1. A statement describing:
 - a. The type of structure containing the use, if any,
 - b. The exact nature of the most recent use of such structure or lot,
 - c. The exact nature of the proposed use of the structure or lot, and

- d. The number of off-street parking and loading spaces currently provided on the zoning lot;
- 2. A site plan, drawn to scale and fully dimensioned, including:
 - a. The topography, actual shape and dimensions of the lots to be built upon or used,
 - b. The exact size and location on the lot of the existing and proposed buildings, structures, and accessory buildings,
 - c. The existing and intended use of each building or part of a building,
 - d. The number of dwelling units the building is designed to accommodate,
 - e. The number and location of off-street parking stalls to be provided,
 - f. The location and design of loading docks and facilities, and
 - g. Such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of this Title.

SECTION 11. Amending text of Salt Lake City Code section 21A.40.030. That section 21A.40.030 of the *Salt Lake City Code* (Zoning Compliance Required), shall be, and hereby is, amended to read as follows:

21A.40.030 Zoning Compliance Required:

No new principal building or structure shall be established or constructed unless a zoning certificate has been issued.

SECTION 12. Amending text of Salt Lake City Code section 21A.42.050.A. That section 21A.42.050.A of the *Salt Lake City Code* (Process for Constitutionally Protected Temporary Uses), shall be, and hereby is, amended to read as follows:

21A.42.050 Process For Constitutionally Protected Temporary Uses:

- A. Notification To City: If an applicant for a building permit for a temporary use claims that the activity is protected by the first amendment to the constitution of the United States or article I, section 15 of the constitution of Utah, and that the

process specified in this chapter for considering the temporary use is insufficiently expeditious or unreasonably burdensome, the applicant shall notify the zoning administrator of the timetable which the applicant claims is necessary to process the application and any burdens which the applicant claims to be unreasonable.

SECTION 13. Amending text of *Salt Lake City Code* section 21A.42.060. That section 21A.42.060 of the *Salt Lake City Code* shall be, and hereby is, amended to read as follows:

21A.42.060 Temporary Use Permit Required-Special Standards For Issuance And Revocation:

A temporary use permit is required for temporary uses, in accordance with the following standards set forth below:

- A. Application: An application shall be submitted to the zoning administrator. Every application for a temporary use shall include a site plan, traffic plan, including the date, time, location and anticipated attendance of a temporary event or use, anticipated access routes, ingress and egress for emergency vehicles, and available parking in the vicinity, and the application shall be submitted to the zoning administrator at least thirty (30) calendar days before the scheduled date that the temporary event or use is to take place unless the zoning administrator approves a shorter application deadline.
- B. Fees: The application for a temporary use shall be accompanied by a fee established on the fee schedule.
- C. Approval: A temporary use permit for a temporary use may be issued by the zoning administrator; provided, that the applicant meets all applicable requirements of this chapter and any other requirements deemed necessary by the zoning administrator to ensure that the temporary use will not have a detrimental impact upon other properties.
- D. Basis For Permit Denial: A temporary use permit shall be denied if the zoning administrator determines that the public health, safety or welfare would be impaired, or if the applicant has not adequately addressed traffic and parking issues associated with the proposed use.
- E. Conditional Permit: A temporary use permit for a temporary use may be conditioned upon such special requirements as the zoning administrator may determine are necessary to achieve the purposes of this title and to protect the public health, safety and welfare.

F. Revocation Of Permit: A temporary use permit shall be revoked by the zoning administrator pursuant to the procedures of section 21A.08.060 of this title, if any of the standards and conditions imposed pursuant to such permit, are violated.

G. Appeal: Any person adversely affected by the decision of the zoning administrator, may appeal the decision to the board of adjustment pursuant to the provisions of part II, chapter 21A.16 of this title.

SECTION 14. Amending text of Salt Lake City Code section 21A.42.090. That section 21A.42.090 of the *Salt Lake City Code* (Use Limitations), shall be, and hereby is, amended to read as follows:

21A.42.090 Use Limitations:

- A. General Limitations: Every temporary use shall comply with the use limitations applicable in the district in which it is located as well as with the limitations made applicable to specified temporary uses by section 21A.42.070 of this chapter.
- B. Hours And Days Of Operation: No temporary use shall be operated during any hours or on any days of the week except as designated by the zoning administrator, in the temporary use permit required by section 21A.08.030 of this title, on the basis of the nature of the temporary use and the character of the adjacent and surrounding area.
- C. Traffic: No temporary use shall be permitted if additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on adjacent and surrounding streets and uses.
- D. Sign Limitations: Temporary signs may be permitted in accordance with the procedures and requirements of chapter 21A.46 of this part.
- E. Parking: Before approving any temporary use, the zoning administrator shall make an assessment of the total number of off street parking spaces that will be reasonably required in connection with the proposed temporary use, on the basis of the particular use, its intensity, and the availability of other parking facilities in the area. No temporary use shall be authorized that would, in the opinion of the zoning administrator, reduce the amount of required off street parking spaces available for a use in connection with permanent uses located on the same zoning lot.

SECTION 15. Amending text of Salt Lake City Code section 21A.22.030. That section 21A.22.030 of the *Salt Lake City Code* (Zoning District Boundaries), shall be, and hereby is, amended to read as follows:

21A.22.030 Boundaries:

In the event that uncertainties exist with respect to the intended boundaries of the various districts as shown on the zoning map, the following rules shall apply:

- A. Centerlines And Right Of Way Lines As Boundaries: Where the designation of a boundary line on the zoning map coincides with the edge of a street, alley, waterway or other right of way, the centerline of such right of way line shall be construed to be the boundary of the district.
- B. Property Lines As Boundaries: Where a district boundary coincides with the location of a property line, as recorded by the Salt Lake County recorder as of April 12, 1995, the property line shall be construed to be the boundary of the district.
- C. Scaled Lines As Boundaries: Where the district boundaries do not coincide with the location of rights of way or property lines, the district boundary shall be determined by measuring such boundary lines through the use of the map scale as shown on the zoning map. If a district boundary splits a parcel at a depth of less than 30 feet or an average of 30 feet in the case of irregular shaped parcel, then the entire parcel is considered zoned the majority district that covers the parcel.
- D. Clarification Of Map Interpretation: The zoning administrator shall hear and decide all applications for interpretation of district boundary lines shown on the zoning map pursuant to the provisions of part II, chapter 21A.12 of this title. The zoning administrator shall have the authority only to interpret boundary lines, not to change the location of district boundary lines or to rezone property.

SECTION 16. Amending text of Salt Lake City Code section 21A.44.020.F. That section 21A.44.020.F(7) of the *Salt Lake City Code* (Driveway Standards), shall be, and hereby is, amended to read as follows:

21A.44.020 General Off Street Parking Requirements:

7. Driveway Standards:

a. **Driveway Location:** In nonresidential districts, the minimum distance between curb cuts shall be twelve feet (12'). In residential districts, driveways shall be six feet (6') from abutting property lines and ten feet (10') from street corner property lines.

b. **Driveway Widths:** In front and corner side yards, driveway widths shall not exceed twenty two feet (22') in SR-1 and SR-3 residential districts. In all other districts, the driveways in front and corner side yards shall not exceed thirty feet (30') in width, unless a wider driveway is approved through the site plan review process.

c. **Shared Driveways:** Shared driveways, where two (2) or more properties share one driveway access, may be permitted by the development review team.

d. **Circular Driveways:** Circular driveways that connect to a driveway extending to a legal parking location shall be constructed of concrete, brick pavers, block or other hard surface material, other than asphalt. The circular driveway shall be situated such that the street front edge is situated parallel to the property line, shall be set back at least fifteen feet (15') from the property line, shall not be wider than twelve feet (12') in width, and shall not be used for overnight parking.

e. **Driveway Surface:** All driveways providing access to parking areas or lots shall be improved and maintained as hard surface.

SECTION 17. Amending text of Salt Lake City Code section 21A.52.030. That section 21A.52.030.G of the *Salt Lake City Code* (Special Exceptions Authorized), shall be, and hereby is, amended to read as follows:

G. Intentionally left blank.

SECTION 18. 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 _____,
2009.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2009.
Published: _____.

HB_ATTY-#6369-v2-Ordinance_-_Zoning_Fine_Tuning_Part_II

<p>APPROVED AS TO FORM Salt Lake City Attorney's Office</p> <p>Date: <u>May 28, 2009</u></p> <p>By: <u>Paul C. Nielson</u> Paul C. Nielson, Senior City Attorney</p>

Exhibit 3
City Council Notice
and Mailing List

Exhibit 3i
City Council Hearing Notice

NOTICE OF PUBLIC HEARING

The Salt Lake City Council will review **PLNPCM2008-00640** by Salt Lake City Mayor Becker requesting the Planning Commission analyze and adjust the City Code including the Subdivision and Zoning Ordinances to provide for clarity and efficiency of use as part of an ongoing process of code maintenance. Amendments to the City Code address the following issues.

1. Chapter 21A.46.110 Signs. Clarify the extension limits for projecting signs in the Downtown D-1 and D-4 Zoning Districts.
2. 21A.46 Yard Sale Signs. Provide consistent display period requirements between sign and business license ordinances.
3. 21A.52.090A. Special Exceptions. Provide an extension of time requirement consistent with the General Applications and Procedures section of the Zoning Ordinance.
4. 21A.32 Special Purpose Districts. Clean up remnant floor area ratio text references for the RP, and BP Institutional Districts text.
5. 21A.24 Interior Side Yard and Corner Yard setbacks. Provide setback requirements for nonresidential uses in multifamily zoning districts.
6. 21A.24 RMF-30 and RMF-35 Maximum building coverage. Define the building coverage area for nonresidential uses in multifamily zones.
7. 21A.08.030, Zoning Certificates. Clarify that zoning certificates are required for principal use and not accessory uses.
8. 21A.22 Zoning Districts, Map and Boundaries. Clarify how lots of record split by multiple zoning districts affect Zoning District boundaries.
9. 21A.52.030G Special Exceptions. Circular driveways that meet the zoning standards should be allowed as a permitted use.

As part of this request the City Council is holding an advertised public hearing to receive comments regarding this petition request. 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: 7:00 P.M.
PLACE: City Council Chambers, Room 315
City and County Building
451 South State Street, Salt Lake City

If you have any questions relating to this proposal, please attend the meeting or call Everett L. Joyce at 535-7930, between the hours of 8:30 a.m. and 5:30 p.m. Monday through Friday.

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this City Council meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact Everett Joyce at 535-7930; TDD 535-6220.

Exhibit 3ii
City Council Mailing List

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

RON JARRETT
ROSE PARK CHAIR
1441 WEST SUNSET DR
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
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SALT LAKE CITY UT 84104

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

JUDITH LOCKE
GREATER AVENUES CHAIR
407 E 7TH AVENUE
SALT LAKE CITY UT 84103

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

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PEOPLE'S FREEWAY CHAIR
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KEVIN JONES
EAST BENCH CHAIR
2500 SKYLINE DR
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MAGGIE SHAW
SUGAR HOUSE CHAIR
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YALECREST CHAIR
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FOOTHILL/SUNNYSIDE CHAIR
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SALT LAKE CITY UT 84108

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

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

Everett Joyce
451 South State Street, Rm 406
P.O. Box 145480
Salt Lake City, UT 84114-5480

Downtown Alliance
Bob Farrington, Director
175 East 400 South #100
Salt Lake City, UT 84111

S.L. Chamber of Commerce
175 East 400 South, Suite #100
Salt Lake City, UT 84111

Attn: Carol Dibblee
Downtown Merchants Assn.
10 W. Broadway, Ste #420
P.O. Box
Salt Lake City, UT 84101

Sugar House Merchant's Assn.
C/o Barbara Green
Smith-Crown
2000 South 1100 East
Salt Lake City, UT 84106

Hispanic Chamber of Commerce
P.O. Box 1805
Salt Lake City, UT 84110

Vest Pocket Business Coalition
P.O. Box 521357
Salt Lake City, UT 85125-1357

Westside Alliance
C/o Neighborhood Housing Svs.
Maria Garcia
622 West 500 North
Salt Lake City, UT 84116

Exhibit 4
Planning Commission

**Public Hearing Notice/Postmark/Agenda
Staff Report**

Exhibit 4i
Public Hearing Notice/Postmark/Agenda

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, November 12, 2008 at 5:45 p.m.**

The work session is scheduled to begin at 4:00 p.m. in Room 126. The Planning Commission may discuss project updates and other minor administrative matters, including Petition PLNPCM2008-0021-Red Mountain Retail Group/Granite Furniture Block Redesign Plans, and Petition PLNSUB2008-00464, proposed improvements to a Rocky Mountain Power substation located at approximately 136,144, and 148 South and 1100 East. This portion of the meeting is open to the public for observation. The Planning Commission will break for dinner at 5:00 p.m.

APPROVAL OF MINUTES FROM WEDNESDAY, October 22, 2008.

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

BRIEFING

1. **Conditional Use Project- Issues for Further Study, Part II**—The Planning Staff will review and discuss with the Planning Commission the proposed responses to issues that were raised during the City Council's recent review of conditional use regulations. The City Council requested further study of issues that were not addressed prior to the July 22, 2008 adoption of amendments to the Zoning Ordinance relating to conditional and permitted uses. The Planning Staff is requesting comment and direction from the Planning Commission prior to submitting the responses to the City Council for its review.

PUBLIC HEARING

2. **2421 E. Parley's Way Master Plan and Zoning Map Amendment**—a request by Lisa Sieg, applicant, for a master plan and zoning map amendment for the property located at approximately 2421 East Parley's Way. The subject property is the current location of the business known as "The Language of Flowers". The property is located in City Council District Seven, represented by Søren Simonsen (Staff contact: Lex Traughber at 535-6184 or lex.traughber@slcgov.com):
 - a. **Petition 400-08-22 or PLNPCM2008-00238, 2421 East Parley's Way Zoning Map Amendment**—a request to amend the Salt Lake City Zoning Map for the subject property (parcels 16-22-203-018 & 034) from R-1-5,000 (Single Family Residential District) to CB (Community Business District).
 - b. **Petition 400-08-23 or PLNPCM2008-00239, 2421 East Parley's Way Master Plan Amendment**—a request to amend the East Bench Community Future Land Use Map for the subject property (parcels 16-22-203-018 & 034) from "Low Density Residential" to "Neighborhood Business".
3. **Petition 400-08-17, 1150 E. Downington Avenue Partial Street Closure**—a request by Jared and Louise Millington that a portion of Downington Avenue, located at approximately 1150 East Downington and adjacent to their residential property, be declared surplus by the City, closed, and sold. Downington Avenue at this location is a dead end street and unimproved. The purpose of the request is to incorporate a portion of this street into the Millington's residential parcel in order to improve the property. The property is located in City Council District Seven, represented by Søren Simonsen (Staff contact: Lex Traughber at 535-6184 or lex.traughber@slcgov.com).
4. **PLNPCM2008-00361 Linh Cao minor auto repair** — a request by Linh Cao for conditional use approval for an automobile repair (minor) business to operate on property located at 1255 West 400 South in a CN (Neighborhood Commercial) zoning district. The subject property and buildings have been used for automobile repair in the past. The property is located in City Council District Two, represented by Van Turner (Staff contact: Casey Stewart at 535-6260 or casey.stewart@slcgov.com).
5. **Amendment to Petition 410-329 pursuant to Petition 400-04-25**—a request by the Boyer Company to create a sign package for an open air mall (Gateway). The proposed action is an amendment to the planned development approval of the Gateway mixed-use complex to adopt a sign package for the open-air mall portion of the development. The Gateway is generally located at between 400 and 500 West from North Temple to 200 South. Petition 400-04-25, which was approved by the Planning Commission and City Council, allows open air malls to create their own internal signage package when included as part of a planned development. The Boyer Company is requesting an amendment to the original planned development approval (410-329) to include a signage package. The property is located in City Council District Four, represented by Luke Garrott (Staff contact: Doug Dansie at 535-6182 or doug.dansie@slcgov.com).
6. **Petition No. PLNPCM2008-00641, Zoning Text Amendment for Community Correction Facilities (Halfway Homes) in the General Commercial (CG) and Light Manufacturing (M-1) Zoning Districts**—a request by the Salt Lake City Council to analyze current regulations for Halfway Homes, which do not adequately address the size and concentration or the potential impacts of large halfway home facilities on adjacent properties. These text changes are Citywide (Staff contact: Everett Joyce at 535-7930 or everett.joyce@slcgov.com).
- * 7. **Petition No. PLNPCM2008-00640, Salt Lake City Code Maintenance; Fine Tuning text amendments**—a request by Salt Lake City Mayor Becker to analyze the feasibility of amending the City Zoning Ordinance to provide for clarity and efficiency of use as part of an ongoing process of code maintenance. The following issues are being considered:
 - a. Chapter 21A.46.110 Signs. Clarify the extension limits for projecting signs within the Downtown D-1 and D-4 Zoning Districts.
 - b. 21A.46 Yard Sale Signs. Provide consistent display period requirements between sign and business license ordinance.
 - c. 21A.52.090A. Special Exceptions. Provide an extension of time requirement consistent with the General Applications and Procedures section of the Zoning Ordinance.
 - d. 21A.32 Special Purpose Districts. Clean up remnant floor area ratio text references for the RP, BP Institutional Districts text.
 - e. 21A.24 Interior Side Yard and Corner Yard setbacks. Provide setback requirements for nonresidential uses in multifamily zoning districts.
 - f. 21A.24 RMF-30 and RMF-35 Maximum building coverage. Define the building coverage area for nonresidential uses in multifamily zones.
 - g. 21A.08.030, Zoning Certificates. Clarify that zoning certificates are required for principal use and not accessory uses.
 - h. 21A.22 Zoning Districts, Map And Boundaries. Clarify how lots of record that are split by multiple zoning districts affect Zoning District boundaries.
 - i. 21A.52.030G Special Exceptions. Circular driveways that meet the zoning standards should be allowed as a permitted use.These text changes are Citywide (Staff contact: Everett Joyce at 535-7930 or everett.joyce@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.

1:00 PM + 1:00 PM + 1:00 PM

PUBLIC HEARING NOTICE

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
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.

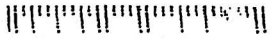


Exhibit 4ii
Planning Commission Minutes

SALT LAKE CITY PLANNING COMMISSION MEETING

In Room 326 of the City & County Building

451 South State Street, Salt Lake City, Utah

Wednesday, November 12, 2008

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

Present from the Planning Division: Wilf Sommerkorn, Planning Director; Cheri Coffey, Programs Manager; Paul Neilson, City Attorney; Casey Stewart, Principal Planner; Lex Traugher, Principal Planner; Everett Joyce, Senior Planner; Doug Dansie, Senior Planner; and Tami Hansen, Planning Commission Secretary.

Work Session:

A Work Session was held prior to the meeting. Planning Commissioners present were: Matthew Wirthlin, Mary Woodhead, Prescott Muir, Frank Algarin, Susie McHugh, and Kathy Scott. Staff members present were: Wilford Sommerkorn, Joel Paterson, Cheri Coffey, Lex Traugher, Everett Joyce, Katia Pace, Doug Dansie, Paul Nielson, and Tami Hansen.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Woodhead called the meeting to order at 5:45 p.m. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

PUBLIC HEARING

7:51:25 PM **Petition No. PLNPCM2008-00640, Salt Lake City Code Maintenance; Fine Tuning text amendments**—a request by Salt Lake City Mayor Becker to analyze the feasibility of amending the City Zoning Ordinance to provide for clarity and efficiency of use as part of an ongoing process of code maintenance. These text changes are Citywide, and the following issues are being considered: View: [Staff Report](#)

- a. Chapter 21A.46.110 Signs. Clarify the extension limits for projecting signs within the Downtown D-1 and D-4 Zoning Districts.
- b. 21A.46 Yard Sale Signs. Provide consistent display period requirements between sign and business license ordinance.

12, 2008

- c. 21A.52.090A. Special Exceptions. Provide an extension of time requirement consistent with the General Applications and Procedures section of the Zoning Ordinance.
- d. 21A.32 Special Purpose Districts. Clean up remnant floor area ratio text references for the RP, BP Institutional Districts text.
- e. 21A.24 Interior Side Yard and Corner Yard setbacks. Provide setback requirements for nonresidential uses in multifamily zoning districts.
- f. 21A.24 RMF-30 and RMF-35 Maximum building coverage. Define the building coverage area for nonresidential uses in multifamily zones.
- g. 21A.08.030, Zoning Certificates. Clarify that zoning certificates are required for principal use and not accessory uses.
- h. 21A.22 Zoning Districts, Map and Boundaries. Clarify how lots of record that are split by multiple zoning districts affect Zoning District boundaries
- i. 21A.52.030G Special Exceptions. Circular driveways that meet the zoning standards should be allowed as a permitted use.

Chair Woodhead recognized Everett Joyce as staff representative.

7:53:38 PM Public Hearing:

Chair Woodhead opened the public hearing portion of this petition; she noted there were no public comments. Chair Woodhead closed the public hearing.

7:54:42 PM Motion:

Commissioner Wirthlin made a motion regarding Petition PLNPCM2008-00640 based on comments, analysis and findings of fact listed in the staff report, that the Planning Commission transmit a favorable recommendation to the City Council to adopt the proposed text amendments for code maintenance purposes.

Commissioner De Lay seconded the motion.

All in favor voted, "Aye"; the motion passed unanimously.

**Exhibit 4iii
Staff Report**

PLANNING COMMISSION STAFF REPORT

Salt Lake City Code Maintenance Zoning Text Amendment Petition PLNPCM2008-00640 – City-wide Part II – September 2008 November 12, 2008



Planning Division
Department of Community and
Economic Development

Applicant: Salt Lake City Mayor

Staff: Everett Joyce 535-7930
everett.joyce@slcgov.com

Master Plan Designation:
City-wide

Council District: City-wide

Applicable Land Use Regulations:

Review Standards: 21A.50.050
Standards for General Amendments

Affected Text:

21A.08.030, Zoning Certificates
21A.22 Zoning Districts, Map And
Boundaries
21A.24 Residential Districts
21A.32 Special Purpose Districts
21A.46 Signs
21A.52 Special Exceptions

Notification

- Notice mailed on October 28,
2008

Attachments:

- A. Proposed Text Amendments
- B. Department Comments

REQUEST

Salt Lake City Mayor Ralph Becker is requesting the Planning Commission analyze and adjust the City Code including the Subdivision and Zoning Ordinances to provide for clarity and efficiency of use as part of an ongoing process of code maintenance. This petition is Part II – September 2008, of an ongoing code maintenance program. Nine minor Fine Tuning text amendments being processed with this petition address the following issues.

1. Chapter 21A.46.110 Signs. Clarify the extension limits for projecting signs in the Downtown D-1 and D-4 Zoning Districts.
2. 21A.46 Yard Sale Signs. Provide consistent display period requirements between sign and business license ordinances.
3. 21A.52.090A. Special Exceptions. Provide an extension of time requirement consistent with the General Applications and Procedures section of the Zoning Ordinance.
4. 21A.32 Special Purpose Districts. Clean up remnant floor area ratio text references for the RP, BP Institutional Districts text.
5. 21A.24 Interior Side Yard and Corner Yard setbacks. Provide setback requirements for nonresidential uses in multifamily zoning districts.
6. 21A.24 RMF-30 and RMF-35 Maximum building coverage. Define the building coverage area for nonresidential uses in multifamily zones.
7. 21A.08.030, Zoning Certificates. Clarify that zoning certificates are required for principal use and not accessory uses.
8. 21A.22 Zoning Districts, Map And Boundaries. Clarify how lots of record that are split by multiple zoning districts affect Zoning District boundaries.
9. 21A.52.030G Special Exceptions. Circular driveways that meet the zoning standards should be allowed as a permitted use.

STAFF RECOMMENDATION:

Based on the comments, analysis and findings of fact listed in the staff report, Planning Staff recommends the Planning Commission transmit a favorable recommendation to the City Council to adopt the proposed text amendments for code maintenance purposes.

Background/ Project Description

The City adopted a comprehensive Zoning Ordinance in April 1995. At that time, it was understood that adjustments to the Zoning Ordinance would be necessary once it had been implemented, and people had an opportunity to work with it. Salt Lake City intermittently processes Fine Tuning ordinance adjustments to provide code maintenance for the City's ordinances. Previous ordinance adjustments have been processed by the Administration in 1995, 1999 and in 2004.

Overall, the framework and structure of Salt Lake City's zoning regulations and development standards are sound and do not require wholesale restructuring of the code. However, at times significant code changes are processed due to land use policy changes adopted by the City or because of State enabling regulation changes. It would be beneficial for Salt Lake City to make minor code revisions that lead to a greater ease of use and understanding.

Amendments to the City Code selected for Fine Tuning processing meet the following objectives:

- Improves the clarity and usability of the Zoning Code without changing the intent behind the specific regulation in question, and clarifies wording that may be open to interpretation;
- Addresses ongoing problems with administration of the existing Code language, and may result in a minor policy change of low significance;
- Implement the City's Comprehensive Plan; and
- Provide ordinance consistency with existing policies and objectives.

The type of code amendments processed through the fine tuning, include the consistency, clarification and correction. Consistency amendments are intended to eliminate conflicts or ambiguities within existing language. Clarification amendments are intended to clarify existing language to facilitate daily use and improve readability of the code. Correction amendments identify typographical errors within the text of the code or incorrect placement of lines on maps within the Zoning District Maps.

Summary of Proposed Code Changes. The Salt Lake Planning Division is processing Fine Tuning code adjustments to the Salt Lake City code. A summary of the proposed text changes proposed are discussed below. Exhibit A – Proposed Ordinance Amendments includes a more detailed report on the specific code changes.

1. Chapter 21A.46 Signs 21A.46.110.3

Within the sign standards of the Downtown D-1 and D-4 Zoning Districts clarify the extension limits for projecting signs. Other Zoning District sign standard tables contain text stating how far projecting signs may extend. Proposed text changes are to treat the Downtown Zoning District sign standards similar to other Zoning District sign standards. Within Section 21A.46.110.3.a Sign, Type, Size And Height Standards for the D-1 And D-4 District, provide specific text that identifies how far projecting signs may extend.

2. Chapter 21A.46.070.Q.2 Yard Sale Signs

The Zoning Ordinance identifies that the display period for garage and yard sale signs is three days. The City's Business License Ordinance standards contain text defining the display period for such signs as limited to seven days. The City's Zoning enforcement Division uses the seven day limit for enforcement purposes since the business license obtained permits a seven day display period. To provide consistency within the City's text the proposed text change will match the requirement of the Business License Ordinance by amending the display period for garage and yard sale signs to seven days sign ordinance.

3. Chapter 21A.52.090A Extension of time granted for Special Exceptions

The General Applications and Procedures Section 21A.10.10 of the Zoning Ordinance identifies that extensions of time for granted approvals *may* be extended. Within section 21A.52.090 General Conditions To Be Applied To All Special Exceptions the text identifies the zoning administrator *shall* rather than *may* grant extensions of time. The proposed text change is to replace shall with may to provide consistency within the Zoning Ordinance related to time extensions of granted approvals.

4. Floor Area Ratio - 21A.32 Special Purpose Districts, 21A.34 Overlay Districts, 21A.62 Definitions

The zoning ordinance text adopted in 1995 contained Floor Area Ratios (FAR) for the Research Park, Business Park and Institutional Zoning Districts. The floor area ratio concept was eliminated from the applicable zoning districts through previous zoning code text amendments. However, remnants of zoning ordinance text still contain references to floor area ratios. The proposed text changes are clean up these remnant parts of the floor area ratio references. Delete all FAR references within the Special Purpose Districts, Summary Tables, SSCC Overlay, and Definitions.

5. 21A.24 Interior Side Yard and Corner Yard setback requirements in RMF - Residential Multifamily zones for uses other than residential

The Zoning Ordinance provides standards for minimum yard requirements. Within the RMF-30, RMF-35 and RMF-45 Zoning Districts yard requirements are provided for single-family, twin home and multi-family uses. However, there is not specific interior side yard or corner side requirement distances for other permitted or conditional uses allowed within these districts. These uses are typically nonresidential support uses allowed within the residential zoning districts. There needs to be clarification of minimum yard requirements for the nonresidential uses, the staff recommends that they should be similar to the multifamily requirements.

6. 21A.24.120 RMF-30 Low Density Multi-Family Residential District: G. Maximum Building Coverage and 21A.24.130 RMF-35 Moderate Density Multi-Family Residential District: G. Maximum Building Coverage for Nonresidential Uses.

There are no maximum building coverage standards for nonresidential land uses in the RMF-30 and RMF-35 Zoning Districts. Maximum building coverage allowance in 21A.24.120.G (RMF-30) and 21A.24.130.G (RMF-35) Zones for nonresidential uses need clarity for surface coverage of all principal and accessory buildings. Staff recommends that the surface coverage of all principal and accessory buildings shall not exceed the highest percentage of lot area presently allowed within the specific zoning district.

7. 21A.08.030, Zoning Certificates would be required only for principle buildings or a change in status of an existing building or site. Accessory buildings or structures will not be required to have a Zoning Certificate

There is conflicting text regarding when a zoning certificate is required. Section 21A.08.030, Zoning Certificates requires zoning certificates for principal buildings or a change in use status of an existing building or site. Section 21A.40.030 requires a zoning certificate for accessory uses. Accessory buildings or structures will not be required to have a Zoning Certificate.

The existing code for Section 21A.42 Temporary Uses relies upon the zoning certificate for documenting and tracking temporary uses. On a functional basis, these uses are documented and tracked through the Temporary Use Permit system. The zoning code is being modified to use the temporary use permit rather than the zoning certificate program.

8. Chapter 21A.22 Zoning Districts, Map And Boundaries - 21A.22.030 Boundaries

In mapping the new zoning district for the 1995 citywide zoning rewrite project certain lots were intentionally split zoned. The zoning district boundaries on these lots were established by using a typical boundary depth from the right of way. The boundary depth was intended to be adjusted to catch entire parcels when the boundary line was near a property line. However, sometimes the boundary line was drawn without recognizing small remnant portions of properties were not being placed within one entire zoning district. When a parcel is split zoned in a manner that creates a small portion of the lot with a different zoning district the boundary line should coincide with the nearest property line. Staff recommends that the ordinance be amended to recognize that split zoned lots with a remnant portion depth of less than 30 feet should be considered to be zoned with the zoning district classification that pertains to the majority of the lot.

9. Chapter 21A.52.030G Special Exceptions

The zoning ordinance contains a special exception for circular driveways. The specific standards for circular driveways are provided in Section 21A.44.020.f.7d. This special exception is approved whenever abutting property owner signatures are obtained and the circular driveway design meets the standards in Chapter 44. Since circular driveways are not approved unless they meet the specific standards, then the special exception process does not provide any discretionary design aspects to the circular driveway standards. Therefore, the need for a special exception process is not necessary, since any allowed circular driveway must meet the standards set forth in Section 21A.44.020.f.7d. Staff recommends the deletion of the special exception and that the City allows circular driveways that meet the standards of the Zoning Ordinance.

Section 21A.44.020.f.7d Circular Driveways: Circular driveways that connect to a driveway extending to a legal parking location shall be permitted in the front yard area as a special exception. Circular driveways shall be concrete, brick pavers, block or other hard surface material, other than asphalt, with the street front edge set back at least fifteen feet (15') from the property line; not be wider than twelve feet (12') in width, and shall not be used for overnight parking.

Comments

Public Comments

An Open House was held on September 18, 2008. Notice of the Open House was sent to Community Council chairs and those whose names are on the Planning Divisions List serve. Notice was also posted on the City's website. There were no comments received directly related to the posted Open House issues.

City Department Comments:

Staff sent information regarding the proposed text changes to applicable City Departments. Department responses are included in Attachment B. Department issues received were reviewed and addressed within the proposed text amendments.

Analysis and Findings

21A.50.050 Standards for general amendments.

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. However, in making its decision concerning a proposed amendment, the city council should consider the following factors:

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

Analysis: The community master plan land use policies generally define neighborhood, community and regional land use locations and characteristics. They do not specifically address the level of detail that code maintenance addresses.

In Salt Lake City, the Zoning Ordinance and Subdivision Ordinance has been the main tools used to implement the goals and objectives of the adopted land use planning documents. All of the proposed changes to the text, as outlined, are intended to clarify or further advance the purposes, goals, objectives and policies of the adopted general plan of Salt Lake City. The proposed changes do not alter the various purpose statements included in the Zoning Ordinance and the Subdivision Ordinance. The proposed amendments will help insure compatibility with the adopted master plans of the City.

Finding: The proposed text amendments provide additional refinement of the zoning regulations of the City's code by providing corrections, clarification and consistency within existing regulations. The proposed fine tuning regulations are consistent with the City's land use policies.

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

Analysis: The proposed amendments are not site specific. Therefore, they will not interfere with the character of specific properties. The proposed amendments reflect minor code maintenance issues and do not modify any intent or purposes of the exiting City code.

Finding: The proposed amendments are part of a citywide code maintenance approach and do not impact the overall character of existing development.

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

Analysis: The technical standards of the subdivision and zoning ordinances generally will not change their functions. The amendments are minor and they will improve the consistency and clarity of existing City code sections. This standard is site specific and does not relate to the general amendments proposed for the text of the ordinance.

Finding: The proposed text changes will not adversely affect adjacent properties.

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

Analysis: The proposed text amendments do not specifically relate, nor impact provisions of any adopted overlay zone.

Finding: The proposed text amendments are consistent with the provisions of all applicable overlay zoning districts that may impose additional 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 wastewater and refuse collection.

Analysis: The proposed ordinance changes do not relate to provisions governing public facilities and services.

Finding: The proposed ordinance changes should not impact the adequacy of public facilities and/or services.

Exhibit A
Proposed Ordinance Amendments
Part II - September 2008 Salt Lake City Code Maintenance

Code Maintenance – Zoning Ordinance Fine Tuning Projects

Part II - September 2008

Code Maintenance or Fine Tuning

The City adopted a comprehensive Zoning Ordinance in April 1995. At that time, it was understood that adjustments to the Zoning Ordinance would be necessary once it had been implemented, and people had an opportunity to work with it. At times minor adjustments are required. They include corrections to text, tables, clarification of definitions or intent, maintenance of consistency from one section to another and boundary corrections to the zoning district maps. Typically, “Fine Tuning” zoning ordinance amendments do not include major policy decisions or impact existing policies.

Item 1. Chapter 21A.46 Signs 21A.46.110

Commentary

Within the sign standards of the Downtown D-1 and D-4 Zoning Districts clarify the extension limits for projecting signs. Other Zoning District sign standard tables contain text stating how far projecting signs may extend. Proposed text changes are to treat the Downtown Zoning District sign standards similar to other Zoning District sign standards. Within Section 21A.46.110.3.a Sign, Type, Size And Height Standards for the D-1 And D-4 District, provide specific text that identifies how far projecting signs may extend.

Recommended Code Language

Language to be **added** is underlined.
Language to be **deleted** is ~~strikethrough~~

21A.46. 110 Sign Regulations For Downtown Districts:

3. a. Sign Type, Size And Height Standards For The D-1 And D-4 Districts:

STANDARDS FOR THE D-1 AND D-4 DISTRICTS

Types Of Signs Permitted	Minimum Setback ²
Projecting building sign	<u>May extend</u> 6 ft. from face of building but not within 2 ft. of the back of curb ⁶
Projecting business storefront sign	<u>May extend</u> 4 ft. from face of building but not within 2 ft. of the back of curb ⁶
Projecting parking entry sign	<u>May extend</u> 4 ft. from face of building but not within 2 ft. of the back of curb ⁶

Item 2. Chapter 21A.46 Yard Sale Signs

Commentary

The Zoning Ordinance identifies that the display period for garage and yard sale signs is three days. The City's Business License Ordinance standards contain text defining the display period for such signs as limited to seven days. The City's Zoning Enforcement Division uses the seven day limit for enforcement purposes since the business license obtained permits a seven day display period. To provide consistency within the City's text the proposed text change will match the requirement of the Business License Ordinance by amending the display period for garage and yard sale signs to seven days sign ordinance.

Recommended Code Language

Language to be **added** is underlined.

Language to be **deleted** is ~~strikethrough~~

Q. Temporary Signs: Temporary signs shall comply with the following standards:

2. Display Period And Removal: Temporary signs shall be permitted in accordance with the standards set forth below for display period and removal, unless specified otherwise in this title:

Sign Type ¹	Display Period	Removal Required Three Days After
Garage/yard sale sign	2 sales per year (<u>3</u> 7 days maximum per sale)	End of sale

Item 3. 21A.52.090A Extension of time granted for Special Exceptions

Commentary

The General Applications and Procedures Section 21A.10.10 of the Zoning Ordinance identifies that extensions of time for granted approvals may be extended. Within section 21A.52.090 General Conditions To Be Applied To All Special Exceptions the text identifies the zoning administrator *shall* rather than *may* grant extensions of time. The proposed text change is to replace shall with may to provide consistency within the Zoning Ordinance related to time extensions of granted approvals.

Business License Text

5.14.020 License - Required For Residential Dwellings:

A. **Three Or More Dwellings:** It is unlawful for any person, as owner, lessee or agent thereof to keep, conduct, operate or maintain any building containing three (3) or more rental dwellings within the limits of Salt Lake City, or cause or permit the same to be done, unless such person holds a current, unrevoked operating regulatory business license under this Chapter.

B. **Business License - Inspection Permit:** An owner of a building or buildings containing three (3) or more rental dwellings is required to obtain only one regulatory business license for the operation and maintenance of all of such buildings regardless of their number or location within the City. In addition to the regulatory business license, an inspection permit shall be required for each building containing three (3) or more rental dwellings, regardless of whether it is part of a complex located upon the same parcel or upon separate parcels of property owned by the same property owner. Licenses and permits shall be issued as provided in Section 5.02.120 of this Title or its successor.

Recommended Code Language

Language to be added is underlined.

Language to be deleted is ~~strikethrough~~

21A.52.090 General Conditions To Be Applied To All Special Exceptions:

A. **Special Exceptions:** Subject to an extension of time granted upon application to the zoning administrator, no special exception shall be valid for a period longer than twelve (12) months unless a building permit is issued within that period and construction is diligently pursued to completion. Prior to the completion of the twelve (12) months, the applicant may request and the zoning administrator ~~shall~~ may approve a twelve (12) month extension.

Item 4. Floor Area Ratio - 21A.32 Special Purpose Districts, 21A.34 Overlay Districts, 21A.62 Definitions

Commentary

The zoning ordinance text adopted in 1995 contained Floor Area Ratios (FAR) for the Research Park, Business Park and Institutional Zoning Districts. Floor area ratio was eliminated from the applicable zoning districts through previous zoning text amendments. However, remnants of zoning ordinance text still contain references to floor area ratios. The proposed text changes are clean up these remnant references to floor area ratio. Delete all

FAR references within the Special Purpose Districts, Summary Tables, SSSC Overlay, and Definitions.

Recommended Code Language

Language to be **added** is underlined.

Language to be **deleted** is ~~strikethrough~~

21A.32.150 Summary Table Of Yard And Bulk Requirements-Special Purpose Districts:

District Name	YARD AND BULK REGULATIONS
	Maximum FAR
RP - Research park	0.35
BP - Business park	0.40
AG-2	80% of buildable area for residential units
AG-5	50% of buildable area for residential units
I - Institutional	1.0

21A.34.090 SSSC South State Street Corridor Overlay District:

- A. **Purpose:** The purpose of the SSSC South State Street corridor overlay district is to acknowledge and reinforce the historical land development patterns along South State Street between 900 South and 2100 South.
- B. **Maximum Building Height Exemption:** Buildings located within the BP business park base zoning district within the SSSC South State Street corridor overlay district may exceed the height of the base zoning district to a height not to exceed six (6) stories or ninety feet (90'), whichever is less.
- ~~C. **Maximum Floor Area Ratio Exemption:** Buildings located within the BP business park zoning district within the SSSC South State Street corridor overlay district are exempted from the maximum floor area ratio requirements.~~
- ~~D. **Minimum Yard Requirement Exemption:**~~
- ~~E. **District Location:** The South State Street corridor overlay district is the area generally aligned with the State/Main Street corridor from 900 South to 2100 South, within the following approximate boundaries referenced on the zoning map:~~
- ~~F. **Entrance And Visual Access:**~~

G F. Parking Lot/Structure Lighting: If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for the parking lot/structure security lighting are limited to sixteen feet (16') in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties. (Ord. 3-05 § 8, 2005; Ord. 26-95 § 2(17-8), 1995)

21A.62.040 Definitions:

~~"Floor area ratio" means the number obtained by dividing the gross floor area of a building or other structure by the area of the lot on which the building or structure is located. When more than one building or structure is located on a lot, the floor area ratio is determined by dividing the total floor area of all the buildings or structures by the area of the site.~~

Item 5. 21A.24 Interior Side Yard and Corner Yard setback requirements in RMF - Residential Multifamily zones for uses other than residential

Commentary

The Zoning Ordinance provides standards for minimum yard requirements. Within the RMF-30, RMF-35 and RMF-45 Zoning Districts yard requirements are provided for single-family, twin home and multi-family uses. However, there is not specific interior side yard or corner side requirement distances for other permitted or conditional uses allowed within these districts. These uses are typically nonresidential support uses allowed within the residential zoning districts. There needs to be clarification of minimum yard requirements for the nonresidential uses, the staff recommends that they should be similar to the multifamily requirements.

Recommended Code Language

Language to be **added** is underlined.

Language to be **deleted** is ~~strikethrough~~

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

E. Minimum Yard Requirements:

1. **Front Yard:** Twenty feet (20').

2. **Corner Side Yard:** Ten feet (10').

3. **Interior Side Yard:**

a. **Single-Family Detached And Two-Family Dwellings:**

i. **Interior Lots:** Four feet (4') on one side and ten feet (10') on the other.

ii. **Corner Lots:** Four feet (4').

b. **Single-Family Attached:** No yard is required, however if one is provided it shall not be less than four feet (4').

c. **Twin Home Dwelling:** No yard is required along one side lot line. A ten foot (10') yard is required on the other.

d. **Multi-Family Dwelling:** Ten feet (10') on each side.

e. **All Other Permitted And Conditional Uses:** Ten feet (10') on each side.

4. **Rear Yard:** Twenty five percent (25%) of the lot depth, but not less than twenty feet (20') and need not exceed twenty five feet (25').

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

E. Minimum Yard Requirements:

1. **Front Yard:** Twenty feet (20').

2. **Corner Side Yard:** Ten feet (10').

3. **Interior Side Yard:**

a. **Single-Family Detached And Two-Family Dwellings:**

i. **Interior Lots:** Four feet (4') on one side and ten feet (10') on the other.

ii. **Corner Lots:** Four feet (4').

b. **Single-Family Attached:** No yard is required, however, if one is provided it shall not be less than four feet (4').

c. **Twin Home Dwelling:** No yard is required along one side lot line while a ten foot (10') yard is required on the other.

d. **Multi-Family Dwellings:**

i. **Interior Lots:** Side yard shall be at least ten feet (10').

e. **All Other Permitted And Conditional Uses:** Ten feet (10') on each side.

4. **Rear Yard:** Twenty five percent (25%) of the lot depth, but not less than twenty feet (20') and need not exceed twenty five feet (25').

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

E. Minimum Yard Requirements:

1. **Front Yard:** Twenty percent (20%) of lot depth, but need not exceed twenty five feet (25'). For buildings legally existing on April 12, 1995, the required front yard shall be no greater than the existing yard.

2. **Corner Side Yard:**

- a. **Single-Family Attached Dwellings:** Ten feet (10').
- b. **Multi-Family Dwellings:** Twenty feet (20').
- c. **All Other Permitted And Conditional Uses:** Twenty feet (20').

3. **Interior Side Yard:**

- a. **Single-Family Attached Dwelling:** No yard is required, however if one is provided it shall not be less than four feet (4').
- b. **Multi-Family Dwellings:** The minimum yard shall be eight feet (8'); provided, that no principal building is erected within ten feet (10') of a building on an adjacent lot.
- e. **All Other Permitted And Conditional Uses:** Ten feet (10') on each side.

4. **Rear Yard:** The rear yard shall be twenty five percent (25%) of the lot depth, but need not exceed thirty feet (30').

Item 6. 21A.24.120 RMF-30 Low Density Multi-Family Residential District: G. Maximum Building Coverage and 21A.24.130 RMF-35 Moderate Density Multi-Family Residential District: G. Maximum Building Coverage for Nonresidential Uses.

Commentary

There are no maximum building coverage standards for nonresidential land uses in the RMF-30 and RMF-35 Zoning Districts. Maximum building coverage allowance in 21A.24.120.G (RMF-30) and 21A.24.130.G (RMF-35) Zones for nonresidential uses need clarity for surface coverage of all principal and accessory buildings. Staff recommends that the surface

coverage of all principal and accessory buildings shall not exceed the highest percentage of lot area presently allowed within the specific zoning district.

Recommended Code Language

Language to be **added** is underlined.

Language to be **deleted** is ~~strikethrough~~

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

G. Maximum Building Coverage:

1. **Single-Family Detached:** The surface coverage of all principal and accessory buildings shall not exceed forty five percent (45%) of the lot area.
2. **Single-Family Attached Dwellings:** The surface coverage of all principal and accessory buildings shall not exceed fifty percent (50%) of the lot area.
3. **Two-Family And Twin Home Dwellings:** The surface coverage of all principal and accessory buildings shall not exceed fifty percent (50%) of the lot area.
4. **Multi-Family Dwellings:** The surface coverage of all principal and accessory buildings shall not exceed forty percent (40%) of the lot area.
5. **Existing Dwellings:** For dwellings existing on April 12, 1995, the coverage of such existing buildings shall be considered legally conforming.
6. **Nonresidential Land Uses:** The surface coverage of all principal and accessory buildings shall not exceed fifty percent (50%) of the lot area.

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

G. Maximum Building Coverage:

1. **Single-Family Detached:** The surface coverage of all principal and accessory buildings shall not exceed forty five percent (45%) of the lot area.
2. **Single-Family Attached Dwellings:** The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.
3. **Two-Family And Twin Home Dwellings:** The surface coverage of all principal and accessory buildings shall not exceed fifty percent (50%) of the lot area.
4. **Multi-Family Dwellings:** The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.

5. **Existing Dwellings:** For dwellings existing on April 12, 1995, the coverage of such existing buildings shall be considered legally conforming.

6. **Nonresidential Land Uses:** The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.

Item 7. 21A.08.030, Zoning Certificates would be required only for principle buildings or a change in status of an existing building or site. Accessory buildings or structures will not be required to have a Zoning Certificate.

Commentary

There is conflicting text regarding when a zoning certificate is required. Section 21A.08.030, Zoning Certificates requires zoning certificates for principle buildings or a change in status of an existing building or site. Section 21A.40.030 requires a zoning certificate for accessory uses. Staff recommends that accessory buildings or structures will not be required to have a Zoning Certificate.

The existing code for Section 21A.42 Temporary Uses relies upon the zoning certificate for documenting and tracking temporary uses. On a functional basis, these uses are documented and tracked through the Temporary Use Permit system. The zoning code is being modified to use the temporary use permit program rather than the zoning certificate program for tracking temporary uses permits.

Recommended Code Language

Language to be **added** is underlined.

Language to be **deleted** is ~~striketrough~~

Chapter 21A.08 ZONING CERTIFICATE

21A.08.010 Purpose Statement:

The zoning certificate serves two (2) general purposes. First, it provides a means to document the review of plans for conformance with this Title. Second, because the certificate must be filed along with all other applications submitted in connection with a specific development proposal, it provides an ongoing record of actions taken with respect to the authorized use of a particular parcel or site. Because the certificate serves as a vehicle for routine plan review by the Zoning Administrator prior to special reviews by other decision-making bodies, it avoids needless special reviews of incomplete plans.

21A.08.020 Authority To Issue Zoning Certificate:

The Zoning Administrator shall have authority to issue zoning certificates, but only in accordance with the provisions of this Chapter.

21A.08.030 Zoning Certificate Requirement:

Except as otherwise expressly required herein upon April 12, 1995, a zoning certificate shall be required for the following:

- A. **Building Permit:** Any new principal building development activity requiring a building permit.
- B. **Change Of Land Use Type:** Any change of land use type.
- C. **Increased Parking Or Landscaping Requirements:** Any modification to a property or development that requires an increase in parking or landscaping requirements.
~~Temporary Uses: Temporary uses in accordance with the requirements of Part IV, Chapter 21A.42 of this Title.~~
- D. ~~Nonconforming Uses: All nonconforming uses that apply for a land use interpretation in accordance with the requirements of Chapter 21a.12 of this Part.~~
- E. ~~Site Development Permit: Site development permits in accordance with requirements of Chapter 18.28 of this Code.~~
- F. ~~Subdivision: The subdivision of any parcel of land.~~

21A.08.040 Application For Zoning Certificate:

Application for a zoning certificate may be made only by the owner of the property or building or the property owner's authorized agent for which the zoning certificate is sought. The application shall be made to the Zoning Administrator on a form or forms provided by the office of the Zoning Administrator. A record of all zoning certificates issued shall be kept on file in the office of the Zoning Administrator.

- A. **Application Requirements For Building Permits Or Change In Land Use Type That Require Increased Parking:** Each application for a zoning certificate for any new principal building permit, an increased parking requirement, an increased landscaping requirement or change of land use type that requires additional parking shall be accompanied by the following:
 - 1. A statement describing:
 - a. The type of structure containing the use, if any,
 - b. The exact nature of the most recent use of such structure or lot,

- c. The exact nature of the proposed use of the structure or lot, and
 - d. The number of off-street parking and loading spaces currently provided on the zoning lot;
2. A site plan, drawn to scale and fully dimensioned, including:
- a. The topography, actual shape and dimensions of the lots to be built upon or used,
 - b. The exact size and location on the lot of the existing and proposed buildings, structures, and accessory buildings,
 - c. The existing and intended use of each building or part of a building,
 - d. The number of dwelling units the building is designed to accommodate,
 - e. The number and location of off-street parking stalls to be provided,
 - f. The location and design of loading docks and facilities, and
 - g. Such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of this Title.

~~B. Application Requirements For Building Permits Or Change In Land Use Type That Do Not Require Additional Parking:~~ Each application for a zoning certificate for any building permit or change in type of land use that does not require additional parking shall be accompanied by the following material:

A statement describing:

- ~~1. The type of structure containing the use, if any;~~
- ~~2. The exact nature of the most recent use of such structure or lot;~~
- ~~3. The exact nature of the proposed use of the structure or lot; and~~
- ~~4. The number of off-street parking and loading spaces currently provided on the zoning lot.~~

~~C. Application Requirements For Temporary Uses:~~ Each application for a zoning certificate for a temporary use shall be accompanied by the requirements of subsection 21A.42.060A of this Title.

~~D. Application Requirements For Nonconforming Uses:~~ Each application for a zoning certificate for a nonconforming use shall be accompanied by the requirements of subsection 21A.12.040A of this Part, application for administrative interpretations.

~~E. Application Requirements For Site Development Permits: Each application for a zoning certificate for a site development permit shall be accompanied by requirements of Chapter 18.28 of this Code.~~

21A.40.030 Zoning Compliance Required:

No ~~accessory use~~, new principal building or structure shall be established or constructed unless a zoning certificate has been issued.

21A.42.050 Process For Constitutionally Protected Temporary Uses:

A. Notification To City: If an applicant for a building permit ~~zoning certificate~~ for a temporary use claims that the activity is protected by the first amendment to the constitution of the United States or article I, section 15 of the constitution of Utah, and that the process specified in this chapter for considering the temporary use is insufficiently expeditious or unreasonably burdensome, the applicant shall notify the zoning administrator of the timetable which the applicant claims is necessary to process the application and any burdens which the applicant claims to be unreasonable.

Chapter 21A.42 TEMPORARY USES

21A.42.060 ~~Zoning Certificate~~ Temporary Use Permit Required-Special Standards For Issuance And Revocation:

A ~~zoning certificate~~ temporary use permit is required for temporary uses, in accordance with the following standards set forth below:

- A. Application: An application shall be submitted to the zoning administrator. Every application for a temporary use shall include a site plan, traffic plan, including the date, time, location and anticipated attendance of a temporary event or use, anticipated access routes, ingress and egress for emergency vehicles, and available parking in the vicinity, and the application shall be submitted to the zoning administrator at least thirty (30) calendar days before the scheduled date that the temporary event or use is to take place unless the zoning administrator approves a shorter application deadline.
- B. Fees: The application for a temporary use shall be accompanied by a fee established on the fee schedule.
- C. Approval: A ~~zoning certificate~~ temporary use permit for a temporary use may be issued by the zoning administrator; provided, that the applicant meets all applicable requirements of this chapter and any other requirements deemed necessary by the zoning administrator to ensure that the temporary use will not have a detrimental impact upon other properties.
- D. Basis For ~~Certificate~~ Permit Denial: A ~~zoning certificate~~ temporary use permit shall be denied if the zoning administrator determines that the public health, safety or welfare

would be impaired, or if the applicant has not adequately addressed traffic and parking issues associated with the proposed use.

- E. ~~Certificate Permit~~: A ~~zoning certificate~~ temporary use permit for a temporary use may be conditioned upon such special requirements as the zoning administrator may determine are necessary to achieve the purposes of this title and to protect the public health, safety and welfare.
- F. ~~Revocation Of Certificate Permit~~: A ~~zoning certificate~~ temporary use permit shall be revoked by the zoning administrator pursuant to the procedures of section 21A.08.060 of this title, if any of the standards and conditions imposed pursuant to such ~~certificate permit~~, are violated.
- G. ~~Appeal~~: Any person adversely affected by the decision of the zoning administrator, may appeal the decision to the board of adjustment pursuant to the provisions of part II, chapter 21A.16 of this title.

21A.42.090 Use Limitations:

- A. ~~General Limitations~~: Every temporary use shall comply with the use limitations applicable in the district in which it is located as well as with the limitations made applicable to specified temporary uses by section 21A.42.070 of this chapter.
- B. ~~Hours And Days Of Operation~~: No temporary use shall be operated during any hours or on any days of the week except as designated by the zoning administrator, in the ~~zoning certificate~~ temporary use permit required by section 21A.08.030 of this title, on the basis of the nature of the temporary use and the character of the adjacent and surrounding area.
- C. ~~Traffic~~: No temporary use shall be permitted if additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on adjacent and surrounding streets and uses.
- D. ~~Sign Limitations~~: Temporary signs may be permitted in accordance with the procedures and requirements of chapter 21A.46 of this part.
- E. ~~Parking~~: Before approving any temporary use, the zoning administrator shall make an assessment of the total number of off street parking spaces that will be reasonably required in connection with the proposed temporary use, on the basis of the particular use, its intensity, and the availability of other parking facilities in the area. No temporary use shall be authorized that would, in the opinion of the zoning administrator, reduce the amount of required off street parking spaces available for a use in connection with permanent uses located on the same zoning lot.

**Item 8. Chapter 21A.22 ZONING DISTRICTS, MAP AND BOUNDARIES -
21A.22.030 Boundaries**

Commentary

In mapping the new zoning district for the 1995 citywide zoning rewrite project certain lots were intentionally split zoned. The zoning district boundaries on these lots were established by using a typical boundary depth from the right of way. The boundary depth was intended to be adjusted to catch entire parcels when the boundary line was near a property line. However, sometimes the boundary line was drawn without recognizing small remnant portions of properties were not being placed within one entire zoning district. When a parcel is split zoned in a manner that creates a small portion of the lot with a different zoning district the boundary line should coincide with the nearest property line. Staff recommends that the ordinance be amended to recognize that split zoned lots with a remnant portion depth of less than 30 feet should be considered to be zoned with the zoning district classification that pertains to the majority of the lot.

Recommended Code Language

Language to be **added** is underlined.

Language to be **deleted** is ~~strikethrough~~

21A.22.030 Boundaries:

In the event that uncertainties exist with respect to the intended boundaries of the various districts as shown on the zoning map, the following rules shall apply:

- A. Centerlines And Right Of Way Lines As Boundaries: Where the designation of a boundary line on the zoning map coincides with the edge of a street, alley, waterway or other right of way, the centerline of such right of way line shall be construed to be the boundary of the district.
- B. Property Lines As Boundaries: Where a district boundary coincides with the location of a property line, as recorded by the Salt Lake County recorder as of April 12, 1995, the property line shall be construed to be the boundary of the district.
- C. Scaled Lines As Boundaries: Where the district boundaries do not coincide with the location of rights of way or property lines, the district boundary shall be determined by measuring such boundary lines through the use of the map scale as shown on the zoning map. If a district boundary splits a parcel at a depth of less than 30 feet or an average of 30 feet in the case of irregular shaped parcel of boundary lines, then the entire parcel is considered zoned the majority district that covers the parcel.
- D. Clarification Of Map Interpretation: The zoning administrator shall hear and decide all applications for interpretation of district boundary lines shown on the zoning map pursuant to the provisions of part II, chapter 21A.12 of this title. The zoning administrator

shall have the authority only to interpret boundary lines, not to change the location of district boundary lines or to rezone property.

Item 9. 21A.52.030G Special Exceptions

Commentary

The zoning ordinance contains a special exception for circular driveways. The specific standards for circular driveways are provided in Section 21A.44.020.f.7d. This special exception is approved whenever abutting property owner signatures are obtained and the circular driveway design meets the standards in Chapter 44. Since circular driveways are not approved unless they meet the specific standards, then the special exception process does not provide any discretionary design aspects to the circular driveway standards. Therefore, the need for a special exception process is not necessary, since any allowed circular driveway must meet the standards set forth in Section 21A.44.020.f.7d. Staff recommends the deletion of the special exception and that the City allows circular driveways that meet the standards of the Zoning Ordinance.

21A.44.020 General Off Street Parking Requirements:

7. Driveway Standards:

- a. **Driveway Location:** In nonresidential districts, the minimum distance between curb cuts shall be twelve feet (12'). In residential districts, driveways shall be six feet (6') from abutting property lines and ten feet (10') from street corner property lines.
- b. **Driveway Widths:** In front and corner side yards, driveway widths shall not exceed twenty two feet (22') in SR-1 and SR-3 residential districts. In all other districts, the driveways in front and corner side yards shall not exceed thirty feet (30') in width, unless a wider driveway is approved through the site plan review process.
- c. **Shared Driveways:** Shared driveways, where two (2) or more properties share one driveway access, may be permitted by the development review team.
- d. **Circular Driveways:** Circular driveways that connect to a driveway extending to a legal parking location shall be permitted in the front yard area as a special exception. Circular driveways shall be concrete, brick pavers, block or other hard surface material, other than asphalt, with the street front edge set back at least fifteen feet (15') from the property line; not be wider than twelve feet (12') in width, and shall not be used for overnight parking.
- e. **Driveway Surface:** All driveways providing access to parking areas or lots shall be improved and maintained as hard surface.

Recommended Code Language

Language to be **added** is underlined.

Language to be **deleted** is ~~strikethrough~~

21A.52.030 Special Exceptions Authorized:

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

- A. Additional fence height (subsection 21A.52.100A of this chapter).
- B. Additional height in commercial districts (subsection 21A.52.100G of this chapter).
- C. Additional building height in foothills districts (subsection 21A.24.010P2 of this title).
- D. Alternative parking (section 21A.44.030 of this title).
- E. Amusement devices (section 21A.40.110 of this title).
- F. Barbed wire fences (subsection 21A.40.120I of this title).
- G. Intentionally left blank. ~~Circular driveways (subsection 21A.44.020F7d of this title).~~
- H. Conditional home occupations (subsection 21A.36.030D of this title).
- I. Access for persons with disabilities (subsection 21A.52.100C of this chapter).
- J. Amateur ("ham") radio antennas (subsection 21A.40.090D of this title).
- K. Hobby shops, studios and other noncommercial uses in accessory structures (subsection 21A.52.100D of this chapter).
- L. Legalization of excess dwelling units (subsection 21A.52.100E of this chapter).
- M. Modifications to maximum height in commercial districts (subsection 21A.26.010J of this title).
- N. Operation of registered home daycare or registered home preschool facility in residential districts (subsection 21A.36.130B of this title).
- O. Outdoor dining in required yard areas (subsection 21A.52.100F of this chapter).
- P. Razor wire (subsection 21A.40.120J of this title).

- Q. Reconstruction and reestablishment of nonresidential nonconforming uses and noncomplying structures with nonconforming uses damaged or destroyed greater than fifty percent (50%) (subsections 21A.38.080E2b and 21A.38.090C2b of this title).
- R. Front yard parking (subsection 21A.44.050B of this title).
- S. Routine and uncontested matters (part II, chapter 21A.14 of this title).
- T. Window mounted refrigerated air conditioners and evaporative "swamp" coolers located less than two feet (2') from a lot line (table 21A.36.020B, "Obstructions In Required Yards", of this title and subsection 21A.52.100H of this chapter).
- U. Ground mounted central air conditioning compressors or systems, heating, ventilating, pool and filtering equipment located less than four feet (4') from a lot line (table 21A.36.020B, "Obstructions In Required Yards", of this title and subsection 21A.52.100I of this chapter).
- V. Additional building height in the R-1 districts, R-2 districts and SR districts (subsections 21A.24.050D6, 21A.24.060D6, 21A.24.070D6, 21A.24.080D6, 21A.24.100D6, and 21A.24.110D6 of this title).
- W. Alternate location for accessory structures in the R-1 districts, R-2 districts and the SR districts (subsection 21A.40.050A3diii of this title).

Exhibit B
Department Comments

Joyce, Everett

From: Walsh, Barry
Sent: Wednesday, October 15, 2008 9:45 AM
To: Joyce, Everett; Smith, Craig; Garcia, Peggy; Itchon, Edward; Butcher, Larry; Brede, Richard
Cc: Harpst, Tim; Peterson, Max; Niermeyer, Jeff; Goff, Orion; Burbank, Chris
Subject: RE: Request for review and comments on Zoning Ordinance text changes - Fine Tuning - Round 2 - Sep 2008
Categories: Program/Policy

October 15, 2008

Everett Joyce, Planning

Re: Zoning Ordinance text changes - Fine Tuning

The division of transportation review comments and recommendations are as follows:

The nine issues presented:

- 1 Chapter 21A.46 Signs Add further clarification how far a sign may project by defining the extent of sign projection within the Downtown Zoning Districts similar to other zoning districts.
 - The 6' and 8' projection not to exceed 2' from back of curb needs to address conflicts with power & light poles as well as minimum height clearances.
- 2 21A.46 Yard Sale Signs Provide consistent display period between sign ordinance and business license.
 - The uniform time period is N/A to transportation issues.
- 3 21A.52.090A Extension of time for granted Special Exceptions Provide an extension of time for special exceptions consistent with the General Applications and Procedures section of the Zoning Ordinance.
 - N/A.
- 4 21A.32 Special Purpose Districts Clean up remnant text of the floor area ratio references from when FAR requirements were previously deleted from the RP, BP Inst District text.
 - N/A.
- 5 Provide setback requirements in multifamily zoning districts for nonresidential uses. Define the Interior Side Yard and Corner Yards setback requirements in Residential Multifamily zones for nonresidential uses.
 - N/A.
- 6 Maximum building coverage allowance in multifamily zones for nonresidential uses Define the building coverage area for nonresidential uses in multifamily zones The surface coverage of all principal and accessory buildings shall not exceed forty percent of the lot area.
 - N/A.
- 7 Zoning Certificates Clarify that zoning certificates are required for principal use and not accessory uses.
 - N/A.
- 8 Zoning District Boundaries Clarify how lots of record that are split by multiple zoning districts affect Zoning District boundaries.
 - N/A.
- 9 Special Exception Circular Drives Specific standards are already provided in Section 21A.44.020.f.7d of the Zoning Ordinance and circular driveways that meet the standards should be allowed.
 - This section does not clarify or guide the issue of circular drives for drop off pick up areas for hotels etc. It seems to be directed to residential use only. Please let me know if this is applicable.

21A.44.020 General Off Street Parking Requirements:

F. Design And Maintenance: Parking lots shall be designed to ensure safe and easy ingress, egress and movement through the interior of the lot. The number of curb cuts onto major roads should be minimized. Shared access driveways between adjacent sites are encouraged. Parking lot islands should be provided on the interior of the parking lot to help direct traffic flow and to provide landscaped areas within such lots.

2/19/2009

7. Driveway Standards:

d. Circular Driveways: Circular driveways that connect to a driveway extending to a legal parking location shall be permitted in the front yard area as a special exception. Circular driveways shall be concrete, brick pavers, block or other hard surface material, other than asphalt, with the street front edge set back at least fifteen feet (15') from the property line; not be wider than twelve feet (12') in width, and shall not be used for overnight parking.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Craig Smith, engineering
Ted Itchon, Fire
File.

From: Joyce, Everett

Sent: Tuesday, October 14, 2008 7:05 PM

To: Walsh, Barry; Smith, Craig; Garcia, Peggy; Itchon, Edward; Butcher, Larry; Brede, Richard

Cc: Harpst, Tim; Peterson, Max; Niermeyer, Jeff; Goff, Orion; Burbank, Chris

Subject: Request for review and comments on Zoning Ordinance text changes - Fine Tuning - Round 2 - Sep 2008

All,

Attached is a request for review and comments on proposed zoning ordinance text changes. Also attached is the specific text changes proposed.

Thank you for your assistance on this matter.

Everett L. Joyce, AICP

Senior Planner

801-535-7930

Salt Lake City Planning Division

451 South State Street, Rm 406

PO Box 145480

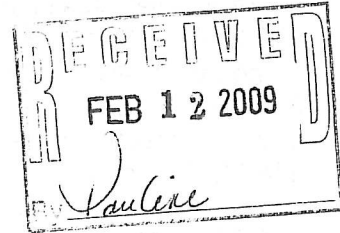
Salt Lake City, UT 84114-5480

Exhibit 5
Original Petition



Petition Initiation Request

Planning Division
Community & Economic Development Department



To: Mayor Becker

From: Wilf Sommerkorn, Planning Director *WS*

Date: February 12, 2009

CC: Frank Gray, Community & Economic Development Director; Mary De La Mare-Schaefer, Community & Economic Development Department Deputy Director; Pat Comarell, Assistant Planning Director; Cheri Coffey, Planning Manager, Everett Joyce, Senior Planner, file

Re: Initiate petition to amend the zoning ordinance to allow Fine Tuning code amendments.

The Planning Staff is requesting that you initiate a petition requesting the Planning Commission to analyze the appropriateness of amending portions of the City Code as part of an ordinance Fine Tuning process.

The City adopted a comprehensive Zoning Ordinance in April 1995. At that time, it was understood that adjustments to the Zoning Ordinance would be necessary once it had been implemented, and people had an opportunity to work with it. Salt Lake City intermittently processes Fine Tuning ordinance adjustments to provide code maintenance for the City's ordinances. Previous ordinance adjustments have been processed by the Administration in 1995, 1999 and in 2004.

The type of code amendments processed through the fine tuning relate to consistency, clarification and correction. Consistency amendments are intended to eliminate conflicts or ambiguities within existing language. Clarification amendments are intended to clarify existing language to facilitate daily use and improve readability of the code. Correction amendments identify typographical errors within the text of the code or incorrect placement of lines on maps within the Zoning District Maps.

Amendments to the City Code selected for processing as part of this request address the following issues.

1. Chapter 21A.46.110 Signs. Clarify the extension limits for projecting signs in the Downtown D-1 and D-4 Zoning Districts.

2. 21A.46 Yard Sale Signs. Provide consistent display period requirements between sign and business license ordinances.
3. 21A.52.090A. Special Exceptions. Provide an extension of time requirement consistent with the General Applications and Procedures section of the Zoning Ordinance.
4. 21A.32 Special Purpose Districts. Clean up remnant floor area ratio text references for the RP, and BP Institutional Districts text.
5. 21A.24 Interior Side Yard and Corner Yard setbacks. Provide setback requirements for nonresidential uses in multifamily zoning districts.
6. 21A.24 RMF-30 and RMF-35 Maximum building coverage. Define the building coverage area for nonresidential uses in multifamily zones.
7. 21A.08.030, Zoning Certificates. Clarify that zoning certificates are required for principal use and not accessory uses.
8. 21A.22 Zoning Districts, Map and Boundaries. Clarify how lots of record split by multiple zoning districts affect Zoning District boundaries.
9. 21A.52.030G Special Exceptions. Circular driveways that meet the zoning standards should be allowed as a permitted use.

As part of the process, the Planning Staff will develop draft ordinance amendments that will be taken through the formal City adoption process including citizen input and public hearings with the Planning Commission and City Council.

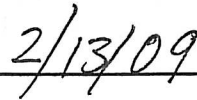
If you have any questions, please contact me.

Thank you.

Concurrence to initiating a petition to address the zoning amendments as noted above.



Ralph Becker, Mayor



Date