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## MEMORANDUM

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**DATE:** October 8, 2009

**TO:** Council Members

**FROM:** Janice Jardine  
Land Use Policy Analyst

**SUBJECT:** Amending sections of Titles 20- Subdivisions and 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 PLNPCM2008-00538

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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 Titles 20- Subdivisions and 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 Titles 20- Subdivisions and 21A- Zoning of the *Salt Lake City Code* to provide additional clarity and consistency with existing City land use regulations.

FRANK B. GRAY  
DIRECTOR

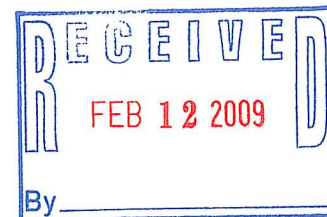
**SALT LAKE CITY CORPORATION**  
DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT  
OFFICE OF THE DIRECTOR

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: \_\_\_\_\_

Date Sent to City Council: FEB 16, 2009

**TO:** Salt Lake City Council  
Carlton Christensen, Chair

**DATE:** February 11, 2009

**FROM:** Frank Gray, Community & Economic  
Development Department Director



**RE:** Petition PLNPCM2008-00538: Zoning Text Amendment by Mayor Becker for Code  
Maintenance – Fine Tuning

**STAFF CONTACTS:** Everett Joyce, Senior Planner at 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 PLNPCM2008-00538 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. Five minor fine tuning text amendments are being processed with this petition that address the following issues:

- 1) Subdivision Posting – Change posting period from 14 to 10 days;
- 2) Maximum Building Height – Use number of feet standard only, eliminate number of stories standard;

- 3) Unit Legalization – Change apartment license requirement from 5 dwelling units to 3 dwelling units;
- 4) Minimum Lot Area - Reference in RMU-35 and RMU-45 Zoning Districts; and
- 5) Multiple Structures in MU Zoning District – Allow more than one principal building on a lot in the MU Mixed-Use Zoning District.

**Analysis: 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 of the Planning Commission Staff Report includes a more detailed report on the specific code changes.

**1. Chapter 20 Subdivisions**

Posting requirements for Zoning Ordinance processes and Subdivision processes have different posting periods. Zoning posting notices are required 10 days prior to the public hearing and subdivision posting notices are 14 days prior to the hearing. The proposed text change will provide consistent posting periods for conditional uses, special exceptions, demolition of landmark sites and subdivisions. Staff recommends establishing a posting period of 10 days for subdivision processes equivalent to requirements of Section 21A.10.020 for Zoning Ordinance processes.

**2. Chapter 21A Zoning Districts Maximum Building Height**

Building height in some zoning districts of the code are regulated by both a specific number of feet and a number of stories. Recent text changes have designated for certain zoning districts that the maximum building height permitted in zoning districts is a specific number of feet only. Staff recommends text changes that provide a consistent standard with the regulations by only identifying the maximum number of feet allowed as the specific element regulating building height in all zoning districts.

**3. Chapter 21A Zoning 21A.52.100E.2. Unit Legalization**

In the unit legalization section of the Zoning Ordinance an apartment license is required for buildings with five or more dwelling units. However, the definitions section of the Zoning Ordinance identifies that a structure containing three or more dwelling units is considered a multi-family dwelling. Furthermore, the Business License Department requires an apartment license for any building containing three or more units. Staff recommends a text change that will match the requirement for an apartment license within the unit legalization text of Section 21A.52.100E.2 with the Business License requirements and the Zoning Ordinance definition for multifamily dwellings.

**4. Chapter 21A Zoning 21A.24.164.C and 21A.24.168.C Minimum Lot Area and Width**

Within the Qualifying Provisions reference section of the RMU-35 and RMU-45 Zoning districts, the minimum lot area and width requirements reference the wrong section of the Zoning Ordinance. The proposed text change is to correct the subsection reference of the Qualifying Provision to the appropriate section of the ordinance.

**5. 21A.36.010.1 One principal building per lot**

The MU - Mixed Use Zoning District does not prohibit multiple structures on a lot. Section 21A.36.010.1 addresses which zoning districts permit more than one principal building per lot. The MU zone is not listed as one of the zones allowing multiple buildings per lot. The proposed text change would add the MU Zoning District to the list of zones allowing more than one principal building per lot.

***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 and Subdivision Ordinance have 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 ensure compatibility with the adopted master plans of the City.

**PUBLIC PROCESS:**

The petition fine tuning text changes were presented to Community Council chairs at the Mayor's monthly meeting on August 7, 2008. An Open House was held on August 21, 2008; there were no attendees.

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 4 of the Planning Commission Staff Report.

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# **Exhibit 1**

## **Chronology**

# **Chronology**

June 23, 2008	Petition assigned to Everett Joyce
August 7, 2008	Presentation to Community Council chairs at Mayor's monthly meeting
August 21, 2008	City-wide Community Council Open House
September 11, 2008	Requested City departmental review.
September 24, 2008	Mailed notices for Planning Commission public hearing to Community Council Chairs
September 24, 2008	Posted public hearing agenda notice on website and Planning Listserve
October 3, 2008	Staff report posted on web page
October 8, 2008	Planning Commission public hearing
October 14, 2008	Ordinance request sent to City Attorney
October 22, 2008	Planning Commission ratified minutes of October 8, 2008 meeting

# **Exhibit 2**

## **Ordinance**



SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2008  
(An Ordinance Amending Provisions of Titles 20 (Subdivisions)  
and 21A (Zoning) of the *Salt Lake City Code*)

AN ORDINANCE AMENDING CERTAIN SECTIONS OF TITLES 20  
(SUBDIVISIONS) 21A (ZONING) OF THE *SALT LAKE CITY CODE* PURSUANT TO  
PETITION NO. PLNPCM2008-00538.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on October 8, 2008 to consider a request made by Salt Lake City Mayor Ralph Becker (petition no. PLNPCM2008-0538) to amend the text of Titles 20 (Subdivisions) and 21A (Zoning) of the *Salt Lake City Code* to provide further clarity and efficiency in land use regulation; and

WHEREAS, at its October 8, 2008 hearing, the Planning Commission voted in favor of recommending to the City Council that the City Council amend the sections of Titles 20 and 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 20.20.060D. That section 20.20.060D of the Salt Lake City Code (Public Notice of Administrative Consideration), shall be, and hereby is, amended to read as follows:

D. For any petition filed after January 1, 1995, notice shall also be posted at least ~~fourteen (14)~~ ten (10) days prior to the scheduled administrative consideration pursuant to regulations adopted by the planning director.

SECTION 2. Amending text of Salt Lake City Code section 20.31.080B. That section 20.31.080B of the Salt Lake City Code (Administrative Hearing), shall be, and hereby is, amended to read as follows:

- B. Notice of the administrative hearing shall be mailed to all individuals and entities identified in subsection 20.31.030D of this Chapter or its successor, and shall also be posted on the subject property at least ~~fourteen (14)~~ ten (10) days prior to the scheduled hearing.

SECTION 3. Amending text of Salt Lake City Code section 20.31.120B. That section 20.31.120B of the Salt Lake City Code (Planning Commission Hearing), shall be, and hereby is, amended to read as follows:

- B. Notice of the Planning Commission hearing shall be mailed to all individuals and entities identified in subsection 20.31.030D of this Chapter, or its successor, and shall also be posted on the subject property at least ~~fourteen (14)~~ ten (10) days prior to the scheduled hearing.

SECTION 4. Amending text of Salt Lake City Code section 20.31.180B. That section 20.31.180B of the Salt Lake City Code (Planning Commission Hearing), shall be, and hereby is, amended to read as follows:

- B. Notice of the Planning Commission hearing shall be mailed to all individuals and entities identified in subsection 20.31.030D of this Chapter or its successor, and shall also be posted on the subject property at least ~~fourteen (14)~~ ten (10) days prior to the scheduled hearing.

SECTION 5. Amending text of Salt Lake City Code section 20.31.190B. That section 20.31.190B of the Salt Lake City Code (City Council Hearing), shall be, and hereby is, amended to read as follows:

- B. A notice of public hearing before the Salt Lake City Council shall be mailed to all individuals and entities identified in subsection 20.31.030D of this Chapter, or its successor, shall be posted on the subject property at least ~~fourteen (14)~~ ten (10) days prior to the scheduled administrative hearing, and shall be published once a week for four (4) consecutive weeks before the hearing in a newspaper of general circulation in the City.

SECTION 6. Amending text of Salt Lake City Code section 21A.24.120D. That section 21A.24.120D of the Salt Lake City Code (Maximum Building Height in RMF-30 zone districts), shall be, and hereby is, amended to read as follows:

D. **Maximum Building Height:** The maximum building height permitted in this district is thirty feet (30') ~~or two and one-half (2 1/2) stories, whichever is less.~~

SECTION 7. Amending text of Salt Lake City Code section 21A.24.130D. That section 21A.24.130D of the Salt Lake City Code (Maximum Building Height in RMF-35 zone districts), shall be, and hereby is, amended to read as follows:

D. **Maximum Building Height:** The maximum building height permitted in this District is thirty five feet (35') ~~or three and one-half (3 1/2) stories, whichever is less.~~

SECTION 8. Amending text of Salt Lake City Code section 21A.24.160E. That section 21A.24.160E of the Salt Lake City Code (Maximum Building Height in RB zone districts), shall be, and hereby is, amended to read as follows:

E. **Maximum Building Height:** The maximum building height permitted in this district is thirty feet (30') ~~or two and one-half (2 1/2) stories, whichever is less.~~

SECTION 9. Amending text of Salt Lake City Code section 21A.24.164E(1). That section 21A.24.164E(1) of the Salt Lake City Code (Maximum Building Height in R-MU-35 zone districts), shall be, and hereby is, amended to read as follows:

E. **Maximum Building Height:** The maximum building height shall not exceed thirty five feet (35'), except that nonresidential buildings and uses shall be limited by subsections E1 and E2 of this section. Buildings taller than thirty five feet (35'), up to a maximum of forty five feet (45'), may be authorized as conditional uses, subject to the requirements of part V, chapter 21A.54, "Conditional Uses", of this title; and provided, that the proposed conditional use is supported by the applicable master plan.

1. **Maximum Height For Nonresidential Buildings:** ~~One story or twenty~~ Twenty feet (20'), ~~whichever is less~~

SECTION 10. Amending text of Salt Lake City Code section 21A.24.168E(1). That section 21A.24.164E(1) of the Salt Lake City Code (Maximum Building Height in R-MU-45 zone districts), shall be, and hereby is, amended to read as follows:

- E. **Maximum Building Height:** The maximum building height shall not exceed forty five feet (45'), except that nonresidential buildings and uses shall be limited by subsections E1 and E2 of this section. Buildings taller than forty five feet (45'), up to a maximum of seventy five feet (75'), may be authorized as conditional uses, subject to the requirements of part V, chapter 21A.54, "Conditional Uses", of this title; and provided, that the proposed conditional use is supported by the applicable master plan.

1. **Maximum Height For Nonresidential Buildings:** ~~One-story or twenty~~ Twenty feet (20'), ~~whichever is less.~~

SECTION 11. Amending text of Salt Lake City Code section 21A.24.170F(1). That section 21A.24.170F(1) of the Salt Lake City Code (Maximum Building Height in R-MU zone districts), shall be, and hereby is, amended to read as follows:

- E. **Maximum Building Height:** The maximum building height shall not exceed seventy five feet (75'), except that nonresidential buildings and uses shall be limited by subsections F1 and F2 of this section. Buildings taller than seventy five feet (75'), up to a maximum of one hundred twenty five feet (125'), may be authorized as conditional uses, subject to the requirements of part V, chapter 21A.54, "Conditional Uses", of this title; and provided, that the proposed conditional use is located within the one hundred twenty five foot (125') height zone of the height map of the east downtown master plan.

1. **Maximum Height For Nonresidential Buildings:** ~~Three (3) stories or forty~~ Forty five feet (45'), ~~whichever is less.~~

SECTION 12. Amending text of Salt Lake City Code section 21A.24.180D. That section 21A.24.180D of the Salt Lake City Code (Maximum Building Height in RO zone districts), shall be, and hereby is, amended to read as follows:

- D. **Maximum Building Height:** The maximum building height permitted in this district is ~~four (4) stories or sixty feet (60'), whichever is less except:~~

1. The height for single-family dwellings and two-family dwellings shall be ~~two and one-half (2 1/2) stories or~~ thirty feet (30'), ~~whichever is less;~~ and

2. If the property abuts a zoning district with a greater maximum building height, then the maximum height in the RO district shall be ~~six (6) stories or~~ ninety feet (90'); ~~whichever is less.~~

SECTION 13. Amending text of Salt Lake City Code section 21A.24.200. That the table, titled “Summary Table Of Yard And Bulk Requirements-Residential Districts”, which is located at section 21A.24.200 of the Salt Lake City Code, shall be, and hereby is, amended, in part, to reflect the amendments provided in Sections 6, 7, 8 and 12 hereof regarding maximum permitted building height in the RMF-30, RMF-35, RB, and RO zoning districts such that only the following provisions of said table are amended:

District Symbol	District Name	YARD AND BULK REGULATIONS
		<b>Maximum Building Height</b>
RMF-30	Low density multi- family residential	30' <del>or 2 1/2 stories</del>
RMF-35	Moderate density multi-family residential	35' <del>or 3 1/2 stories</del>
RB	Residential business	30' <del>or 2 1/2 stories</del>
RO	Residential/ office	60' <del>or 4 stories</del> Exceptions: See subsection 21A.24.180D of this chapter

SECTION 14. Amending text of Salt Lake City Code section 21A.26.020H. That section 21A.26.020H of the Salt Lake City Code (Maximum Building Height in CN zone districts), shall be, and hereby is, amended to read as follows:

H. **Maximum Height:** Twenty five feet (25') ~~or two and one-half (2 1/2) stories,~~ ~~whichever is less.~~

SECTION 15. Amending text of Salt Lake City Code section 21A.26.030H. That section 21A.26.030H of the Salt Lake City Code (Maximum Building Height in CB zone districts), shall be, and hereby is, amended to read as follows:

H. **Maximum Height:** Thirty feet (30') ~~or two (2) stories, whichever is less.~~

SECTION 16. Amending text of Salt Lake City Code section 21A.26.040G. That section 21A.26.040G of the Salt Lake City Code (Maximum Building Height in CS zone districts), shall be, and hereby is, amended to read as follows:

G. **Maximum Height:** No building shall exceed forty five feet (45') ~~or three (3) stories, whichever is less.~~

SECTION 17. Amending text of Salt Lake City Code section 21A.26.050F. That section 21A.26.050GF of the Salt Lake City Code (Maximum Building Height in CC zone districts), shall be, and hereby is, amended to read as follows:

F. **Maximum Height:** No building shall exceed thirty feet (30') ~~or two (2) stories, whichever is less.~~ Buildings higher than thirty feet (30') may be allowed in accordance with the provisions of subsections F1 and F2 of this section.

1. **Procedure For Modification:** A modification to the height regulations in this subsection F may be granted as a conditional use in conformance with the provisions of chapter 21A.54 of this title. In evaluating an application submitted pursuant to this section, the planning commission shall find that the increased height will result in improved site layout and amenities.

2. **Landscaping:** If an additional floor is approved, increased landscaping shall be provided over and above that which is normally required for landscape yards, landscape buffer yards, and parking lot perimeter and interior landscaping. The amount of increased landscaping shall be equal to ten percent (10%) of the area of the additional floor.

3. **Maximum Additional Height:** Additional height shall be limited to fifteen feet (15') ~~or one story, whichever is less.~~

SECTION 18. Amending text of Salt Lake City Code section 21A.26.070F. That section 21A.26.070GF of the Salt Lake City Code (Maximum Building Height in CG zone districts), shall be, and hereby is, amended to read as follows:

F. **Maximum Height:** No building shall exceed sixty feet (60') ~~or four (4) stories, whichever is less.~~ Buildings higher than sixty feet (60') may be allowed in accordance with the provision of subsections F1 and F2 of this section.

**1. Procedure For Modification:** A modification to the height regulations in this subsection F may be granted as a conditional use in conformance with the provisions of chapter 21A.54 of this title. In evaluating an application submitted pursuant to this section, the planning commission shall find that the increased height will result in improved site layout and amenities.

**2. Landscaping:** If additional floors are approved, increased landscaping shall be provided over and above that which is normally required for landscape yards, landscape buffer yards, and parking lot perimeter and interior landscaping. The amount of increased landscaping shall be equal to ten percent (10%) of the area of the additional floors.

**3. Maximum Additional Height:** Additional height shall be limited to thirty feet (30') ~~or two (2) stories, whichever is less.~~

SECTION 19. Amending text of Salt Lake City Code section 21A.26.090. That the table, titled "Summary Table Of Yard And Bulk Requirements-Commercial Districts", which is located at section 21A.26.090 of the Salt Lake City Code, shall be, and hereby is, amended, in part, to reflect the amendments provided in Sections 14 through 18 hereof regarding maximum permitted building height in the CN, CB, CS, CC, and CG zoning districts such that only the following provisions of said table are amended:

<del>Disrtit</del> <b>District Symbol</b>	<b>District Name</b>	<b>YARD AND BULK REGULATIONS</b>
		<b>Maximum Building Height</b>
CB	Community business	30' <del>or 2 stories</del>
CC	Corridor commercial	30' <del>or 2 stories</del> ; conditional use: maximum 45' <del>or 3 stories</del>
CG	General commercial	60' <del>or 4 stories</del> ; conditional use: maximum 90' <del>or 6 stories</del>
CN	Neighborhood commercial	25' <del>or 2 1/2 stories</del>
CS	Community shopping	45' <del>or 3 stories</del>

SECTION 20. Amending text of Salt Lake City Code section 21A.32.030D. That section 21A.32.030D of the Salt Lake City Code (Maximum Building Height in BP zone districts), shall be, and hereby is, amended to read as follows:

**D. Maximum Building Height:** No building shall exceed ~~four (4) stories or~~ sixty feet (60') in height.

SECTION 21. Amending text of Salt Lake City Code section 21A.32.050D. That section 21A.32.050D of the Salt Lake City Code (Maximum Building Height in AG zone districts), shall be, and hereby is, amended to read as follows:

**D. Maximum Building Height:**

1. **Single-Family Dwellings:** ~~Two and one-half (21/2) stories or thirty~~ Thirty feet (30'), ~~whichever is less.~~
2. **Small Group Homes:** ~~Two and one-half (21/2) stories or thirty~~ Thirty feet (30'), ~~whichever is less.~~
3. **Agricultural Uses:** Forty five feet (45').
4. **Conditional Uses:** Forty five feet (45').

SECTION 22. Amending text of Salt Lake City Code section 21A.32.052D. That section 21A.32.052D of the Salt Lake City Code (Maximum Building Height in AG-2 zone districts), shall be, and hereby is, amended to read as follows:

**D. Maximum Building Height:**

1. **Single-Family Dwellings:** ~~Two and one-half (21/2) stories or thirty~~ Thirty feet (30'), ~~whichever is less.~~
2. **Small Group Homes:** ~~Two and one-half (21/2) stories or thirty~~ Thirty feet (30'), ~~whichever is less.~~
3. **Agricultural Uses:** Forty five feet (45').
4. **Conditional Uses:** Forty five feet (45').



SECTION 23. Amending text of Salt Lake City Code section 21A.32.054D. That section 21A.32.052D of the Salt Lake City Code (Maximum Building Height in AG-5 zone districts), shall be, and hereby is, amended to read as follows:

**D. Maximum Building Height:**

1. **Single-Family Dwellings:** ~~Two and one-half (21/2) stories or thirty~~ Thirty feet (30'), ~~whichever is less.~~
2. **Small Group Homes:** ~~Two and one-half (21/2) stories or thirty~~ Thirty feet (30'), ~~whichever is less.~~
3. **Agricultural Uses:** Forty five feet (45').
4. **Conditional Uses:** Forty five feet (45').

SECTION 24. Amending text of Salt Lake City Code section 21A.32.110E. That section 21A.32.110E of the Salt Lake City Code (Maximum Building Height in MH zone districts), shall be, and hereby is, amended to read as follows:

- E. **Maximum Building Height:** No dwelling unit shall exceed fifteen feet (15') in height. On site recreation buildings and clubhouses shall not exceed ~~two and one-half (21/2) stories or thirty~~ feet (30').

SECTION 25. Amending text of Salt Lake City Code section 21A.32.150. That the table, titled "Summary 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 reflect the amendments provided in Sections 20 through 24 hereof regarding maximum permitted building height in the BP, AG, AG-2, AG-5 and MH zoning districts such that only the following provisions of said table are amended:

District Name	YARD AND BULK REGULATIONS
	Maximum Building Height
BP Business park	<del>4 stories/</del> 60'
AG Agricultural	Residential: 30' <del>or 21/2 stories</del>

	Agricultural: 45' Conditional: 45'
AG-2	Residential: 30' <del>or 21/2 stories</del> Agricultural: 45' Conditional: 45'
AG-5	Residential: 30' <del>or 21/2 stories</del> Agricultural: 45' Conditional: 45'
MH Mobile home park	30' (clubhouse) <del>or 21/2 stories</del> 15' dwelling units

SECTION 26. Amending text of Salt Lake City Code section 21A.34.030G. That section 21A.34.030G of the Salt Lake City Code (Maximum Building Height in T Transitional Overlay zone districts), shall be, and hereby is, amended to read as follows:

G. **Maximum Building Height.** The maximum building height for conditional uses shall be ~~two and one-half stories or thirty-five feet, whichever is less.~~

SECTION 27. Amending text of Salt Lake City Code section 21A.34.090B. That section 21A.34.090B of the Salt Lake City Code (Maximum Building Height in SSSC Overlay zone districts), shall be, and hereby is, amended to read as follows:

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.~~

SECTION 28. Amending text of Salt Lake City Code section 21A.52.100E(2). That section 21A.52.100E(2) of the Salt Lake City Code (Specific Conditions For Certain Special Exceptions), shall be, and hereby is, amended to read as follows:

2. **Required Findings:** The Board of Adjustment may authorize a special exception legalizing the excess number of dwelling units applied for upon making findings that support the following conclusions:

a. **Required Findings For Excess Dwelling Units Constructed Without A Permit Before 1970:**

- i. The excess dwelling units were constructed before 1970 and have been continuously used as dwelling units; and
- ii. The building services and licensing division has certified:
  - (A) That the building and units substantially comply with life and safety codes or will be brought into substantial compliance pursuant to building permits which have been applied and paid for, and
  - (B) That off-street parking has been hard surfaced and, further, to the extent space is available on the property, the 1970 parking standards have been complied with. An alternative parking requirement, as outlined in Section 21A.44.030 of this Title, shall be provided prior to the approval of any unit legalization application if the applicant cannot satisfy the parking that was required at the time the excess units were created, and
  - (C) That all nondimensional zoning violations have been corrected;
- iii. The owner has applied for an apartment license if the building contains ~~five (5)~~ three (3) or more dwelling units.

**b. Required Findings For Excess Dwelling Units Constructed Without A Permit After 1969 And Before January 1, 1980 For Units Not Constructed By The Owner Or An Immediate Family Relative Of Owner Or A Corporation Or Partnership With Similar Ownership And/Or Control:**

- i. The number of units of excess dwelling units of the building would have been allowed by the zoning classification existing at the time of construction and the units have been continuously so used;
- ii. The owner did not construct the excess dwelling units or is not an immediate family relative or, in the case of a corporation or partnership, similarly owned and/or controlled by the party creating the excess dwelling units; and
- iii. The building services and licensing division has certified:
  - (A) That the building and units substantially comply with life and safety codes or will be brought into compliance pursuant to building permits issued and paid for by applicant,
  - (B) That off-street parking has been hard surfaced and that, to the extent space is available, the parking standard applicable at the

time of construction of the excess dwelling units has been complied with. An alternative parking requirement, as outlined in Section 21A.44.030 of this Title, shall be provided prior to the approval of any unit legalization application if the applicant cannot satisfy the parking that was required at the time the excess units were created, and

(C) That all nondimensional zoning violations have been corrected;

iv. The owner has applied for an apartment license if the building contains ~~five (5)~~ three (3) or more dwelling units;

v. For legalizations permitted pursuant to this subsection any further Existing Residential Housing Code deficiencies affecting the building or units, as determined by the date such excess dwelling units were constructed, will be recorded with the County Recorder as a certificate of nonconformance. After any sale or other transfer of the property the certificate of nonconformance shall no longer be effective and the City may enforce any Existing Residential Housing Code violations, including those referenced in the certificate of nonconformance.

**c. Required Findings For Excess Dwelling Units Constructed Without A Permit After 1969 And Before January 1, 1980 For Units Constructed By The Owner Or An Immediate Family Relative Of Owner Or A Corporation or Partnership With Similar Ownership And/Or Control:**

i. The number of excess dwelling units of the building would have been allowed by the zoning classification existing at the time of construction and the units have been continuously so used; and

ii. The building services and licensing division has certified:

(A) That the building and units substantially comply with life and safety codes or will be brought into compliance pursuant to building permits issued and paid for by applicant,

(B) That off-street parking has been hard surfaced and that, to the extent space is available, the parking standard applicable at the time of construction of the excess dwelling units has been complied with. An alternative parking requirement, as outlined in Section 21A.44.030 of this Title, shall be provided prior to the approval of any unit legalization application if the applicant cannot satisfy the parking that was required at the time the excess units were created, and

- (C) That all nondimensional zoning violations have been corrected;
  - iii. The owner has applied for an apartment license if the building contains ~~five (5)~~ three (3) or more dwelling units;
  - iv. For legalizations permitted pursuant to this subsection E2c, a certificate of nonconformance shall be recorded with the County Recorder for any further Existing Residential Housing Code deficiencies affecting the building or units, as determined by the date such excess dwelling units were constructed, and any further parking or zoning deficiencies. After any sale or other transfer of the property the certificate of nonconformance shall no longer be effective and the City may enforce any housing, zoning or parking violations, including those referenced in the certificate of nonconformance.
- d. Required Findings For Excess Dwelling Units With Implied Permit:
- i. The units were constructed and continuously operated before April 12, 1995, with an implied permit; and
  - ii. The building services and licensing division has certified:
    - (A) Substantial compliance with life and safety codes,
    - (B) That all nondimensional zoning violations have been corrected, and
    - (C) That off-street parking has been hard surfaced and that, to the extent space is available on the property, the parking standards applicable on the date of the implied permit have been complied with. An alternative parking requirement, as outlined in Section 21A.44.030 of this Title, shall be provided prior to the approval of any unit legalization application if the applicant cannot satisfy the parking that was required at the time the excess units were created.

SECTION 29. Amending text of Salt Lake City Code section 21A.24.164C. That the “Qualifying Provisions” portion of section 21A.24.164C of the Salt Lake City Code (Minimum Lot Area And Lot Width in RMU-35 zone districts), shall be, and hereby is, amended, in part, read as follows:

**Qualifying Provisions 1.** A modification to the density regulations in subsection ~~21A.24.170D~~ 21A.24.164.C

SECTION 30. Amending text of Salt Lake City Code section 21A.24.168C. That the “Qualifying Provisions” portion of section 21A.24.168C of the Salt Lake City Code (Minimum Lot Area And Lot Width in RMU-45 zone districts), shall be, and hereby is, amended, in part, read as follows:

**Qualifying Provisions** 1. A modification to the density regulations in subsection ~~21A.24.170D~~ 21.A24.168.C

SECTION 31. Amending text of Salt Lake City Code section 21A.36.010B(1). That section 21A.36.010B(1) of the Salt Lake City Code (One Principal Building per Lot), shall be, and hereby is, amended to read as follows:

**B. One Principal Building Per Lot:** Not more than one principal building shall be located on any lot, except that:

1. Lots in the SR-3, RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, RO, CB, CS, CC, CSHBD, CG, RP, BP, MU, M-1, M-2, A, I and UI districts may have more than one principal building on a lot, subject to all of the principal nonresidential buildings being occupied by one use, or all principal residential and nonresidential buildings having frontage on a public street and subject to site plan review approval, pursuant to part V, chapter 21A.58 of this title; and

SECTION 32. 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 \_\_\_\_\_, 2008.

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2008.

Published: \_\_\_\_\_.

HB\_ATTY-#6056-v1-Ordinance\_-Titles\_20\_&\_21A\_Maintenance\_(2008)

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2008  
(An Ordinance Amending Provisions of Titles 20 (Subdivisions)  
and 21A (Zoning) of the *Salt Lake City Code*)

An ordinance amending certain sections of Titles 20 (Subdivisions) and 21A (Zoning) of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2008-00538 to provide additional clarity and efficiency in land use regulation.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on October 8, 2008 to consider a request made by Salt Lake City Mayor Ralph Becker (petition no. PLNPCM2008-0538) to amend the text of Titles 20 (Subdivisions) and 21A (Zoning) of the *Salt Lake City Code* to provide further clarity and efficiency in land use regulation; and

WHEREAS, at its October 8, 2008 hearing, the Planning Commission voted in favor of recommending to the City Council that the City Council amend the sections of Titles 20 and 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 20.20.060D. That section 20.20.060D of the Salt Lake City Code (Public Notice of Administrative Consideration), shall be, and hereby is, amended to read as follows:

- D. For any petition filed after January 1, 1995, notice shall also be posted at least ten (10) days prior to the scheduled administrative consideration pursuant to regulations adopted by the planning director.



SECTION 2. Amending text of Salt Lake City Code section 20.31.080B. That section 20.31.080B of the Salt Lake City Code (Administrative Hearing), shall be, and hereby is, amended to read as follows:

- B. Notice of the administrative hearing shall be mailed to all individuals and entities identified in subsection 20.31.030D of this Chapter or its successor, and shall also be posted on the subject property at least ten (10) days prior to the scheduled hearing.

SECTION 3. Amending text of Salt Lake City Code section 20.31.120B. That section 20.31.120B of the Salt Lake City Code (Planning Commission Hearing), shall be, and hereby is, amended to read as follows:

- B. Notice of the Planning Commission hearing shall be mailed to all individuals and entities identified in subsection 20.31.030D of this Chapter, or its successor, and shall also be posted on the subject property at least ten (10) days prior to the scheduled hearing.

SECTION 4. Amending text of Salt Lake City Code section 20.31.180B. That section 20.31.180B of the Salt Lake City Code (Planning Commission Hearing), shall be, and hereby is, amended to read as follows:

- B. Notice of the Planning Commission hearing shall be mailed to all individuals and entities identified in subsection 20.31.030D of this Chapter or its successor, and shall also be posted on the subject property at least ten (10) days prior to the scheduled hearing.

SECTION 5. Amending text of Salt Lake City Code section 20.31.190B. That section 20.31.190B of the Salt Lake City Code (City Council Hearing), shall be, and hereby is, amended to read as follows:

- B. A notice of public hearing before the Salt Lake City Council shall be mailed to all individuals and entities identified in subsection 20.31.030D of this Chapter, or its successor, shall be posted on the subject property at least ten (10) days prior to the scheduled administrative hearing, and shall be published once a week for four (4) consecutive weeks before the hearing in a newspaper of general circulation in the City.

SECTION 6. Amending text of Salt Lake City Code section 21A.24.120D. That section 21A.24.120D of the Salt Lake City Code (Maximum Building Height in RMF-30 zone districts), shall be, and hereby is, amended to read as follows:

- D. **Maximum Building Height:** The maximum building height permitted in this district is thirty feet (30').

SECTION 7. Amending text of Salt Lake City Code section 21A.24.130D. That section 21A.24.130D of the Salt Lake City Code (Maximum Building Height in RMF-35 zone districts), shall be, and hereby is, amended to read as follows:

- D. **Maximum Building Height:** The maximum building height permitted in this District is thirty five feet (35').

SECTION 8. Amending text of Salt Lake City Code section 21A.24.160E. That section 21A.24.160E of the Salt Lake City Code (Maximum Building Height in RB zone districts), shall be, and hereby is, amended to read as follows:

- E. **Maximum Building Height:** The maximum building height permitted in this district is thirty feet (30').

SECTION 9. Amending text of Salt Lake City Code section 21A.24.164E(1). That section 21A.24.164E(1) of the Salt Lake City Code (Maximum Building Height in R-MU-35 zone districts), shall be, and hereby is, amended to read as follows:

- E. **Maximum Building Height:** The maximum building height shall not exceed thirty five feet (35'), except that nonresidential buildings and uses shall be limited by subsections E1 and E2 of this section. Buildings taller than thirty five feet (35'), up to a maximum of forty five feet (45'), may be authorized as conditional uses, subject to the requirements of part V, chapter 21A.54, "Conditional Uses", of this title; and provided, that the proposed conditional use is supported by the applicable master plan.

1. **Maximum Height For Nonresidential Buildings:** Twenty feet (20').

SECTION 10. Amending text of Salt Lake City Code section 21A.24.168E(1). That section 21A.24.164E(1) of the Salt Lake City Code (Maximum Building Height in R-MU-45 zone districts), shall be, and hereby is, amended to read as follows:

- E. **Maximum Building Height:** The maximum building height shall not exceed forty five feet (45'), except that nonresidential buildings and uses shall be limited by subsections E1 and E2 of this section. Buildings taller than forty five feet (45'), up to a maximum of seventy five feet (75'), may be authorized as conditional uses, subject to the requirements of part V, chapter 21A.54, "Conditional Uses", of this title; and provided, that the proposed conditional use is supported by the applicable master plan.

1. **Maximum Height For Nonresidential Buildings:** Twenty feet (20').

SECTION 11. Amending text of Salt Lake City Code section 21A.24.170F(1). That section 21A.24.170F(1) of the Salt Lake City Code (Maximum Building Height in R-MU zone districts), shall be, and hereby is, amended to read as follows:

- E. **Maximum Building Height:** The maximum building height shall not exceed seventy five feet (75'), except that nonresidential buildings and uses shall be limited by subsections F1 and F2 of this section. Buildings taller than seventy five feet (75'), up to a maximum of one hundred twenty five feet (125'), may be authorized as conditional uses, subject to the requirements of part V, chapter 21A.54, "Conditional Uses", of this title; and provided, that the proposed conditional use is located within the one hundred twenty five foot (125') height zone of the height map of the east downtown master plan.

1. **Maximum Height For Nonresidential Buildings:** Forty five feet (45').

SECTION 12. Amending text of Salt Lake City Code section 21A.24.180D. That section 21A.24.180D of the Salt Lake City Code (Maximum Building Height in RO zone districts), shall be, and hereby is, amended to read as follows:

- D. **Maximum Building Height:** The maximum building height permitted in this district is sixty feet (60') except:

1. The height for single-family dwellings and two-family dwellings shall be thirty feet (30'); and

2. If the property abuts a zoning district with a greater maximum building height, then the maximum height in the RO district shall be ninety feet (90').

SECTION 13. Amending text of Salt Lake City Code section 21A.24.200. That the table, titled “Summary Table Of Yard And Bulk Requirements-Residential Districts”, which is located at section 21A.24.200 of the Salt Lake City Code, shall be, and hereby is, amended, in part, to reflect the amendments provided in Sections 6, 7, 8 and 12 hereof regarding maximum permitted building height in the RMF-30, RMF-35, RB, and RO zoning districts such that only the following provisions of said table are amended:

<b>District Symbol</b>	<b>District Name</b>	<b>YARD AND BULK REGULATIONS</b>
		<b>Maximum Building Height</b>
RMF-30	Low density multi- family residential	30'
RMF-35	Moderate density multi-family residential	35'
RB	Residential business	30'
RO	Residential/ office	60' Exceptions: See subsection 21A.24.180D of this chapter

SECTION 14. Amending text of Salt Lake City Code section 21A.26.020H. That section 21A.26.020H of the Salt Lake City Code (Maximum Building Height in CN zone districts), shall be, and hereby is, amended to read as follows:

H. **Maximum Height:** Twenty five feet (25').

SECTION 15. Amending text of Salt Lake City Code section 21A.26.030H. That section 21A.26.030H of the Salt Lake City Code (Maximum Building Height in CB zone districts), shall be, and hereby is, amended to read as follows:

H. **Maximum Height:** Thirty feet (30').

SECTION 16. Amending text of Salt Lake City Code section 21A.26.040G. That section 21A.26.040G of the Salt Lake City Code (Maximum Building Height in CS zone districts), shall be, and hereby is, amended to read as follows:

G. **Maximum Height:** No building shall exceed forty five feet (45').

SECTION 17. Amending text of Salt Lake City Code section 21A.26.050F. That section 21A.26.050GF of the Salt Lake City Code (Maximum Building Height in CC zone districts), shall be, and hereby is, amended to read as follows:

F. **Maximum Height:** No building shall exceed thirty feet (30'). Buildings higher than thirty feet (30') may be allowed in accordance with the provisions of subsections F1 and F2 of this section.

1. **Procedure For Modification:** A modification to the height regulations in this subsection F may be granted as a conditional use in conformance with the provisions of chapter 21A.54 of this title. In evaluating an application submitted pursuant to this section, the planning commission shall find that the increased height will result in improved site layout and amenities.

2. **Landscaping:** If an additional floor is approved, increased landscaping shall be provided over and above that which is normally required for landscape yards, landscape buffer yards, and parking lot perimeter and interior landscaping. The amount of increased landscaping shall be equal to ten percent (10%) of the area of the additional floor.

3. **Maximum Additional Height:** Additional height shall be limited to fifteen feet (15').

SECTION 18. Amending text of Salt Lake City Code section 21A.26.070F. That section 21A.26.070GF of the Salt Lake City Code (Maximum Building Height in CG zone districts), shall be, and hereby is, amended to read as follows:

F. **Maximum Height:** No building shall exceed sixty feet (60'). Buildings higher than sixty feet (60') may be allowed in accordance with the provision of subsections F1 and F2 of this section.

1. **Procedure For Modification:** A modification to the height regulations in this subsection F may be granted as a conditional use in conformance with the provisions of chapter 21A.54 of this title. In evaluating an application submitted

pursuant to this section, the planning commission shall find that the increased height will result in improved site layout and amenities.

**2. Landscaping:** If additional floors are approved, increased landscaping shall be provided over and above that which is normally required for landscape yards, landscape buffer yards, and parking lot perimeter and interior landscaping. The amount of increased landscaping shall be equal to ten percent (10%) of the area of the additional floors.

**3. Maximum Additional Height:** Additional height shall be limited to thirty feet (30').

SECTION 19. Amending text of Salt Lake City Code section 21A.26.090. That the table, titled "Summary Table Of Yard And Bulk Requirements-Commercial Districts", which is located at section 21A.26.090 of the Salt Lake City Code, shall be, and hereby is, amended, in part, to reflect the amendments provided in Sections 14 through 18 hereof regarding maximum permitted building height in the CN, CB, CS, CC, and CG zoning districts such that only the following provisions of said table are amended:

<b><u>District</u></b> <b><u>District</u></b> <b><u>Symbol</u></b>	<b>District Name</b>	<b>YARD AND BULK REGULATIONS</b>
		<b>Maximum Building Height</b>
CB	Community business	30'
CC	Corridor commercial	30'; conditional use: maximum 45'
CG	General commercial	60'; conditional use: maximum 90'
CN	Neighborhood commercial	25'
CS	Community shopping	45'

SECTION 20. Amending text of Salt Lake City Code section 21A.32.030D. That section 21A.32.030D of the Salt Lake City Code (Maximum Building Height in BP zone districts), shall be, and hereby is, amended to read as follows:

**D. Maximum Building Height:** No building shall exceed sixty feet (60') in height.

SECTION 21. Amending text of Salt Lake City Code section 21A.32.050D. That section 21A.32.050D of the Salt Lake City Code (Maximum Building Height in AG zone districts), shall be, and hereby is, amended to read as follows:

**D. Maximum Building Height:**

1. **Single-Family Dwellings:** Thirty feet (30').
2. **Small Group Homes:** Thirty feet (30').
3. **Agricultural Uses:** Forty five feet (45').
4. **Conditional Uses:** Forty five feet (45').

SECTION 22. Amending text of Salt Lake City Code section 21A.32.052D. That section 21A.32.052D of the Salt Lake City Code (Maximum Building Height in AG-2 zone districts), shall be, and hereby is, amended to read as follows:

**D. Maximum Building Height:**

1. **Single-Family Dwellings:** Thirty feet (30').
2. **Small Group Homes:** Thirty feet (30').
3. **Agricultural Uses:** Forty five feet (45').
4. **Conditional Uses:** Forty five feet (45').

SECTION 23. Amending text of Salt Lake City Code section 21A.32.054D. That section 21A.32.052D of the Salt Lake City Code (Maximum Building Height in AG-5 zone districts), shall be, and hereby is, amended to read as follows:

**D. Maximum Building Height:**

1. **Single-Family Dwellings:** Thirty feet (30').
2. **Small Group Homes:** Thirty feet (30').
3. **Agricultural Uses:** Forty five feet (45').

4. **Conditional Uses:** Forty five feet (45').

SECTION 24. Amending text of Salt Lake City Code section 21A.32.110E. That section 21A.32.110E of the Salt Lake City Code (Maximum Building Height in MH zone districts), shall be, and hereby is, amended to read as follows:

- E. **Maximum Building Height:** No dwelling unit shall exceed fifteen feet (15') in height. On site recreation buildings and clubhouses shall not exceed thirty feet (30').

SECTION 25. Amending text of Salt Lake City Code section 21A.32.150. That the table, titled "Summary 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 reflect the amendments provided in Sections 20 through 24 hereof regarding maximum permitted building height in the BP, AG, AG-2, AG-5 and MH zoning districts such that only the following provisions of said table are amended:

District Name	YARD AND BULK REGULATIONS
	<b>Maximum Building Height</b>
BP Business park	60'
AG Agricultural	Residential: 30' Agricultural: 45' Conditional: 45'
AG-2	Residential: 30' Agricultural: 45' Conditional: 45'
AG-5	Residential: 30' Agricultural: 45' Conditional: 45'
MH Mobile home park	30' (clubhouse) 15' dwelling units

SECTION 26. Amending text of Salt Lake City Code section 21A.34.030G. That section 21A.34.030G of the Salt Lake City Code (Maximum Building Height in T Transitional Overlay zone districts), shall be, and hereby is, amended to read as follows:



G. **Maximum Building Height.** The maximum building height for conditional uses shall be thirty-five feet.

SECTION 27. Amending text of Salt Lake City Code section 21A.34.090B. That section 21A.34.090B of the Salt Lake City Code (Maximum Building Height in SSSC Overlay zone districts), shall be, and hereby is, amended to read as follows:

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 ninety feet (90').

SECTION 28. Amending text of Salt Lake City Code section 21A.52.100E(2). That section 21A.52.100E(2) of the Salt Lake City Code (Specific Conditions For Certain Special Exceptions), shall be, and hereby is, amended to read as follows:

2. **Required Findings:** The Board of Adjustment may authorize a special exception legalizing the excess number of dwelling units applied for upon making findings that support the following conclusions:

a. **Required Findings For Excess Dwelling Units Constructed Without A Permit Before 1970:**

i. The excess dwelling units were constructed before 1970 and have been continuously used as dwelling units; and

ii. The building services and licensing division has certified:

(A) That the building and units substantially comply with life and safety codes or will be brought into substantial compliance pursuant to building permits which have been applied and paid for, and

(B) That off-street parking has been hard surfaced and, further, to the extent space is available on the property, the 1970 parking standards have been complied with. An alternative parking requirement, as outlined in Section 21A.44.030 of this Title, shall be provided prior to the approval of any unit legalization application if the applicant cannot satisfy the parking that was required at the time the excess units were created, and

- (C) That all nondimensional zoning violations have been corrected;
- iii. The owner has applied for an apartment license if the building contains three (3) or more dwelling units.

**b. Required Findings For Excess Dwelling Units Constructed Without A Permit After 1969 And Before January 1, 1980 For Units Not Constructed By The Owner Or An Immediate Family Relative Of Owner Or A Corporation Or Partnership With Similar Ownership And/Or Control:**

- i. The number of units of excess dwelling units of the building would have been allowed by the zoning classification existing at the time of construction and the units have been continuously so used;
- ii. The owner did not construct the excess dwelling units or is not an immediate family relative or, in the case of a corporation or partnership, similarly owned and/or controlled by the party creating the excess dwelling units; and
- iii. The building services and licensing division has certified:

(A) That the building and units substantially comply with life and safety codes or will be brought into compliance pursuant to building permits issued and paid for by applicant,

(B) That off-street parking has been hard surfaced and that, to the extent space is available, the parking standard applicable at the time of construction of the excess dwelling units has been complied with. An alternative parking requirement, as outlined in Section 21A.44.030 of this Title, shall be provided prior to the approval of any unit legalization application if the applicant cannot satisfy the parking that was required at the time the excess units were created, and

(C) That all nondimensional zoning violations have been corrected;

- iv. The owner has applied for an apartment license if the building contains three (3) or more dwelling units;
- v. For legalizations permitted pursuant to this subsection any further Existing Residential Housing Code deficiencies affecting the building or units, as determined by the date such excess dwelling units were constructed, will be recorded with the County Recorder as a certificate of nonconformance. After any sale or other transfer of the property the certificate of nonconformance shall no longer be effective and the City

may enforce any Existing Residential Housing Code violations, including those referenced in the certificate of nonconformance.

**c. Required Findings For Excess Dwelling Units Constructed Without A Permit After 1969 And Before January 1, 1980 For Units Constructed By The Owner Or An Immediate Family Relative Of Owner Or A Corporation or Partnership With Similar Ownership And/Or Control:**

- i. The number of excess dwelling units of the building would have been allowed by the zoning classification existing at the time of construction and the units have been continuously so used; and
- ii. The building services and licensing division has certified:
  - (A) That the building and units substantially comply with life and safety codes or will be brought into compliance pursuant to building permits issued and paid for by applicant,
  - (B) That off-street parking has been hard surfaced and that, to the extent space is available, the parking standard applicable at the time of construction of the excess dwelling units has been complied with. An alternative parking requirement, as outlined in Section 21A.44.030 of this Title, shall be provided prior to the approval of any unit legalization application if the applicant cannot satisfy the parking that was required at the time the excess units were created, and
  - (C) That all nondimensional zoning violations have been corrected;
- iii. The owner has applied for an apartment license if the building contains three (3) or more dwelling units;
- iv. For legalizations permitted pursuant to this subsection E2c, a certificate of nonconformance shall be recorded with the County Recorder for any further Existing Residential Housing Code deficiencies affecting the building or units, as determined by the date such excess dwelling units were constructed, and any further parking or zoning deficiencies. After any sale or other transfer of the property the certificate of nonconformance shall no longer be effective and the City may enforce any housing, zoning or parking violations, including those referenced in the certificate of nonconformance.

**d. Required Findings For Excess Dwelling Units With Implied Permit:**

- i. The units were constructed and continuously operated before April 12, 1995, with an implied permit; and
- ii. The building services and licensing division has certified:
  - (A) Substantial compliance with life and safety codes,
  - (B) That all nondimensional zoning violations have been corrected, and
  - (C) That off-street parking has been hard surfaced and that, to the extent space is available on the property, the parking standards applicable on the date of the implied permit have been complied with. An alternative parking requirement, as outlined in Section 21A.44.030 of this Title, shall be provided prior to the approval of any unit legalization application if the applicant cannot satisfy the parking that was required at the time the excess units were created.

SECTION 29. Amending text of Salt Lake City Code section 21A.24.164C. That the “Qualifying Provisions” portion of section 21A.24.164C of the Salt Lake City Code (Minimum Lot Area and Lot Width in RMU-35 zone districts), shall be, and hereby is, amended, in part, read as follows:

**Qualifying Provisions** 1. A modification to the density regulations in subsection 21A.24.164.C

SECTION 30. Amending text of Salt Lake City Code section 21A.24.168C. That the “Qualifying Provisions” portion of section 21A.24.168C of the Salt Lake City Code (Minimum Lot Area and Lot Width in RMU-45 zone districts), shall be, and hereby is, amended, in part, read as follows:

**Qualifying Provisions** 1. A modification to the density regulations in subsection 21.A24.168.C

SECTION 31. Amending text of Salt Lake City Code section 21A.36.010B(1). That section 21A.36.010B(1) of the Salt Lake City Code (One Principal Building per Lot), shall be, and hereby is, amended to read as follows:

B. **One Principal Building Per Lot:** Not more than one principal building shall be located on any lot, except that:

1. Lots in the SR-3, RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, RO, CB, CS, CC, CSHBD, CG, RP, BP, MU, M-1, M-2, A, I and UI districts may have more than one principal building on a lot, subject to all of the principal nonresidential buildings being occupied by one use, or all principal residential and nonresidential buildings having frontage on a public street and subject to site plan review approval, pursuant to part V, chapter 21A.58 of this title; and

SECTION 32. 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 \_\_\_\_\_, 2008.

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

\_\_\_\_\_  
CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY RECORDER

(SEAL)

APPROVED AS TO FORM  
Salt Lake City Attorney's Office  
Date DECEMBER 3, 2008  
By Paul C. Nielson  
PAUL C. NIELSON, SR. CITY ATTORNEY

Bill No. \_\_\_\_\_ of 2008.

Published: \_\_\_\_\_.

HB\_ATTYY-#6056-v2-Ordinance\_-\_Titles\_20\_&\_21A\_Maintenance\_(2008)

**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 **PLNPCM2008-00538** 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. Five minor Fine Tuning text amendments are being processed with this petition that address the following issues.

- 1) Subdivision Posting – Change posting period from 14 to 10 days,
- 2) Maximum Building Height – Use number of feet standard only, eliminate number of stories standard,
- 3) Unit Legalization – Change apartment license requirement from 5 dwelling units to 3 dwelling units,
- 4) Minimum Lot Area – Correct the Qualifying Provisions reference in RMU-35 and RMU-45 Zoning Districts, and
- 5) Multiple Structures in MU Zoning District – Allow more than one principal building on a lot in the MU Mixed-Use Zoning District.

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

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

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

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

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

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

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

D. CHRISTIAN HARRISON  
DOWNTOWN CHAIR  
336 WEST BROADWAY, #308  
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BILL DAVIS  
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SALT LAKE CITY UT 84115

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~~CENTRAL CITY CHAIR~~  
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~~MARIELLA SIRA/MARGARET~~  
~~BRADY~~  
~~EAST LIBERTY PARK CO CHAIRS~~  
~~EMAIL ONLY, SEE City Council site~~

ARCADIA HEIGHTS/BENCHMARK  
CHAIR  
Vacant

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Vacant

INDIAN HILLS CHAIR  
Vacant

ST. MARY'S CHAIR  
Vacant

LAST UPDATED 10/30/2008 CZ



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  
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Salt Lake City, UT 85125-1357

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

# **Exhibit 4**

## **Planning Commission**

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

**Exhibit 4i**  
**Public Hearing Notice/Postmark/Agenda**

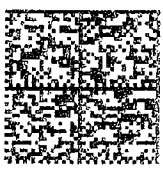


Tami Hansen

# PUBLIC HEARING NOTICE

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

MAILED FROM ZIP CODE 84116  
0004632097 SEP 24 2008  
\$ 00.42  
UNITED STATES POSTAGE  
PRINTED MATTER



FIRST CLASS

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

Salt Lake City Planning Commission  
451 South State Street, Room 406  
Salt Lake City UT 84111
4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. The Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at 535-7757; TDD 535-6220.

For more information, please visit our website at <http://www.slc.gov/planning>

**AGENDA FOR THE  
SALT LAKE CITY PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building at 451 South State Street  
Wednesday, October 8, 2008 at 5:45 p.m.**

The field trip is scheduled to leave at 4:00 p.m. Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. **Work Session**—the Planning Commission may discuss project updates and other minor administrative matters. This portion of the meeting is open to the public for observation

**APPROVAL OF MINUTES FROM WEDNESDAY, September 24, 2008.**

**REPORT OF THE CHAIR AND VICE CHAIR**

**REPORT OF THE DIRECTOR**

**PUBLIC HEARING**

1. **Metropolitan Landing Condominiums**—a request by International Commercial Properties, LLC, for conditional use—planned development approval, conditional use for extra building height, and preliminary plat approval to build a new five building residential condominium project. The project consists of 79 total residential units, accessory carports, a basketball court, and kids' play area. The project address is approximately 961 South Redwood Road in a CC (Corridor Commercial) zoning district. 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](mailto:casey.stewart@slcgov.com)).
- a. **Petition 410-08-52 Conditional Use for Planned Development and extra building height.** The applicant is requesting approval to construct multiple principal buildings (five) on the same lot. The buildings will contain residential condominium units.
- b. **Petition 480-08-10 Condominium Preliminary Plat.** The applicant is requesting preliminary approval for a condominium plat to divide up the ownership of the proposed residential buildings.
2. **Petition No. PLNSUB2008-0031, The Flats at Capitol Hill, Conditional Use at 477 N. 300 West**—a request by Metaview Development for approval of a modification to the density regulations as allowed through conditional use in the RMU-45 zoning district. The applicant requests an increase in density allowance for five additional dwelling units. The density increase would be from 22 units to 27 units. The property is located in City Council District three (Staff contact: Everett Joyce at 535-7930 or [everett.joyce@slcgov.com](mailto:everett.joyce@slcgov.com)).
- \* 3. **Petition No. PLNPCM2008-0538, Salt Lake City Code Maintenance; Fine Tuning text amendments**—a request by the Salt Lake City Mayor to analyze the feasibility of amending 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. The following issues are being considered:
  1. Subdivision Posting—Change posting period from 14 to 10 days,
  2. Maximum Building Height—Use number of feet only, rather than number of feet and number of stories relating to the maximum height requirement.
  3. Unit Legalization—change apartment license requirement from 5 dwelling units to 3 dwelling units,
  4. Correct Reference—Within the Qualifying Provisions reference section of the RMU-35 and RMU-45 Zoning Districts, the minimum lot area and lot width requirements reference the wrong section of the ordinance, and
  5. Multiple Structures in MU Zoning District—allow more than one principal building on a lot in the MU Mixed-Use Zoning District.These text changes are Citywide (Staff contact: Everett Joyce at 535-7930 or [everett.joyce@slcgov.com](mailto:everett.joyce@slcgov.com)).
4. **Petition PLNSUB2008-00198 and PLNSUB2008-00355, Planned Development/Minor Subdivision, Edmonds Court**—a request by Neighborworks Salt Lake for Planned Development/Minor Subdivision approval to construct a six dwelling unit single-family attached town house project on three existing lots located at approximately 645 W. 400 North, 363 N. Edmonds Place, and 357 N. Edmonds Place. The property is located in the SR-3 Special Development Pattern Residential District and Council District three, represented by Eric Jergensen (Staff contact: Wayne Mills 535-7282 or [wayne.mills@slcgov.com](mailto:wayne.mills@slcgov.com)).

Visit the Planning and Zoning Enforcement Division's website at [www.slcgov.com/CED/planning](http://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.

**Exhibit 4ii**  
**Staff Report**

# PLANNING COMMISSION STAFF REPORT

## Salt Lake City Code Maintenance Zoning Text Amendment Petition PLNPCM2008-00538 – City-wide October 8, 2008



Planning Division  
Department of Community and  
Economic Development

**Applicant:** Salt Lake City Mayor

**Staff:** Everett Joyce 535-7930  
[everett.joyce@slcgov.com](mailto: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:*  
Chapter 20 Subdivisions  
21A.24 Residential Districts  
21A.26 Commercial Districts  
21A.32 Special Purpose Districts  
21A.34 Overlay Districts  
21A.36 General Provisions  
21A.52 Special Exceptions

**Notification**

- Notice mailed on September 23, 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. Five minor Fine Tuning text amendments being processed with this petition address the following issues.

- 1) Subdivision Posting – Change posting period from 14 to 10 days,
- 2) Maximum Building Height – Use number of feet standard only, eliminate number of stories standard,
- 3) Unit Legalization – Change apartment license requirement from 5 dwelling units to 3 dwelling units,
- 4) Minimum Lot Area - Reference in RMU-35 and RMU-45 Zoning Districts, and
- 5) Multiple Structures in MU Zoning District – Allow more than one principal building on a lot in the MU Mixed-Use Zoning District.

**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 20 Subdivisions**

Posting requirements for Zoning Ordinance processes and Subdivision processes have different posting periods. Zoning posting notices are required 10 days prior to the public hearing and subdivision posting notices are 14 days prior to the hearing. The proposed text change will provide consistent posting periods for conditional uses, special exceptions, demolition of landmark sites and subdivisions. Staff recommends establishing a posting period of 10 days for subdivision processes equivalent to requirements of Section 21A.10.020 for Zoning Ordinance processes.

Affected Sections: 20.20.060, 20.31.080, 20.31.120, 20.31.180, and 20.31.190

### **2. Chapter 21A Zoning Districts Maximum Building Height**

Building height in some zoning districts of the code are regulated by both a specific number of feet and a number of stories. Recent text changes have designated for certain zoning districts that the maximum building height permitted in zoning districts is a specific number of feet only. Staff recommends text

changes that provide a consistent standard with the regulations by only identifying the maximum number of feet allowed as the specific element regulating building height in all zoning districts.

Affected Sections: 21A.24.120 RMF-30, 21A.24.130 RMF-35, 21A.24.160 RB, 21A.24.164 R-MU-35, 21A.24.168 R-MU-45, 21A.24.170 R-MU, 21A.24.180 RO, 21A.24.200 Summary Table, 21A.26.020 CN, 21A.26.030 CB, 21A.26.040 CS, 21A.26.050 CC, 21A.26.070 CG, 21A.26.090 Summary Table, 21A.32.030 BP, 21A.32.050 AG, 21A.32.052 AG-2, 21A.32.054 AG-5, 21A.32.110 MH, 21A.32.150 Summary Table, 21A.34.030 T Transitional Overlay, 21A.34.090 SSSC Overlay

### **3. Chapter 21A Zoning 21A.52.100E.2. Unit Legalization**

In the unit legalization section of the Zoning Ordinance an apartment license is required for buildings with five or more dwelling units. However, the definitions section of the Zoning Ordinance identifies that a structure containing three or more dwelling units is considered a multi-family dwelling. Furthermore, the Business License Department requires an apartment license for any building containing three or more units. Staff recommends a text change that will match the requirement for an apartment license within the unit legalization text of Section 21A.52.100E.2 with the Business License requirements and the Zoning Ordinance definition for multifamily dwellings.

### **4. Chapter 21A Zoning 21A.24.164.C and 21A.24.168.C Minimum Lot Area and Width**

Within the Qualifying Provisions reference section of the RMU-35 and RMU-45 Zoning districts, the minimum lot area and width requirements reference the wrong section of the Zoning Ordinance. The proposed text change is to correct the subsection reference of the Qualifying Provision to the appropriate section of the ordinance.

### **5. 21A.36.010.1 One principal building per lot**

The MU - Mixed Use Zoning District does not prohibit multiple structures on a lot. Section 21A.36.010.1 addresses which zoning districts permit more than one principal building per lot. The MU zone is not listed as one of the zones allowing multiple buildings per lot. The proposed text change would add the MU Zoning District to the list of zones allowing more than one principal building per lot.

## **Comments**

### **Public Comments**

An Open House was held on August 21, 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 attendees to the Open House.

Staff presented the proposal to the Community Council chairs who attended the Mayors monthly meeting on August 7, 2008. Staff responded to questions regarding the text amendment process but did not receive any additional comments regarding issues with the proposed text amendments.

### **City Department Comments:**

Staff sent information regarding the proposed text changes to applicable City Departments. Department responses are included in Attachment B. No issues or concerns were raised through department review of 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**  
**Salt Lake City Code Maintenance**

# Code Maintenance – Zoning Ordinance Fine Tuning Projects

August 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 20 Subdivisions

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### Commentary

Onsite sign posting requirements for Zoning Ordinance processes and Subdivision processes have different posting periods. The Zoning Ordinance requires a sign to be posted on the subject property 10 days prior to the public hearing and subdivision posting notices are 14 days prior to the hearing. The proposed text change will provide consistent posting periods for conditional uses, special exceptions, demolition of contributing structures and subdivisions. Proposed is to establish a posting period of 10 days for subdivision processes equivalent to requirements of Section 21A.10.020 for Zoning Ordinance processes.

Affected Sections: 20.20.060, 20.31.080, 20.31.120, 20.31.180, and 20.31.190

### Recommended Code Language

Language to be **added** is underlined.

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

#### 20.20.060 Public Notice Of Administrative Consideration:

- D. For any petition filed after January 1, 1995, notice shall also be posted at least ~~fourteen~~ (14) ten (10) days prior to the scheduled administrative consideration pursuant to regulations adopted by the planning director.

#### 20.31.080 Administrative Hearing:

- B. Notice of the administrative hearing shall be mailed to all individuals and entities identified in subsection 20.31.030D of this Chapter or its successor, and shall also be posted on the subject property at least ~~fourteen (14)~~ ten (10) days prior to the scheduled hearing.

**20.31.120 Planning Commission Hearing:**

- B. Notice of the Planning Commission hearing shall be mailed to all individuals and entities identified in subsection 20.31.030D of this Chapter, or its successor, and shall also be posted on the subject property at least ~~fourteen (14)~~ ten (10) days prior to the scheduled hearing.

**20.31.180 Planning Commission Hearing:**

- B. Notice of the Planning Commission hearing shall be mailed to all individuals and entities identified in subsection 20.31.030D of this Chapter or its successor, and shall also be posted on the subject property at least ~~fourteen (14)~~ ten (10) days prior to the scheduled hearing.

**20.31.190 City Council Hearing:**

- B. A notice of public hearing before the Salt Lake City Council shall be mailed to all individuals and entities identified in subsection 20.31.030D of this Chapter, or its successor, shall be posted on the subject property at least ~~fourteen (14)~~ ten (10) days prior to the scheduled administrative hearing, and shall be published once a week for four (4) consecutive weeks before the hearing in a newspaper of general circulation in the City.

**Item 2. Chapter 21A Zoning Districts Maximum Building Height**

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**Commentary** *Building height in some zoning districts of the code are regulated by both a specific number of feet and a number of stories. Recent text changes have designated for certain zoning districts that the maximum building height permitted in zoning districts is only a specific number of feet. The proposed text changes provide a consistent standard with the regulations by only identifying the maximum number of feet allowed as the specific element regulating building height in all zoning districts.*

Building height in some zoning districts of the code are regulated by both a specific number of feet and a number of stories. Recent text changes have designated for certain zoning districts that the maximum building height permitted in zoning districts is only a specific number of feet. The proposed text changes provide a consistent standard with the regulations by only identifying the maximum number of feet allowed as the specific element regulating building height in all zoning districts.

Affected Sections: 21A.24.120 RMF-30, 21A.24.130 RMF-35, 21A.24.160 RB, 21A.24.164 R-MU-35, 21A.24.168 R-MU-45, 21A.24.170 R-MU, 21A.24.180 RO, 21A.24.200 Summary Table, 21A.26.020 CN, 21A.26.030 CB, 21A.26.040 CS, 21A.26.050 CC, 21A.26.070 CG, 21A.26.090 Summary Table, 21A.32.030 BP, 21A.32.050 AG, 21A.32.052 AG-2, 21A.32.054 AG-5, 21A.32.110 MH, 21A.32.150 Summary Table, 21A.34.030 T Transitional Overlay, 21A.34.090 SSSC Overlay

## Recommended Code Language

Language to be **added** is underlined.

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

- 2a. **21A.24.120 RMF-30 D. Maximum Building Height:** The maximum building height permitted in this district is thirty feet (30') ~~or two and one-half (2 1/2) stories, whichever is less.~~
- 2b. **21A.24.130 RMF-35 D. Maximum Building Height:** The maximum building height permitted in this District is thirty five feet (35') ~~or three and one-half (3 1/2) stories, whichever is less.~~
- 2c. **21A.24.160 RB E. Maximum Building Height:** The maximum building height permitted in this district is thirty feet (30') ~~or two and one-half (2 1/2) stories, whichever is less.~~
- 2d. **21A.24.164 R-MU-35 E. Maximum Building Height:** The maximum building height shall not exceed thirty five feet (35'), except that nonresidential buildings and uses shall be limited by subsections E1 and E2 of this section. Buildings taller than thirty five feet (35'), up to a maximum of forty five feet (45'), may be authorized as conditional uses, subject to the requirements of part V, chapter 21A.54, "Conditional Uses", of this title; and provided, that the proposed conditional use is supported by the applicable master plan.
1. **Maximum Height For Nonresidential Buildings:** ~~One-story or twenty~~ Twenty feet (20'), ~~whichever is less.~~
- 2e. **21A.24.168 R-MU-45 E. Maximum Building Height:** The maximum building height shall not exceed forty five feet (45'), except that nonresidential buildings and uses shall be limited by subsections E1 and E2 of this section. Buildings taller than forty five feet (45'), up to a maximum of seventy five feet (75'), may be authorized as conditional uses, subject to the requirements of part V, chapter 21A.54, "Conditional Uses", of this title; and provided, that the proposed conditional use is supported by the applicable master plan.
1. **Maximum Height For Nonresidential Buildings:** ~~One-story or twenty~~ Twenty feet (20'), ~~whichever is less.~~
- 2f. **21A.24.170 R-MU F. Maximum Building Height:** The maximum building height shall not exceed seventy five feet (75'), except that nonresidential buildings and uses shall be limited by subsections F1 and F2 of this section. Buildings taller than seventy five feet (75'), up to a maximum of one hundred twenty five feet (125'), may be authorized as conditional uses, subject to the requirements of part V, chapter 21A.54, "Conditional Uses", of this title; and provided, that the proposed conditional use is located within the

one hundred twenty five foot (125') height zone of the height map of the east downtown master plan.

1. **Maximum Height For Nonresidential Buildings:** ~~Three (3) stories or forty~~ Forty five feet (45'), ~~whichever is less.~~

2g. **21A.24.180 RO D. Maximum Building Height:** The maximum building height permitted in this district is ~~four (4) stories or sixty feet (60'), whichever is less except:~~

1. The height for single-family dwellings and two-family dwellings shall be ~~two and one-half (2 1/2) stories or thirty feet (30'), whichever is less;~~ and

2. If the property abuts a zoning district with a greater maximum building height, then the maximum height in the RO district shall be ~~six (6) stories or ninety feet (90'), whichever is less.~~

2h. **21A.24.200 Summary Table**

District Symbol	District Name	YARD AND BULK REGULATIONS
		<b>Maximum Building Height</b>
RMF-30	Low density multi- family residential	30' <del>or 2 1/2 stories</del>
RMF-35	Moderate density multi-family residential	35' <del>or 3 1/2 stories</del>
RB	Residential business	30' <del>or 2 1/2 stories</del>
RO	Residential/ office	60' <del>or 4 stories</del> Exceptions: See subsection 21A.24.180D of this chapter

2i. **21A.26.020 CN H. Maximum Height:** Twenty five feet (25') ~~or two and one-half (2 1/2) stories, whichever is less.~~

2j. **21A.26.030 CB H. Maximum Height:** Thirty feet (30') ~~or two (2) stories, whichever is less.~~

2k. **21A.26.040 CS G. Maximum Height:** No building shall exceed forty five feet (45') ~~or three (3) stories, whichever is less.~~

2l. **21A.26.050 CC F. Maximum Height:** No building shall exceed thirty feet (30') ~~or two (2) stories, whichever is less.~~ Buildings higher than thirty feet (30') may be allowed in accordance with the provisions of subsections F1 and F2 of this section.

1. **Procedure For Modification:** A modification to the height regulations in this subsection F may be granted as a conditional use in conformance with the provisions of chapter 21A.54 of this title. In evaluating an application submitted pursuant to this

section, the planning commission shall find that the increased height will result in improved site layout and amenities.

2. **Landscaping:** If an additional floor is approved, increased landscaping shall be provided over and above that which is normally required for landscape yards, landscape buffer yards, and parking lot perimeter and interior landscaping. The amount of increased landscaping shall be equal to ten percent (10%) of the area of the additional floor.

3. **Maximum Additional Height:** Additional height shall be limited to fifteen feet (15') ~~or one story, whichever is less.~~ (Ord. 3-01 § 1, 2001: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(13-4), 1995)

2m. **21A.26.070 CG F. Maximum Height:** No building shall exceed sixty feet (60') ~~or four (4) stories, whichever is less.~~ Buildings higher than sixty feet (60') may be allowed in accordance with the provision of subsections F1 and F2 of this section.

1. **Procedure For Modification:** A modification to the height regulations in this subsection F may be granted as a conditional use in conformance with the provisions of chapter 21A.54 of this title. In evaluating an application submitted pursuant to this section, the planning commission shall find that the increased height will result in improved site layout and amenities.

2. **Landscaping:** If additional floors are approved, increased landscaping shall be provided over and above that which is normally required for landscape yards, landscape buffer yards, and parking lot perimeter and interior landscaping. The amount of increased landscaping shall be equal to ten percent (10%) of the area of the additional floors.

3. **Maximum Additional Height:** Additional height shall be limited to thirty feet (30') ~~or two (2) stories, whichever is less.~~ (Ord. 3-01 § 2, 2001: Ord. 35-99 § 27, 1999: Ord. 26-95 § 2(13-6), 1995)

2n. **21A.26.090 Summary Table Of Yard And Bulk Requirements Commercial Districts:**

<b>Disrtit District Symbol</b>	<b>District Name</b>	<b>YARD AND BULK REGULATIONS</b>
		<b>Maximum Building Height</b>
CB	Community business	30' <del>or 2 stories</del>
CC	Corridor commercial	30' <del>or 2 stories</del> ; conditional use: maximum 45' <del>or 3 stories</del>
CG	General commercial	60' <del>or 4 stories</del> ; conditional use: maximum 90' <del>or 6 stories</del>
CN	Neighborhood commercial	25' <del>or 2 1/2 stories</del>
CS	Community shopping	45' <del>or 3 stories</del>

2o. **21A.32.030 BP D. Maximum Building Height:** No building shall exceed ~~four (4) stories~~ or sixty feet (60') in height.

2p. **21A.32.050 AG D. Maximum Building Height:**

1. **Single-Family Dwellings:** ~~Two and one-half (21/2) stories or thirty~~ Thirty feet (30'); ~~whichever is less.~~

2. **Small Group Homes:** ~~Two and one-half (21/2) stories or thirty~~ Thirty feet (30'); ~~whichever is less.~~

2q. **21A.32.052 AG-2 D. Maximum Building Height:**

1. **Single-Family Dwellings:** ~~Two and one-half (21/2) stories or thirty~~ Thirty feet (30'); ~~whichever is less.~~

2. **Small Group Homes:** ~~Two and one-half (21/2) stories or thirty~~ Thirty feet (30'); ~~whichever is less.~~

2r. **21A.32.054 AG-5 D. Maximum Building Height:**

1. **Single-Family Dwellings:** ~~Two and one-half (21/2) stories or thirty~~ Thirty feet (30'); ~~whichever is less.~~

2. **Small Group Homes:** ~~Two and one-half (21/2) stories or thirty~~ Thirty feet (30'); ~~whichever is less.~~

2s. **21A.32.110 MH E. Maximum Building Height:** No dwelling unit shall exceed fifteen feet (15') in height. On site recreation buildings and clubhouses shall not exceed ~~two and one-half (21/2) stories or thirty feet (30').~~

2t. **21A.32.150 Summary Table Of Yard And Bulk Requirements Special Purpose Districts:**

District Name	YARD AND BULK REGULATIONS
	<b>Maximum Building Height</b>
BP Business park	<del>4 stories/</del> 60'
AG Agricultural	Residential: 30' <del>or 21/2 stories</del> Agricultural: 45' Conditional: 45'
AG-2	Residential: 30' <del>or 21/2 stories</del> Agricultural: 45' Conditional: 45'
AG-5	Residential: 30' <del>or 21/2 stories</del> Agricultural: 45'

	Conditional: 45'
MH Mobile home park	30' (clubhouse) <del>or 21/2 stories</del> 15' dwelling units

2u. **21A.34.030 T Transitional Overlay G. Maximum Building Height.** The maximum building height for conditional uses shall be ~~two and one-half stories or thirty-five feet, whichever is less.~~

2v. **21A.34.090 SSSC Overlay 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.~~

### **Item 3. Chapter 21A Zoning 21A.52.100E.2. Unit Legalization**

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#### **Commentary**

The Zoning Ordinance, Section 21A.52.100E.2 requires apartment license for buildings with five or more dwelling units. However, the Zoning Ordinance also identifies that a structure containing three or more dwelling units is considered a multi-family dwelling and the Business License Department requires an apartment license for any building containing three or more units. The proposed text change will match the requirement for an apartment license within the unit legalization text of Section 21A.52.100E.2 with the Business License requirements and the Zoning Ordinance definition for multifamily dwellings.

#### **Recommended Code Language**

Language to be **added** is underlined.

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

#### **Chapter 21A Zoning 21A.52.100E.**

**2. Required Findings:** The Board of Adjustment may authorize a special exception legalizing the excess number of dwelling units applied for upon making findings that support the following conclusions:

##### **a. Required Findings For Excess Dwelling Units Constructed Without A Permit Before 1970:**

iii. The owner has applied for an apartment license if the building contains ~~five (5)~~ three (3) or more dwelling units.



**b. Required Findings For Excess Dwelling Units Constructed Without A Permit After 1969 And Before January 1, 1980 For Units Not Constructed By The Owner Or An Immediate Family Relative Of Owner Or A Corporation Or Partnership With Similar Ownership And/Or Control:**

iv. The owner has applied for an apartment license if the building contains ~~five (5)~~ three (3) or more dwelling units;

**c. Required Findings For Excess Dwelling Units Constructed Without A Permit After 1969 And Before January 1, 1980 For Units Constructed By The Owner Or An Immediate Family Relative Of Owner Or A Corporation Or Partnership With Similar Ownership And/Or Control:**

iii. The owner has applied for an apartment license if the building contains ~~five (5)~~ three (3) or more dwelling units;

**Item 4. Chapter 21A Zoning 21A.24.164.C and 21A.24.168.C Minimum Lot Area and Width**

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**Commentary**

Within the Qualifying Provisions reference section of the RMU-35 and RMU-45 Zoning districts, the minimum lot area and width requirements reference the wrong the section of the ordinance. The proposed text change is to correct the subsection reference of the Qualifying Provision to the appropriate section of the ordinance.

**Recommended Code Language**

Language to be **added** is underlined.

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

**21A.24.164.C Qualifying Provisions** 1. A modification to the density regulations in subsection ~~21A.24.170D~~ 21A.24.164.C

**21A.24.168.C Qualifying Provisions** 1. A modification to the density regulations in subsection ~~21A.24.170D~~ 21A.24.168.C

## **Item 5. 21A.36.010.1 One principal building per lot**

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### **Commentary**

The MU - Mixed Use Zoning District does not prohibit multiple structures. Section 21A.36.010.1 addresses which zoning districts permit more than one principal building per lot. The MU zone is not listed as one of zones allowing multiple buildings per lot. The proposed text change would add the MU Zoning District to the list of zones allowing more than one principal building on a lot.

### **Recommended Code Language**

Language to be **added** is underlined.

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

### **21A.36.010 Use Of Land And Buildings:**

**B. One Principal Building Per Lot:** Not more than one principal building shall be located on any lot, except that:

1. Lots in the SR-3, RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, RO, CB, CS, CC, CSHBD, CG, RP, BP, MU, M-1, M-2, A, I and UI districts may have more than one principal building on a lot, subject to all of the principal nonresidential buildings being occupied by one use, or all principal residential and nonresidential buildings having frontage on a public street and subject to site plan review approval, pursuant to part V, chapter 21A.58 of this title; and

Exhibit B  
Department Comments

**Joyce, Everett**

*Permits Office*

**From:** Butcher, Larry  
**Sent:** Friday, September 12, 2008 10:06 AM  
**To:** Joyce, Everett  
**Subject:** RE: Request for review and comments on Ordinance text changes - Fine Tuning  
**Categories:** Program/Policy

I have no additional comments.  
LB

---

**From:** Joyce, Everett  
**Sent:** Thursday, September 11, 2008 6:01 PM  
**To:** Walsh, Barry; Smith, Craig; Garcia, Peggy; Itchon, Edward; Butcher, Larry; Askerlund, Dave  
**Cc:** Harpst, Tim; Peterson, Max; Niermeyer, Jeff; Goff, Orion; Burbank, Chris  
**Subject:** Request for review and comments on Ordinance text changes - Fine Tuning

All,

Attached is a request for review and comments on proposed minor subdivision and 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 84111-5480

9/26/2008

**Joyce, Everett**

*Transportation*

**From:** Walsh, Barry  
**Sent:** Tuesday, September 16, 2008 5:19 PM  
**To:** Joyce, Everett  
**Cc:** Young, Kevin  
**Subject:** RE: Request for review and comments on Ordinance text changes - Fine Tuning  
**Categories:** Program/Policy

September 16, 2008

Everett Joyce, Planning

Re: Ordinance text changes - Fine Tuning

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

In reviewing the proposed text revisions and clarifications we find no items that impact transportation issues. We appreciate being kept in the loop as to zoning changes.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.  
File

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**From:** Joyce, Everett  
**Sent:** Thursday, September 11, 2008 6:01 PM  
**To:** Walsh, Barry; Smith, Craig; Garcia, Peggy; Itchon, Edward; Butcher, Larry; Askerlund, Dave  
**Cc:** Harpst, Tim; Peterson, Max; Niermeyer, Jeff; Goff, Orion; Burbank, Chris  
**Subject:** Request for review and comments on Ordinance text changes - Fine Tuning

All,

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

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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 84111-5480

9/26/2008

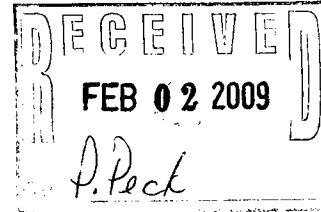
# **Exhibit 5**

## **Original Petition**



# Petition Initiation Request

Planning Division  
Community & Economic Development Department



**To:** Mayor Becker

**From:** Wilf Sommerkorn, Planning Director *msf*

**Date:** January 30, 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.

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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) Subdivision Posting – Change posting period from 14 to 10 days,

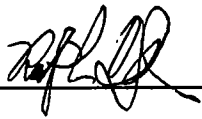
- 2) Maximum Building Height – Use number of feet standard only, eliminate number of stories standard,
- 3) Unit Legalization – Change apartment license requirement from 5 dwelling units to 3 dwelling units,
- 4) Minimum Lot Area - Reference in RMU-35 and RMU-45 Zoning Districts, and
- 5) Multiple Structures in MU Zoning District – Allow more than one principal building on a lot in the MU Mixed-Use Zoning District.

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.

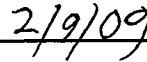
If you have any questions, please contact me.

Thank you.

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



**Ralph Becker, Mayor**



**Date**



**Remarks:**

Petition No: **PLNPCM2008-00538**

By: **Mayor Ralph Becker**

Zoning Text Amendment - *Zoning Ordinance*  
*Fine Tuning*

Date Filed: 06/23/2008

Address: **Citywide Issue**