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## MEMORANDUM

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**DATE:** September 17, 2009

**TO:** Council Members

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

**SUBJECT:** Proposed zoning text amendments

- A. Petition PLNPCM2009-00106: Zoning Text Amendments to Sections 21A.10.010, .020, .030 and other related sections of the city's Zoning Ordinance that pertain to public noticing and appeals requirements.  
(Bill Peperone, Principal Planner)
  - B. Petition PLNPCM2009-00105: Zoning Text Amendment initiated by the City Council to differentiate between zoning text amendments and zoning map amendments.  
(Bill Peperone, Principal Planner)
  - C. Petition PLNPCM2008-00538: Zoning Text Amendment by Mayor Becker for Code Maintenance – Fine Tuning.  
(Everett Joyce, Senior Planner)
  - D. Petition PLNPCM2008-00640: Zoning Text Amendment by Mayor Becker for Code Maintenance – Fine Tuning.  
(Everett Joyce, Senior Planner)
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1. The Administration will be prepared to address any comments, issues or questions Council Members may have regarding the proposed zoning text amendments.
2. Council staff has not had an opportunity to provide an analysis of the proposed zoning text amendments.
3. The Council may wish to consider the following information regarding Petition PLNPCM2009-00106 relating to public noticing and appeals requirements.
  - a. The Administration is proposing to reduce the amount of time required for providing public notice and filing appeals. (Please see the Administration's transmittal and Planning staff report for details.)
  - b. The City has recently taken two policy approaches that may be relevant in this discussion.
    - First, on alcohol regulations the City is considering making the City requirements identical to the State requirements.
    - Second, the City's transparency efforts focus on maximizing notice and opportunity for public input.
  - c. One could elect to use either of these policy approaches as a guide in reviewing this issue.
  - d. The notice time requirements recommended by the Administration are greater than required by State Statute, but less than the City currently requires.

cc: David Everitt, Karen Hale, Ed Rutan, Lynn Pace, Paul Nielson, Frank Gray, Mary De La Mare-Schafer, Orion Goff, Les Koch, Larry Butcher, Craig Spangenberg, Randy Isbell, Wilf Sommerkorn, Pat Comarell, Cheri Coffey, Joel Paterson, Everett Joyce, Bill Peperone, City Council Liaisons, Mayor's Liaisons

File Location: Community and Economic Development Dept., Planning Division, Zoning Text Amendment

# SALT LAKE CITY CORPORATION

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DIRECTOR

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT  
OFFICE OF THE DIRECTOR

RALPH BECKER  
MAYOR

MARY DE LA MARE-SCHAEFER  
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.  
DEPUTY DIRECTOR

## CITY COUNCIL TRANSMITTAL



David Everett, Chief of Staff

Date Received:



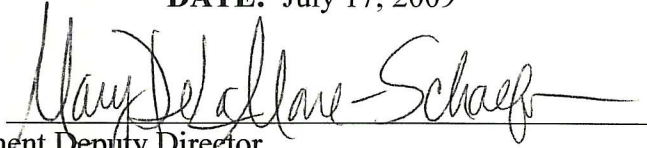
Date Sent to City Council:

07/21/2009

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

**DATE:** July 17, 2009

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



**RE:** Petition PLNPCM2009-00106: Zoning Text Amendments to Sections 21A.10.010, 21A.10.020, 21A.10.030, and other related sections of the city's Zoning Ordinance that pertain to public noticing and appeals requirements

**STAFF CONTACTS:** Bill Peperone, Principal Planner, at 801-535-7214 or bill.peperone@slcgov.com

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

**DOCUMENT TYPE:** Ordinance

**BUDGET IMPACT:** None

### DISCUSSION:

**Issue Origin:** In their June 8, 2005, public meeting, the Planning Commission directed staff "to initiate a petition to study various amendments to the noticing requirements of the zoning ordinance."

**Analysis:** Currently, Section 21A.50.50 lists five criteria by which all amendments are to be evaluated. As detailed in the Planning Commission staff report, several of these standards are not very helpful when considering a text amendment that is not site specific. Nevertheless, this amendment has been evaluated as per the current code.

There were no issues raised by other departments.

The Planning Division created the Zoning Amendment Project Committee (ZAP) based on those individuals who participated in the City Council's discussion on conditional uses last year. The 35-member ZAP represents a wide range of interests within the City. At least one member of the ZAP asked that applicable ordinances be amended to require that notification be sent to tenants of effected buildings or buildings within the notification radius. In the past, notification has been sent to the property owner and not the tenants, and sometimes the owner does not notify the tenant of the impending public hearing. This can efficiently be accomplished but the application fee should be raised to cover the additional postage necessary to inform the tenants.

**Master Plan Considerations:** This amendment does not conflict with the adopted city Community Master Plans. It is intended that this amendment will allow for orderly growth improving the City's noticing and appeals requirements and processes.

## **PUBLIC PROCESS:**

ZAP met on February 9, 2009, and had the following concerns:

1. Representatives of the business community felt that the Business Advisory Board (BAB) should be given the same 45-day notice of text or map amendments that may affect existing or future businesses. Staff met with the BAB and discussed their concern. It was agreed that in the future the staff will give the BAB the same advanced noticed that is given to the community councils.
2. The window for appeals of administrative decisions would be reduced from 30 days to 10. One reason for this is that the city will not issue building permits during the appeal period. It was proposed that only a letter of intent to file an appeal would be needed during the 10-day appeal period. Appellant would then have 20 additional days to submit all of their supporting documentation.
3. Originally, city staff proposed reducing the public noticing requirement from 14 days to 10 days. The current 14 day requirement makes it impossible to re-advertise an agenda item should the Planning Commission want the item to come back before them in their next meeting. After listening to input from ZAP, staff amended the proposals from 10 days to 12 days, which is how the current proposal reads. With a 12-day notice period, an item can be advertised for consecutive Planning Commission meetings, should that become necessary.

An Open House was held at the City & County Building on February 19, 2009. Three written comments were received during the Open House. Those comments have been included in this transmittal packet as Attachment 8.

The Planning Commission held a Public Hearing on March 25, 2009. Issues that were raised primarily related to the need the community councils have for more time to consider a proposal. The 45-day time period community councils have to review proposals is not being reduced or

changed in any way as part of these amendments. Based on public comments, it appears there is a desire to lengthen the 45 day period community councils have to review proposals. The Planning Commission meeting minutes are included in this transmittal packet as Attachment 5(C).

**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 pages 2-3 of the Planning Commission Staff Report (see Attachment 5(B)).

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## **1. PROJECT CHRONOLOGY**

**Chronology**  
**Petition PLNPCM2009-00106**

November 14, 2008	Petition assigned to Bill Peperone
February 9, 2009	Task Force Meeting
February 19, 2009	City-wide Community Council Open House
February 26, 2009	Planning Commission Study Session
March 2, 2009	Requested city department review
March 10, 2009	Mailed notices for Planning Commission public hearing for Community Council Chairs
March 11, 2009	Advertised in Deseret News and Salt Lake Tribune
March 13, 2009	Strike and bold ordinance placed on the website
March 19, 2009	Staff report posted on the web page
March 25, 2009	Planning Commission public hearing
March 31, 2009	Ordinance request sent to City Attorney
April 8, 2009	Planning Commission ratified minutes of March 25, 2009 meeting



## **2. PROPOSED ORDINANCE**

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

An ordinance amending certain sections of Title 21A (Zoning) of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2009-00106 to provide additional clarity and efficiency in land use regulation regarding notice and appeals.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on March 25, 2009 to consider a request made by Salt Lake City Mayor Ralph Becker (petition no. PLNPCM2009-00106) to amend the text of certain sections of Title 21A (Zoning) of the *Salt Lake City Code* to provide additional clarity and efficiency in land use regulation regarding notice and appeals.

WHEREAS, at its March 25, 2009 hearing, the Planning Commission voted in favor of recommending to the City Council that the City Council amend certain sections of Title 21A (Zoning) of the *Salt Lake City Code*; and

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

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

SECTION 1. Amending text of *Salt Lake City Code* section 21A.06.030. That section 21A.06.030.G of the *Salt Lake City Code* (Planning Commission), shall be, and hereby is, amended to read as follows:

G. Quorum and Vote. No business shall be conducted at a meeting of the planning commission without at least a quorum of six voting members. All actions of the planning commission shall be represented by a vote of the membership. A simple majority of the voting members present at the meeting at which a quorum is present shall be required for any action taken. The decision of the planning commission shall become effective upon ~~approval of the minutes~~ the posting of the Record of Decision.

SECTION 2. Amending text of Salt Lake City Code section 21A.06.040. That section 21A.06.040 of the *Salt Lake City Code* (Board of adjustment), shall be, and hereby is, amended to read as follows:

**21A.06.040 Board of adjustment.**

- A. Creation. The board of adjustment is created pursuant to the enabling authority granted by the Municipal Land Use Development and Management Act, Section 10-9a-701 of the Utah Code Annotated.
- B. Jurisdiction and Authority. The board of adjustment shall have the following powers and duties in connection with the implementation of this title:
  - 1. Hear and decide appeals from any administrative decision made by the zoning administrator in the administration or the enforcement of this title pursuant to the procedures and standards set forth in this Part II, Chapter 21A.16, Appeals of Administrative Decisions, with the exception of administrative reviews of Certificates of Appropriateness which shall be appealed to the Historic Landmark Commission, as set forth in Chapter 21A.06.050(C)(4);
  - 2. Authorize variances from the terms of this title pursuant to the procedures and standards set forth in this Part II, Chapter 21A.18, Variances;
  - 3. Authorize special exceptions to the terms of this title pursuant to the procedures and standards set forth in Part V, Chapter 21A.52, Special Exceptions;
  - 4. Make determinations regarding the existence, expansion or modification of nonconforming uses and noncomplying structures pursuant to the procedures and standards set forth in Part IV, Chapter 21A.38, Nonconforming Uses and Noncomplying Structures.
- C. Membership. The board of adjustment shall consist of five members appointed by the mayor with the advice and consent of the city council from among qualified electors of the city in a manner that will provide balanced representation in terms of geographic, professional, neighborhood and community interests. Members may serve a maximum of two consecutive full terms of five years each. The terms of all members shall be so arranged that the term of one member will expire each year. In addition, the mayor, with the advice and consent of the city council, may appoint alternate members of the board of adjustment for a term not to exceed five years, to serve in the absence of a member or members of the board of adjustment. No more than two alternate members shall vote at any meeting of the board of adjustment at one time. The prior term of an alternate member who subsequently becomes a full-time member of the board of adjustment shall not prevent that member from serving two consecutive terms. Appointments to fill

vacancies of members or alternate members shall be only for the unexpired portion of the term. Appointments for partial terms to fill vacancies shall not be included in the determination of any person's eligibility to serve two full consecutive terms.

- D. Officers. The board of adjustment shall annually elect a chair and a vice-chair who shall serve for a term of one year each. The chair or the vice-chair may be elected to serve consecutive terms in the same office. The secretary of the board of adjustment shall be designated by the zoning administrator.
- E. Meetings. The board of adjustment shall meet at least once a month.
- F. Record of Proceedings. The proceedings of each meeting and public hearing shall be recorded on audio equipment. Records of confidential executive sessions shall be kept in compliance with the Government Records Access and Management Act. The audio recording of each meeting shall be kept for a minimum of sixty days. Upon the written request of any interested person, such audio recording shall be kept for a reasonable period of time beyond the sixty-day period, as determined by the board of adjustment. Copies of the tapes of such proceedings may be provided, if requested, at the expense of the requesting party. The board shall keep written minutes of its proceedings and records of all of its examinations and official actions. The board of adjustment may, at its discretion, have its proceedings contemporaneously transcribed by a court reporter.
- G. Quorum and Vote. No business shall be conducted at a meeting of the board of adjustment without a quorum of at least three members, consisting of either three regular members, or one regular member and up to two alternate members. A simple majority of the voting members present at a meeting at which a quorum is present shall be required for any action except a decision on appeal to reverse an order, requirement, decision or determination of any administrative official or agency or to decide in favor of an appellant. In such case, a concurring vote of three members of the board of adjustment shall be necessary. Decisions of the board of adjustment shall become effective ~~on the date that the vote is taken~~ upon the posting of the Record of Decision.
- H. Public Hearings. The board of adjustment shall schedule and give public notice of all public hearings pursuant to the provisions of this Part II, Chapter 21A.10, General Application and Public Hearing Procedures.
- I. Conflict of Interest. No member of the board of adjustment shall participate in the hearing or disposition of any matter in which that member has any conflict of interest prohibited by Title 2, Chapter 2.44 of the Salt Lake City Code. The board of adjustment may, by majority vote of the members present, allow a member, otherwise required to leave due to a conflict, to be present if required by special or unusual circumstances.
- J. Removal of a Member. Any member of the board of adjustment may be removed by the mayor for violation of this title or any policies and procedures adopted by the board of adjustment following receipt by the mayor of a written complaint filed against the

member. If requested by the member, the mayor shall provide the member with a public hearing conducted by a hearing officer appointed by the mayor.

- K. Policies and Procedures. The board of adjustment shall adopt policies and procedures for the conduct of its meetings, the processing of applications and for any other purposes considered necessary for its proper functioning.

SECTION 3. Amending text of Salt Lake City Code section 21A.06.050. That section 21A.06.050.I of the *Salt Lake City Code* (Historic landmark commission), shall be, and hereby is, amended to read as follows:

**I. Quorum And Vote:** No business shall be conducted at a meeting of the historic landmark commission without a quorum. A majority of the voting members of the historic landmark commission constitutes a quorum. All actions of the historic landmark commission shall be represented by a vote of the membership. A simple majority of the voting members present at a meeting at which a quorum is present shall be required for any action taken. The decision of the historic landmark commission shall become effective ~~on the date the vote is taken~~ upon the posting of the Record of Decision.

SECTION 4. Amending text of Salt Lake City Code section 21A.10.010. That section 21A.10.010.B of the *Salt Lake City Code* (General Application Procedures), shall be, and hereby is, amended to read as follows:

**B. Citizen Input: Consultation With Neighborhood Organizations:** ~~In order for an application to be determined complete, the applicant must include, when required by chapter 2.62 of this code, a signed statement from the appropriate neighborhood organization that the applicant has met with that organization and explained the development proposal for which approval is being sought. The signed statement shall be on a form provided by the zoning administrator. The provisions of Chapter 2.62 of this Code shall be met prior to holding a public hearing on a matter where a decision is to be made.~~

SECTION 5. Amending text of Salt Lake City Code section 21A.10.020. That section 21A.10.010 of the *Salt Lake City Code* (Public Hearing Notice Requirements), shall be, and hereby is, amended to read as follows:

**21A.10.020 Public Hearing Notice Requirements:**

Providing all of the information necessary for notice of all public hearings required under this title shall be the responsibility of the applicant and shall be in the form established by the zoning administrator and subject to the approval of the zoning administrator pursuant to the standards of this section.

**A. Special Exception Permits, Variances and Appeals Of Zoning Administrator**

**Decisions:** The board of adjustment shall hold at least one public hearing to review, consider and approve, approve with conditions, or deny an application for a special exception or for a variance, or to consider an appeal from a decision of the zoning administrator. Such hearing shall be held after the following public notification:

1. **Publication:** ~~At least fourteen (14) calendar days in advance of each public hearing on an application for a special exception or for a variance, or to consider an appeal from a decision of the zoning administrator, the city shall publish a notice of such public hearing in a newspaper of general circulation in Salt Lake City.~~

2. 1. **Mailing:** Notice by first class mail shall be provided a minimum of ~~fourteen (14)~~ twelve (12) calendar days in advance of the public hearing to all owners and tenants of the land, as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records, included in the application for a special exception, variance, or an appeal of a decision by the zoning administrator, as well as to all owners of land and tenants, as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records, within eighty five feet (85') or three hundred feet (300') if the proposal involves construction of a new principal building (~~exclusive of intervening streets~~), of the periphery of the land subject to the application for a special exception for a variance, or an appeal of a decision by the zoning administrator. Notice shall be given to each individual property owner and tenant if an affected property is held in condominium.

3. 2. **Posting:** The land subject to an application shall be posted by the city with a sign giving notice of the public hearing at least ten (10) calendar days in advance of the public hearing.

a. **Location:** One notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty five feet (25') from the front property line and shall be visible from the street. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right of way with an attached notation indicating generally the direction and distance to the land subject to the application.

b. **Removal:** ~~The sign(s) shall be removed by the city after the decision is rendered on the application.~~ If the sign is removed through no fault of the applicant before the hearing, such removal shall not be deemed a failure to comply with the

standards, or be grounds to challenge the validity of any decision made on the application.

4. 3. Notification To Recognized And Registered Organizations: The city shall give notification a minimum of ~~fourteen (14)~~ twelve (12) calendar days in advance of the public hearing ~~by first class mail~~ to any organization which is entitled to receive notice pursuant to chapter 2.62 of this code.

B. **Conditional Uses:** The planning commission, or administrative hearing officer when applicable, shall hold at least one public hearing to review, consider and approve, approve with conditions or deny an application for a conditional use after the following public notification:

1. **Mailing:** Notice by first class mail shall be provided a minimum of ~~fourteen (14)~~ twelve (12) calendar days in advance of the public hearing, to all owners of the land, as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records, included in the application for a conditional use, as well as to all owners of land and tenants, as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records, within three hundred feet (300') ~~(exclusive of intervening streets),~~ of the periphery of the land subject to the application for a conditional use. Notice shall be given to each individual property owner and tenant if an affected property is held in condominium ownership.

2. **Posting:** The land subject to an application shall be posted by the city with a sign giving notice of the public hearing at least ten (10) calendar days in advance of the public hearing.

a. **Location:** One notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty five feet (25') from the front property line and shall be visible from the street. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right of way with an attached notation indicating generally the direction and distance to the land subject to the application.

b. **Removal:** ~~The sign shall be removed by the city after the decision is rendered on the application.~~ If the sign is removed through no fault of the applicant before the hearing, such removal shall not be deemed a failure to comply with the standards, or be grounds to challenge the validity of any decision made on the application.

3. **Notification To Recognized And Registered Organizations:** The city shall give notification a minimum of ~~fourteen (14)~~ twelve (12) calendar days in advance of the public hearing by first class mail to any organization which is entitled to receive notice pursuant to chapter 2.62 of this code.

C. **Conditional Building And Site Design Review:** The planning commission shall consider requests for conditional building and site design review at a public hearing if there is an expression of interest after providing notice as follows:

1. **Notification:** ~~The planning director~~ city shall provide written notice a minimum of ~~fourteen (14)~~ twelve (12) days in advance of the requested action to all owners of the land and tenants subject to the application, as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records, included in the application, as well as to the planning commission and to all owners of land and tenants as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records adjacent to and contiguous with the land subject to the application. ~~The city shall also provide notification to any organization which is entitled to receive notice pursuant to chapter 2.62 of this code. The land subject to the application shall be posted by the city with a sign giving notice of the pending action at least ten (10) calendar days in advance of the action.~~ At the end of the ~~fourteen (14)~~ twelve (12) day notice period, if there are requests for a public hearing, the planning commission will schedule a public hearing and consider the issue; if there are no requests for a public hearing, the planning commission ~~is may~~ may authorize ~~d to direct~~ the planning director to ~~address~~ decide the issue administratively.

2. **Notification to Recognized and Registered Organizations:** The city shall also provide notification to any organization which is entitled to receive notice pursuant to chapter 2.62 of this code.

3. **Posting:** The land subject to the application shall be posted by the city with a sign giving notice of the pending action at least ten (10) calendar days in advance of the public hearing.

a. **Location:** One notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty five feet (25') from the front property line and shall be visible from the street. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right of way with an attached notation indicating generally the direction and distance to the land subject to the application.

b. **Removal:** If the sign is removed through no fault of the applicant before the hearing, such removal shall not be deemed a failure to comply with the standards, or be grounds to challenge the validity of any decision made on the application.

4. **Public Hearing:** If the planning commission holds a public hearing, the ~~planning director~~ city shall provide written notice a minimum of ~~fourteen (14)~~ twelve (12) calendar days in advance of the public hearing to all owners of the land and tenants subject to the application, as shown on the ~~latest published property tax records of the~~



~~county assessor~~ Salt Lake City Geographic Information System records included in the application, as well as to the planning commission and to all owners of land and tenants as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records adjacent to and contiguous with the land subject to the application. The city shall also provide notification to any organization which is entitled to receive notice pursuant to chapter 2.62 of this code. The land subject to the application shall be posted by the city with a sign giving notice of the pending action at least ten (10) calendar days in advance of the public hearing.

In the event that the city and applicant are aware of advanced interest in the project. The applicant may request to forgo the time frame for determining interest and request a public hearing with the planning commission.

**D. Amendments to the Zoning Map Or The Text Of This Title:** The planning commission, the city council and the historic landmark commission where applicable, shall each hold at least one public hearing on an application for an amendment to the text of this title or the zoning map. At its public hearing, the planning commission, and the historic landmark commission where applicable, shall review, consider and recommend to the city council that the council adopt, modify or reject the proposed amendment. At its public hearing, the city council shall adopt, modify or reject the proposed amendment. Public notification shall be provided as follows:

1. **Publication (~~City Council Only~~ First Public Hearing):** At least ~~fourteen (14)~~ twelve (12) calendar days in advance of the ~~city council's~~ first public hearing on an application for an amendment to the text of this title or the zoning map, the city shall publish a notice of such public hearing in a newspaper of general circulation in Salt Lake City.

2. **Mailing:** Notice by first class mail shall be provided a minimum of ~~fourteen (14)~~ twelve (12) calendar days in advance of the public hearing(s) before the planning commission, city council and the historic landmark commission, where applicable, to all owners of the land and tenants as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records, included in the application for a zoning map amendment as well as to all owners of land and tenants, as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records, within three hundred feet (300') (~~exclusive of intervening streets~~), of the periphery of the land subject to the application for an amendment to the zoning map. Notice for amendments to the text of this title shall not require a mailing of notice to property owners. Required notice for a zoning map amendment shall be given to each individual property owner and tenants if an affected property is held in condominium ownership.

3. **Posting:** The property(ies) subject to an application for an amendment to the zoning map shall be posted by the city with a notice on a sign of the planning

commission or historic landmark commission, ~~and city council public hearing~~ at least ten (10) calendar days in advance of the public hearings.

a. **Location:** One notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty five feet (25') from the front property line and shall be visible from the street. If the owner of the property is not the applicant and the owner objects to the petition, then the sign may be placed on the public right of way in front of the property. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right of way with an attached notation indicating generally the direction and distance to the land subject to the application.

b. **Removal:** ~~The sign shall be removed by the city after the decision is rendered on the application.~~ If the sign is removed through no fault of the applicant before the hearing, such removal shall not be deemed a failure to comply with the standards, or be grounds to challenge the validity of any decision made on the application.

c. **Exemption:** This posting requirement shall not apply to applications for amendments involving an H historic preservation overlay district, applications for a certificate of appropriateness or applications for comprehensive rezonings of areas involving multiple parcels of land.

4. **Notification To Recognized And Registered Organizations:** The city shall give notification a minimum of ~~fourteen (14)~~ twelve (12) calendar days in advance of the public hearing ~~by first class mail~~ to any organization which is entitled to receive notice pursuant to chapter 2.62 of this code.

E. **Certificates Of Appropriateness For Landmark Sites Or Contributing Structures Located Within An H Historic Preservation Overlay District:** The historic landmark commission shall hold at least one public hearing to review, consider and approve, approve with conditions, or deny an application for a certificate of appropriateness for alteration, new construction, relocation or demolition of a landmark site or contributing structure(s) located in the H historic preservation overlay district. No such public hearing shall be required in the event the application is to be administratively approved subject to subsection 21A.34.020.F.1 of this title. Where a public hearing is required, such hearing shall be held after the following public notification:

1. **Mailing:** Notice by first class mail shall be provided a minimum of ~~fourteen (14)~~ twelve (12) calendar days in advance of the public hearing, or determination of noncontributing status involving demolition, to all owners of the land and tenants, as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records, included in the application for certificates of appropriateness for new construction, relocation and demolition, as

well as to all owners of land and tenants, as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records, within eighty five feet (85') for certificates of appropriateness for alterations and three hundred feet (300') for certificates of appropriateness for new construction, relocation and demolition (~~exclusive of intervening streets~~), of the periphery of the land subject to the application of a landmark site or contributing structure(s) in the H historic preservation overlay district. Notice shall be given to each individual property owner and tenants if an affected property is held in condominium ownership.

2. **Posting:** The land subject to an application for demolition, or relocation of a landmark site or contributing structure(s) located in the H historic preservation overlay district shall be posted by the city with a notice on a sign of the public hearing at least ten (10) calendar days in advance of the public hearing.

a. **Location:** One notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty five feet (25') from the front property line and shall be visible from the street. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right of way with an attached notation indicating generally the direction and distance to the land subject to the application.

b. **Removal:** ~~The sign shall be removed by the city after the decision is rendered on the application.~~ If the sign is removed through no fault of the applicant before the hearing, such removal shall not be deemed a failure to comply with the standards, or be grounds to challenge the validity of any decision made on the application.

3. **Notification To Recognized And Registered Organizations:** The city shall give notification a minimum of ~~fourteen (14)~~ twelve (12) calendar days in advance of the public hearing by first class mail to any organization which is entitled to receive notice pursuant to chapter 2.62 of this code.

F. **Determination Of Noncontributing Status Within An H Historic Preservation Overlay District:** Prior to the approval of an administrative decision for a certificate of appropriateness for demolition of a noncontributing structure, the planning director shall provide written notice of the determination of noncontributing status of the property to all owners of the land and tenants, as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records, included in the application for determination of noncontributing status, as well as to the historic landmark commission and to all owners of land and tenants as shown on the ~~latest published property tax records of the county assessor~~ Salt Lake City Geographic Information System records within eighty five feet (85') (~~exclusive of intervening streets~~) of the land subject to the application. At the end of the ~~fourteen (14)~~ twelve (12) day notice period, the planning director shall either issue

a certificate of appropriateness for demolition or refer the application to the historic landmark commission.

**G. Contents Of Notice For Mailing:** The notice for mailing for any public hearing required pursuant to subsections A through E of this section shall state the substance of the application and the date, time and place of the public hearing, and the place where such application may be inspected by the public. The notice shall also advise that interested parties may appear at the public hearing and be heard with respect to the application.

SECTION 6. Amending text of Salt Lake City Code section 21A.10.030. That section 21A.10.030 of the *Salt Lake City Code* (Public Hearing Procedures), shall be, and hereby is, amended to read as follows:

21A.10.030 Public Hearing Procedures:

A public hearing held pursuant to the provisions of this Title shall comply with the following procedures:

- A. **Scheduling The Public Hearing:** An application requiring a public hearing shall be scheduled to be heard within a reasonable time in light of the complexity of the application and available staff resources, and by the applicable public notice standards under this Title or such time as is mutually agreed upon between the applicant and the decision-making body.
- B. **Examination And Copying Of Application And Other Documents:** Upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the appropriate City office. Copies of such materials shall be made available at reasonable cost, ~~subject to copyright laws.~~
- C. ~~**Request For Mailing Of Notification Of Public Hearing:** Notification of all public hearings shall be provided by the Zoning Administrator to any person who requests notification in writing and pays the costs of the processing and mailing of the notification.~~
- D. C. **Conduct Of Public Hearing:**
  - 1. **Rights Of All Persons:** Any person may appear at a public hearing and submit evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state an address, and if

appearing on behalf of a person or an organization, state the name and mailing address of the person or organization being represented.

**2. Exclusion Of Testimony:** The body conducting the public hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial, unduly repetitious, or otherwise inadmissible.

**3. Proffers Of Testimony:** In the event any testimony or evidence is excluded as irrelevant, immaterial or unduly repetitious, the person offering such testimony or evidence shall have an opportunity to offer a proffer in regard to such testimony or evidence for the record. Such proffer shall be made at the public hearing.

**4. Continuance Of Public Hearing:** The body or officer conducting the public hearing may, upon the body's or officer's own motion, continue the public hearing or meeting to a fixed date, time and place. Two-thirds (2/3) of the voting members present at the hearing or meeting at which a quorum is present shall be required for a continuance, unless it is an administrative hearing. An applicant may request and be granted one continuance; however, all subsequent continuances shall be granted at the discretion of the body or officer conducting the public hearing only upon good cause shown.

**E. D. Withdrawal Of Application:** An applicant may withdraw an application at any time prior to the action on the application by the decision-making body or officer. Application fees, however, shall not be refundable if a staff report on the application has already been prepared or notice of a public hearing on the application has already been mailed, posted or published pursuant to the provisions of Section 21A.10.020 of this Chapter.

**F. E. Record Of Public Hearing Or Meeting:**

**1. Recording Of Public Hearing:** Except where required otherwise by statute, the body or officer conducting the public hearing shall record the public hearing by any appropriate means. A copy of the public hearing record may be acquired upon request to the Zoning Administrator and payment of a fee to cover the cost of duplication of the record.

**2. The Record:** The minutes, tape recordings, all applications, exhibits, papers and reports submitted in any proceeding before the decision-making body or officer, and the decision of the decision-making body or officer shall constitute the record.

**3. Location Of Record And Inspection:** All records of decision-making bodies or officers shall be public records, open for inspection at the offices of the decision-making body or officer during normal business hours and upon reasonable request.

**G. F. General Procedures For Findings And Decisions:**

**1. General:** Action shall be taken in compliance with any time limits established in this Title and as promptly as possible in consideration of the interests of the citizens of Salt

Lake City and the applicant, and shall include a clear statement of approval, approval with conditions or disapproval.

2. **Findings:** Except for the City Council, whose decision shall be made by motion or ordinance as appropriate, all decisions, shall be in writing and shall include at least the following elements:

- a. A summary of the information presented before the decision-making body or officer;
- b. A summary of all documentary evidence submitted into the record to the decision-making body or officer and which the decision-making body or officer considered in making the decision;
- c. A statement of the general purpose of this Title, the specific purpose of the district where the use is or would be located, and the standards relevant to the application;
- d. A statement of specific findings of fact or other factors considered, whichever is appropriate, and a statement of the basis upon which such facts were determined, with specific reference to the relevant standards set forth in this Title; and
- e. A statement of approval, approval with conditions or disapproval.

H. **G. Notification:** A letter ~~The Record of Decision~~ notifying the applicant of the decision of the decision-making body or officer shall be sent ~~by mail~~ within ten (10) days of the decision. A copy of the decision shall also be made available to the applicant at the offices of the decision-making body or officer during normal business hours, within a reasonable period of time after the decision. (Ord. 26-95 □ 2(5-3), 1995) The date of the Record of Decision will begin the permitted timeframe for an appeal of the decision-making body.

SECTION 7. Amending text of Salt Lake City Code section 21A.54.060. That section 21A.54.060 of the *Salt Lake City Code* (Conditional Uses - Procedures), shall be, and hereby is, amended to read as follows:

**21A.54.060 Procedures:**

A. **Application:** A complete application shall contain at least the following information submitted by the applicant, unless certain information is determined by the zoning administrator to be inapplicable or unnecessary to appropriately evaluate the application:

1. The applicant's name, address, telephone number and interest in the property;

2. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
3. The street address and legal description of the subject property;
4. The zoning classification, zoning district boundaries and present use of the subject property;
5. A complete description of the proposed conditional use;
6. Site plans, as required pursuant to section 21A.58.060 of this part;
7. Traffic impact analysis if required by the Transportation Division;
8. ~~A signed statement that the applicant has met with and explained the proposed conditional use to the appropriate neighborhood organization entitled to receive notice pursuant to title 2, chapter 2.62 of this code~~ A statement indicating whether the application will require a variance in connection with the proposed conditional use;
9. ~~A statement indicating whether the applicant will require a variance in connection with the proposed conditional use~~;
10. 9. Mailing labels and first class postage for all persons required to be notified of the public hearing on the proposed conditional use pursuant to part II, chapter 21A.10 of this title;
11. 10. Such other and further information or documentation as the zoning administrator may deem to be necessary for a full and proper consideration and disposition of the particular application.

- B. **Determination Of Completeness:** Upon receipt of an application for a conditional use, the zoning administrator shall make a determination of completeness of the application pursuant to section 21A.10.010 of this title.
- C. **Fees:** The application for a conditional use shall be accompanied by the fee established on the fee schedule.
- D. **Staff Report--Site Plan Review Report:** Once the zoning administrator has determined that the application is complete a staff report evaluating the conditional use application shall be prepared by the planning division and forwarded to the planning commission, or, in the case of administrative conditional uses, the planning director or designee along with a site plan review report prepared by the development review team.
- E. **Public Hearing:** The planning commission, or, in the case of administrative conditional uses, the planning director or designee shall schedule and hold a public

hearing on the proposed conditional use in accordance with the standards and procedures for conduct of the public hearing set forth in part II, chapter 21A.10 of this title. (See sections 21A.54.150 and 21A.54.155 of this chapter for additional procedures for public hearings in connection with planned developments and administrative conditional uses.)

- F. **Notice Of Applications For Additional Approvals:** Whenever, in connection with the application for a conditional use approval, the applicant is requesting other types of approvals, such as a variance or special exception, all required notices shall include reference to the request for all required approvals.
- G. **Planning Commission And Planning Director Or Designee Action:** At the conclusion of the public hearing, the planning commission, or, in the case of administrative conditional uses, the planning director or designee, shall either: 1) approve the conditional use; 2) approve the conditional use subject to specific modifications; or 3) deny the conditional use.

SECTION 8. Amending text of Salt Lake City Code section 21A.54.155. That section 21A.54.155 of the *Salt Lake City Code* (Administrative Consideration Of Conditional Uses), shall be, and hereby is, amended to read as follows:

**21A.54.155 Administrative Consideration Of Conditional Uses:**

The purpose of this section is to establish an administrative hearing process for certain categories of low impact conditional uses as authorized by subsection 21A.54.030C of this chapter. Applications for administrative conditional use approval shall be reviewed as follows:

**A. Preapplication And Application Requirements:**

1. **Preapplication Conference:** The applicant shall first meet with a member of the Salt Lake City planning division to discuss the application and alternatives.
2. ~~**Community Council Review:** The applicant shall meet with the respective community council(s) pursuant to subsection 21A.10.010B of this title.~~
3. **2. Application:** The applicant shall file an application and associated application fees with the planning office on a form prescribed by the city and consistent with this chapter. After considering information received, the planning director or designee may choose to schedule an administrative hearing or to forward the application to the planning commission.

**B. Administrative Hearing:**



**1. Noticing And Posting Requirements:** Notice of the proposed conditional use shall be mailed to all applicable property owners and the property shall be posted pursuant to subsection 21A.10.020B of this title.

**2. Administrative Hearing:** After consideration of the information received from the applicant and concerned residents, the planning director or designee may approve, approve with conditions, or deny the conditional use request.

At the administrative hearing, the planning director or designee may decline to hear or decide the request and forward the application for planning commission consideration, if it is determined that there is neighborhood opposition, if the applicant has failed to adequately address the conditional use standards, or for any other reason at the discretion of the planning director or designee.

The planning director may grant the conditional use request only if the proposed development is consistent with the standards for conditional uses listed in section 21A.54.080 of this chapter and any specific standards listed in this title that regulate the particular use.

### **C. Appeals:**

**1. Objection To Administrative Consideration:** The petitioner or any person who objects to the planning director or designee administratively considering the conditional use request may request a hearing before the planning commission by filing a written notice at any time prior to the planning director's scheduled administrative hearing on the conditional use request. If no such objections are received by the city prior to the planning director's administrative hearing, any objections to such administrative consideration will be deemed waived. The notice shall specify all reasons for the objection to the administrative hearing. Upon receipt of such an objection, the matter will be forwarded to the Salt Lake City planning commission for consideration and decision.

**2. Appeal Of Administrative Consideration:** Any person aggrieved by the decision made by the planning director or designee at an administrative hearing may appeal that decision to the Salt Lake City planning commission by filing notice of an appeal within ~~fourteen (14)~~ ten (10) calendar days after the planning director's administrative hearing. The notice of appeal shall specify, in detail, the reason(s) for the appeal. Reasons for the appeal shall be based upon procedural error or compliance with the standards for conditional uses listed in section 21A.54.080 of this chapter or any specific standards listed in this title that regulate the particular use.

SECTION 9. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_,  
2009.

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

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

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

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

\_\_\_\_\_  
MAYOR

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

(SEAL)

Bill No. \_\_\_\_\_ of 2009.

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

HB\_ATTYY-#8111-v1-Ord\_- Amending Title 21A\_re-notice\_and\_appeals

### **3. NOTICE OF CITY COUNCIL HEARING**

**5.A PLANNING COMMISSION  
ORIGINAL NOTICE AND POSTMARK**

Room 145480  
SIC 147 84114-548

**AGENDA FOR THE SALT LAKE CITY PLANNING COMMISSION MEETING**  
**In Room 326 of the City & County Building at 451 South State Street**  
**Wednesday, March 25, 2009 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, March 11, 2009**

**Report of the Chair and Vice Chair**

**Report of the Director**

**Public Hearing**

1. **PLNPCM2008-00918; Zoning Map Amendment**—a request by Paul L. Willie to amend the Zoning Map for property located at approximately 230 West North Temple from PL Public Lands to RMU Residential Mixed Use. This property is located in City Council District 3, represented by Council Member Luke Garrott (Staff Contact: Nole Walkingshaw at 801- 535-7128 or [nole.walkingshaw@slcgov.com](mailto:nole.walkingshaw@slcgov.com)).
2. **PLNPCM2008-00917; Preliminary Minor Subdivision**—a request by Paul L. Willie for property located at approximately 230 West North Temple to combine three parcels. This property is located in City Council District 3, represented by Council Member Luke Garrott (Staff contact: Nole Walkingshaw at 801-535-7128 or [nole.walkingshaw@slcgov.com](mailto:nole.walkingshaw@slcgov.com)).
3. **PLNPCM2009-00003; Red Moose Roasting and Coffee Conditional Use**—a request by Red Moose Roasting and Coffee, represented by Rob Karas and Teresa Nelson, for a drive thru window for a coffee shop located at approximately 1693 South 900 East. A coffee shop is a permitted use in the CN Neighborhood Commercial Zoning District; however, a drive thru window requires a conditional use. The property is located in City Council District 5 represented by Council Member Jill Remington-Love (Staff contact: Nick Norris at 801-535-6173 or [nick.norris@slcgov.com](mailto:nick.norris@slcgov.com)).
4. **PLNPCM2009-00106; Zoning Ordinance Text Amendment**—a petition initiated by the Planning Commission to amend Sections 21A.10.010 and 21A.10.020, and other related Sections of the Salt Lake City Zoning Ordinance, pertaining to Public Hearing and Notice Requirements. The proposed amendments are not site specific (Staff contact: Bill Peperone at 535-7214 or [bill.peperone@slcgov.com](mailto:bill.peperone@slcgov.com))
5. **PLNPCM2009-00105; Zoning Ordinance Text Amendment**—a petition initiated by the City Council to amend Section 21A.50.050 of the Salt Lake City Zoning Ordinance, *Standards for General Amendments*. The proposed amendment is not site specific (Staff contact: Bill Peperone at 801-535-7214 or [bill.peperone@slcgov.com](mailto:bill.peperone@slcgov.com))

*Visit the Planning 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. The Record of Decision will be posted on the Division's website the day following the meeting where a final decision on a petition is made.*

Not Walkington

# PUBLIC HEARING NOTICE

Salt Lake City Planning Division  
451 South State Street, Room 406  
PO Box 145480  
Salt Lake City UT 84114

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UNITED STATES POSTAGE  
PITNEY BOWES

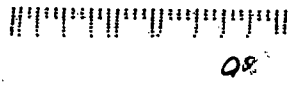


FIRST CLASS

STATE MAIL SVCS 03/12/2009 09:32

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.



08

**Order Confirmation for Ad #0000430833-01**

<b>Client</b>	PLANNING DIVISION	<b>Payor Customer</b>	PLANNING DIVISION
<b>Client Phone</b>	801-535-6184	<b>Payor Phone</b>	801-535-6184
<b>Account#</b>	9001394298	<b>Payor Account</b>	9001394298
<b>Address</b>	PO BOX 145455 SALT LAKE CITY UT 84114-5455 USA	<b>Payor Address</b>	PO BOX 145455 SALT LAKE CITY UT 84114-5455
<b>Fax</b>		<b>Ordered By</b>	<b>Acct. Exec</b>
<b>EMail</b>	everett.joyce@slcgov.com	Tami Hansen	jvaldez

<b>Total Amount</b>	<b>\$87.50</b>			
<b>Payment Amt</b>	<b>\$0.00</b>			
<b>Amount Due</b>	<b>\$87.50</b>	<b>Tear Sheets</b>	<b>Proofs</b>	<b>Affidavits</b>
		0	0	1
<b>Payment Method</b>		<b>PO Number</b>		

**Confirmation Notes:**  
**Text:**

<b>Ad Type</b>	<b>Ad Size</b>	<b>Color</b>
Legal Liner	2.0 X 33 Li	<NONE>

<b>Product</b>	<b>Placement</b>
Deseret News::	Legal Liner Notice - 0998
<b>Scheduled Date(s):</b>	03/11/2009
<b>Product</b>	<b>Placement</b>
deseretnews.com::	Legal Liner Notice - 0998
<b>Scheduled Date(s):</b>	03/11/2009

**Ad Content Proof Actual Size**

Proposed amendments to the Salt Lake City Zoning Ordinance

On March 25, 2009, the Salt Lake City Planning Commission will hold a public hearing to consider making recommendations to the City Council regarding the following petitions:

Petition PLNPCM2009-00105 filed by the Salt Lake City Council to amend Section 21A.50.050 of the Salt Lake City Zoning Ordinance related to Standards for General Amendments. This proposed amendment is intended to differentiate between zoning map amendments and zoning text amendments and to adopt criteria for evaluating each type of amendment.

Petition PLNPCM2009-00106 filed by the Salt Lake City Planning Commission to amend Sections 21A.10.010, 21A.10.020, 21A.10.030 and other related sections pertaining to public noticing and advertisement requirements. The proposed amendments are intended to make the city Zoning Ordinance more internally consistent and more consistent with changes that have taken place in State law.

The public hearing will begin at 5:45 PM in room 326 of the City County Building, 451 South State Street, Salt Lake City, UT. For more information or for special ADA accommodations, which may include alternative formats, interpreters, and other auxiliary aids or additional information, please contact Bill Peperone at 801-535-7241 or TDD call 801-535-6220.  
 430833 UPAXLP

## NOTICE OF PUBLIC HEARING

The Salt Lake City Council will hold a public hearing regarding Petitions PLNPCM2009-00105 and PLNPCM2009-00106 to consider the following:

1. Amendments to Section 21A.50.50 of the Salt Lake City Zoning Ordinance regarding criteria for evaluating zoning map amendments verses zoning text amendments.
2. Various amendments to Zoning Ordinance sections related to public noticing and hearing requirements.

These amendments are city-wide so there is not specific property address.

As part of its review, the City Council is holding an advertised public hearing to receive comments regarding the petitions. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

**Date:**

**Time:** 7:00 p.m.

**Place:** Room 315 (City Council Chambers)\*  
Salt Lake City and County Building  
451 S. State Street  
Salt Lake City, UT

\*Please enter building from east side.

If you have any questions relating to this proposal or would like to review the petition on file, please contact Bill Peperone, Principal Planner, at 535-7214 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at [bill.peperone@slcgov.com](mailto:bill.peperone@slcgov.com).

People with disabilities may make requests for reasonable accommodations no later than 48 hours in advance in order to attend this public hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. The City & County Building is an accessible facility. For questions, requests, or additional information, please contact the City Council Office at 535-7600, or TDD 535-6021.



#### **4. MAILING LABELS**

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

RON JARRETT  
ROSE PARK CHAIR  
1441 WEST SUNSET DR  
SALT LAKE CITY UT 84116

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

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

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

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

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

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

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

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

THOMAS MUTTER  
CENTRAL CITY CHAIR  
EMAIL ONLY/ ON LISTSERVE

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

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

LISETTE GIBSON  
YALECREST CHAIR  
1764 HUBBARD AVENUE  
SALT LAKE CITY UT 84108

GREG MORROW  
WASATCH HOLLOW CHAIR  
EMAIL ONLY/ON LISTSERVE

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

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

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

MARIELLA SIRAA/MARGARET  
BRADY  
EAST LIBERTY PARK CO CHAIRS  
EMAIL ONLY, SEE City Council site

ARCADIA HEIGHTS/BENCHMARK  
CHAIR  
Vacant

MAGGIE SHAW  
SUGAR HOUSE CHAIR  
1150 WILSON AVE  
SALT LAKE CITY UT 84105

OAK HILLS CHAIR  
Vacant

KEVIN JONES  
EAST BENCH CHAIR  
2500 SKYLINE DR  
SALT LAKE CITY, UT 84108

SUNSET OAKS CHAIR  
Vacant

INDIAN HILLS CHAIR  
Vacant

ST. MARY'S CHAIR  
Vacant

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

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

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

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

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

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

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

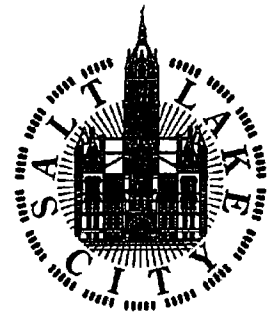
**5.B PLANNING COMMISSION  
STAFF REPORT**

## PLANNING COMMISSION STAFF REPORT

March 25, 2009

**Petition #PLNPCM2009-00106:** Noticing and Appeals Text Amendment

**Staff:** Bill Peperone (535-7214, [bill.peperone@slcgov.com](mailto:bill.peperone@slcgov.com))



**Address:** N/A City Wide

**Type of Request:** Zoning Text Amendments

**Current Zoning:** N/A City Wide

**Lot Size:** N/A

### ***Request***

The Salt Lake City Planning Commission has requested that the Planning Division bring forward amendments to Sections 21A.10.010, .020, .030 and other related sections of the city's Zoning Ordinance that pertain to public noticing and appeals requirements. The purposes of these amendments are to improve the city's process and requirements for noticing public meetings and to make our ordinances more consistent with changes that have taken place in the state law.

### ***Recommendation***

Based on the findings of fact listed in the staff report, the Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to adopt the proposed text amendments for Noticing and Appeals Requirements.

### ***Potential Motions***

**Approval:** I move to forward a positive recommendation to the City Council for approval of PLNPCM2009-00106 for the proposed amendments to Sections 21A.10.010, .020, .030 and other related sections of the Salt Lake City Zoning Ordinance pertaining to public noticing requirements with the following findings:

1. That the proposed amendments will improve internal consistency within the Zoning Ordinance as it relates to public noticing requirements;
2. That the proposed amendments are consistent with changes in Utah State law that have taken place since the Zoning Ordinance was adopted in 1995;
3. That the proposed amendments will allow for improved customer service pertaining to fulfilling application requirements; and
4. That the proposed text amendments will continue to allow multiple opportunities for public input and participation through the public hearing process.

**Denial:** I move to recommend to the City Council, denial of petition PLNPCM2009-00106 for the following reasons:

- 1.
- 2.
- 3.

## ***Vicinity Map***

Because this amendment is of city-wide application, there is no vicinity map.

## ***Project Information***

The proposed amendment language is too lengthy to be included in the body of this staff report, therefore, it has been attached to this report as Exhibit "A". A summary of the proposed changes, in table form, has been attached to this report as Exhibit "B". The more significant changes that are proposed as part of this amendment include the following:

- Timeframe for noticing public hearings would be reduced from 14 days to 12 days. This will allow agenda items to be re-advertised and placed on the next planning commission agenda, when so directed by the planning commission. With the current 14 day requirement, an item cannot be re-advertised and heard at the next meeting, if the next meeting is two weeks away. Additionally, currently, the 14-day notice results in "overlapping" agendas. The Planning Division sends out the agenda for a meeting, two weeks prior, a day before another planning commission meeting. Therefore, there are two agendas simultaneously in circulation before a planning commission meeting occurs. If a planning commission agenda needs to be amended, it is amended the day before the meeting (Tuesday) which is the same day the agenda is sent out for the planning commission meeting two weeks away. This can be very confusing, even for the staff, much less for the public.
- Notice to the Community Councils would remain the same (45 days) but a written position of the Community Council would no longer be required for an application to be deemed "complete". Some community councils do not submit written comments to the city. Additionally, the staff would like to use open houses to provide public information and to obtain public comments for specific types of requests, such as city-wide text amendments. While notice would still be sent to the individual community councils, the first opportunity for public input would be the open house.
- Decisions would become final, and the appeal period would begin, the day following a decision by a board or commission. The day following a public meeting or hearing where a decision is rendered by a city commission or board, a Record of Decision will be posted on the city's web site. Additionally, the applicant will be sent a formal Record of Decision by the staff planner assigned to that application. This will create a clear approval date and a clear appeal period for anyone desiring to appeal an administrative decision.
- The timeframe for an appeal of an administrative decision would be reduced from 30 days to 10 days, which is consistent with state law. The staff suggested reducing this appeal period because the city no longer issues building permits during the appeal period and this further delays the building permit process.
- Timeframe for an appeal to the district court would remain at 30 days: No change in the state law or to the city's 30-day appeal period to district court.
- Board of Adjustment is now referred to as the Appeal Authority in the state law. Cities now have the ability to appoint various appeal boards to hear different types of appeals. The city's Board of Adjustment would continue to hear requests for variances, special exceptions and appeals of administrative decisions. Appeals related to historic structures would be heard by the Historic Landmark Commission, as has been the city's practice.
- Notice to condominium developments could be sent to the Homeowner's Association rather than to each, individual homeowner, unless there is no HOA.

- Board of Adjustment agendas would no longer be published in the newspaper.

Salt Lake City's current noticing includes the following:

- Send actual notice to owners of property within a specific radius based on the type of project, at least 14 days prior to each public hearing
- Post the property with an on-premise sign
- Send the agenda to individual on the Planning Division Listserve (1,421 in total). This includes community council chairs, business groups, citizens active in the planning process, media groups, all commissions and board members, etc.
- Post the agenda on the State Website and the Planning Division Website
- In some cases, public notice in a newspaper of general circulation (i.e. Master Plan amendments, etc.)
- For Board of Adjustment, we currently publish the agenda in the newspaper

State law has changed so that only the following are required:

- Post on the State Website
- Send actual notice 10 days prior to first public hearing on the matter
- Publish certain types of projects in the newspaper

Using the Planning Commission meetings as an example, from October 2008 to March 2009, the Planning Division sent out 3,357 notices to adjacent or surrounding property owners. In addition to these, for each public meeting advertised by the Planning Division, the 1,421 individuals or groups are on the Planning Division's Listserve were also noticed. The agenda for all Planning Division public meetings (i.e. Planning Commission, Board of Adjustment, LUAB, Historic Landmark Commission, administrative hearings, etc) is sent to all 1,421 names on the Listserve. Therefore, for the Planning Commission for the six month period from Oct. 2008 to March 2009, a total of 20,409 notices will be sent to publicize Planning Commission public meetings. As of the date of this staff report, approximately 214 individuals have attended the Planning Commission meetings. This equates to one percent of those people noticed. It is the intention of the Planning Division to continue to exceed requirements of state law for noticing the public, while still be sensitive to the cost and effectiveness of noticing the public.

## ***Background Information***

### **Project History**

On June 8, 2005, the Salt Lake City Planning Commission directed the Planning Staff to bring forward suggestions for amendments to the city's public noticing requirements. In addition to Zoning Ordinance Sections 21A.10.010, .020, and .030, there are other sections that are effected by these amendments. Those sections include 21A.06.030 (Planning Commission), 21A.06.040 (Board of Adjustment), 21A.06.050 (Historic Landmark Commission), 21A.54.060 (Procedures), 21A.54.155 (Administrative Consideration of Conditional Uses and 21A.54.160 (Appeal of Planning Commission Decisions).

Over the years, various provisions within these sections have become problematic, inefficient, or inconsistent with changes that have taken place in state law. For example, the current ordinance requires

applicants to go to the Salt Lake County Recorder's Office to obtain mailing labels for property owners in proximity to a proposed development. Upon receiving these notices, city staff must verify the names.

The city's Geographic Information System has the ability to produce the same required mailing labels. If the city produces them, then staff does not have to go back and verify them. This saves staff time plus it is more convenient for the applicant by not having to visit the County Recorder's Office.

### ***Department Input***

This proposed amendment was routed to Public Utilities, Engineering, Transportation, Permits, City Attorney and Property Management. No comments were received from these departments.

### ***Public Participation***

#### **Open House**

Because this is an issue of city-wide impact, the Community Councils were made aware of this petition through advertisement of an Open House that was held at the city hall on February 19, 2009. Notice of this Open House was also sent to those individuals and organizations included on the Planning Division's List Serve and notice of the Open House was posted on the city's web site. There were three written comments received at the open house. These comments have been included in this staff report as Exhibit "C".

#### **Task Force**

A Task Force was also created with representatives of many stake-holders within the city. There were three areas of concern raised by the Task Force:

1. The time-frame for noticing,
2. Sufficient notice being provided to the business community, and
3. Appeals that need to be filed within ten days should still have twenty additional days to turn in all research and supporting documentation for the appeal.

#### **Business Advisory Board Comments**

Staff met with the Business Advisory Board on March 11, 2009 to discuss better methods for obtaining input from the Board, and other business organizations, within the city. It was proposed by the BAB that the staff send notice of planning projects to the BAB on the same schedule that these types of notices are sent to the Community Councils. The BAB will form a subcommittee that will filter the applications and requests that they receive from the Planning Division and the subcommittee will decide which items will warrant discussion by the entire Board. The Planning Division will adopt and follow this process.

### ***Analysis***

#### **Standards of Review**

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;**

**Discussion:** The community master plan land use policies define neighborhood, community and regional land use locations and characteristics. The proposed amendments relate to policy for advertisement of public notices, appeals time frames and other related and text amendments.

**Finding:** No conflict exists between the proposed amendments and the purposes, goals, objectives and policies of the community master plan 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;**

**Discussion:** The proposed amendments are not site specific. Therefore, they will not interfere with the character of specific properties. The proposed amendments reflect minor text amendment issues and do not modify any intent or purposes of the existing city code.

**Finding:** That standard "B" does not apply to the proposed text amendment as the proposed amendment is not site specific. The proposed amendments are part of a citywide effort to improve the Zoning Ordinance through processing a series of text amendments. The proposed amendments do not impact the overall character of existing development. The revisions to the noticing and appeals regulations will insure adequate notice while improving efficiency.

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

**Discussion:** Because this standard is geographically specific and this proposal is for text amendment of city-wide influence and is not site-specific, this amendment will not adversely affect any specific property.

**Finding:** That the proposed text amendments will not adversely affect any parcel within the city.

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

**Discussion:** The proposed text amendments do not specifically relate to, or impact, any provisions of an 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, stormwater drainage systems, water supplies and wastewater and refuse collection.**

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

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

### ***Notification***

On March 10, 2009, the March 25, 2009 Planning Commission agenda was published on the Planning Division's website and listserv, and the State of Utah's Public Meeting Notice website. On March 11, 2009, this item was published in the newspaper. The staff report was published on March 20, 2009.

### ***Attached Exhibits***

- A. Exhibit "A" Proposed ordinance
- B. Exhibit "B" Summary table of significant amendments
- C. Exhibit "C" Written comments from the Open House
- D. Exhibit "D" Task Force Notes

***Attachment A***  
Proposed Ordinance

***Attachment B***  
Summary Table

# PROPOSED CHANGES TO NOTIFICATION AND APPEALS REGULATIONS

Issue	Current Requirement	Proposed Changed	Staff Reasoning	Task Force Remarks
1. Timeframe for noticing public hearings	City currently requires 14 days notice prior to a public hearing	Change Notification of public hearings from 14 days to 12 days	<ul style="list-style-type: none"> <li>State law requires a minimum of 10 days notification for public hearings.</li> <li>In the past, the 14 day requirement has resulted in missed opportunities for a Commission to request an item be scheduled for a public hearing at their next meeting because the 14 day notification requirement means the notice is sent the day before the Commission would make that decision. Therefore, if the Commission wanted a public hearing scheduled for the next meeting, they would have to wait for two meetings (one month) to hold the public hearing.</li> </ul>	Do not support shortening the notice to 10 days. Groups need time to notify others to comment at the public hearings. Perhaps there is a way to shorten the noticing where the scheduling conflict is resolved, but there is still adequate notice (especially if it is a second public hearing.)
2. Written Signature from Community Council's prior to complete application.	Applicant must include a signed statement from the appropriate neighborhood organization signifying that the applicant has met with the organization and explained the development proposal for which approval is being sought prior to the application being deemed complete.	Change language to state that Section 2.62 of the City Code relating to Recognized Organizations has to be followed.	<ul style="list-style-type: none"> <li>Process has changed since 1995; take in application first and planner schedules item with community council.</li> <li>Several community councils do not provide written documentation to the Planning Division.</li> <li>Some projects, such as zoning text amendments, are city-wide where an open house is held and all of the Community Councils and special interest groups are invited to attend in order to obtain public input prior to any public hearing.</li> <li>City Code Section 2.62, as amended, requires that the Planning Division notify Recognized Organizations of Conditional Uses, Zoning Amendments and Alley Vacations.</li> <li>Planning Division will continue to have applicants meet with applicable Community Councils of development projects that affect their geographic areas;</li> </ul>	Supports proposal
3. When decisions become official	PC decisions become final upon approval of minutes, typically two weeks to one month, after the public decision was rendered.	PC, BOA and HLC decisions to become official upon posting of the Notice of Decision.	<ul style="list-style-type: none"> <li>Because decisions can be appealed and because building permits will now be withheld during the appeal period, it is important for the final decision date to be clear and known.</li> </ul>	Supports proposal

4. Timeframe for Appeals	Aggrieved Party has 30 days to appeal a decision to a city appeal board.	Change Appeal time from 30 days to 10 days	<ul style="list-style-type: none"> <li>• City will hold off issuing permits on projects until the appeal period has expired.</li> <li>• To decrease the burden on the applicant to obtain a permit in a timely manner, we will decrease the timeframe to 10 days</li> <li>• Appeals to the district court will maintain a 30-day deadline</li> </ul>	<p>Require submittal of the intent to appeal within 10 days but still allow the appellant additional time (not to exceed 30 days) to submit information supporting the appeal. (After the 10 day period, if no appeal intent has been submitted, the permit would be issued).</p> <p>Clarify who can appeal a project (consistency of who has standing).</p> <p>Supports proposal</p>
5. Board of Adjustment	2 LA.06.040 refers to the BOA	Appeal Authority	<ul style="list-style-type: none"> <li>• "Board of Adjustment" is no longer used in state code. It is now referred to as "Appeal Authority."</li> </ul>	Supports proposal
6. Source for obtaining property records	Records of the County Assessor	Salt Lake City Geographic Information Systems records	<ul style="list-style-type: none"> <li>• Currently applicants have to travel to the County building to obtain this information. SLC has the same information. We can make this more convenient for the applicant by allowing use of our information and we can charge for this information as part of the application fee.</li> <li>• If City generates labels it helps ensure the correct mailing radius is used in generating the labels.</li> </ul>	Supports proposal
7. Notice to Homeowner's Association	Notice must be sent to each owner if the project is adjacent to a condominium	Notice may be sent to the HOA Board in lieu of every, individual condominium owner	<ul style="list-style-type: none"> <li>• Because the HOA Board is typically the governing body for the condominium, staff believes this is sufficient notice.</li> </ul>	Supports proposal
8. Publishing BOA agenda in newspaper	The city shall publish a notice of the BOA agenda in a newspaper of general circulation in Salt Lake City.	Delete this requirement	<ul style="list-style-type: none"> <li>• The current requirement is only required for the BOA and not the HLC or PC.</li> <li>• State Law does not require this type of notification.</li> <li>• City will still provide mailing to affected surrounding property owners, post a sign on the property, e-mail notice to those on the Planning Division List Serve and post the notice on the City and State Websites.</li> <li>• The newspaper notice is ineffective in notifying people and is expensive.</li> </ul>	Supports proposal

***Attachment C***

Written comments received at the open house

## Questionnaire

Salt Lake City is considering amendments to Section 21A.10.010 and 21A.10.020 of the Zoning Ordinance which pertain to the Public Hearing and Noticing Requirements. It is the intent of the amendments to make the Zoning Ordinance more internally consistent and more consistent with state code.

Planning Division desires to notify the public of important issues. This questionnaire is intended to help gather information and comments that will help the Planning Division improve efforts to inform the public.

1. How do you typically receive notice of city public meetings or hearings?

mailed notice       e-mail       newspaper  
 posted sign       web site       community council  
 neighbor       other

2. How would you like to receive notice of city public meetings or hearings?

mailed notice       e-mail       newspaper  
 posted sign       web site       community council  
 neighbor       other

3. Have you ever participated in a public meeting or a public process?       Y       N

4. If you have participated in a public meeting or public process, what was the issue?

Rezone request for Language of Flowers on 2421 E. Parley's Way R-1-5000 → CB.

5. Why was the issue important to you?

I live very close to this business + do not want to see this huge of a jump in zoning at this location. The zoning designation allows too much for this area.

6. What could Salt Lake City do to encourage greater public participation in the planning process?

Earlier notice. It's hard to organize people in less than 2 weeks.



## Questionnaire

Salt Lake City is considering amendments to Section 21A.10.010 and 21A.10.020 of the Zoning Ordinance which pertain to the Public Hearing and Noticing Requirements. It is the intent of the amendments to make the Zoning Ordinance more internally consistent and more consistent with state code.

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 posted sign       web site       community council  
 neighbor       other

2. How would you like to receive notice of city public meetings or hearings?

mailed notice       e-mail       newspaper  
 posted sign       web site       community council  
 neighbor       other

3. Have you ever participated in a public meeting or a public process?       Y       N

4. If you have participated in a public meeting or public process, what was the issue?

CONDITIONAL USE PERMITS

5. Why was the issue important to you?

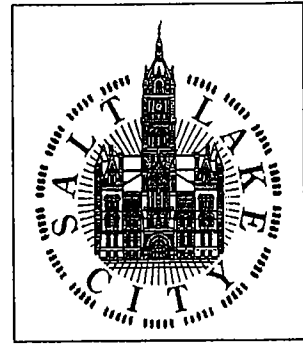
I WORK FOR A UTILITY, IT IS IMPOSSIBLE TO GET ANY WORK DONE IN THE CITY

6. What could Salt Lake City do to encourage greater public participation in the planning process?

ONLY INVITE THE TAXPAYERS WHOS PROPERTY IS EFFECTED.

**OPEN HOUSE  
PUBLIC COMMENT FORM**

**FEBRUARY 19, 2009**



Planning and Zoning Division  
Department of Community and  
Economic Development

**Public Hearing Notice Requirements**

Name: DAN KNIGHTON

Address: 1954 SO SORRENTO DR

WOODS CROSS

UTAH Zip Code 84087

Phone: 543 833 7925 E-mail DAN.KNIGHTON@PACIFICORP.COM

Comments: THE PROCESS FOR NOTIFYING CUSTOMERS WOULD  
BE IMPROVED BY REDUCING THE NUMBER OF PEOPLE TO  
BE NOTIFIED, THIS COULD BE DONE BY ELIMINATING  
THE NEED FOR CONDITIONAL USE PERMITS FOR UTILITY  
BOXES.

REDUCE THE NOTICE TIME & ONLY GIVE NOTICE TO THE  
PROPERTY OWNERS THAT WILL BE AFFECTED.

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at [bill.peperone@slcgov.com](mailto:bill.peperone@slcgov.com) or via mail at the following address: Bill Peperone, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480. Please provide your comments by February 27, 2009.

**5.C PLANNING COMMISSION  
AGENDA AND MINUTES**

**AMENDED AGENDA FOR THE SALT LAKE CITY PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building at 451 South State Street  
Wednesday, March 25, 2009 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, March 11, 2009**

**Report of the Chair and Vice Chair**

**Report of the Director**

**Public Hearing**

1. **PLNPCM2008-00918; Zoning Map Amendment**—a request by Paul L. Willie to amend the Zoning Map for property located at approximately 230 West North Temple from PL Public Lands to RMU Residential Mixed Use. This property is located in City Council District 3, represented by Council Member Eric Jergensen (Staff contact: Nole Walkingshaw at 801- 535-7128 or [nole.walkingshaw@slcgov.com](mailto:nole.walkingshaw@slcgov.com)).
2. **PLNPCM2008-00917; Preliminary Minor Subdivision**—a request by Paul L. Willie for property located at approximately 230 West North Temple to combine three parcels. This property is located in City Council District 3, represented by Council Member Eric Jergensen (Staff contact: Nole Walkingshaw at 801-535-7128 or [nole.walkingshaw@slcgov.com](mailto:nole.walkingshaw@slcgov.com)).
3. **PLNPCM2009-00003; Red Moose Roasting and Coffee Conditional Use**—a request by Red Moose Roasting and Coffee, represented by Rob Karas and Teresa Nelson, for a drive thru window for a coffee shop located at approximately 1693 South 900 East. A coffee shop is a permitted use in the CN Neighborhood Commercial Zoning District; however, a drive thru window requires a conditional use. The property is located in City Council District 5 represented by Council Member Jill Remington-Love (Staff contact: Nick Norris at 801-535-6173 or [nick.norris@slcgov.com](mailto:nick.norris@slcgov.com)).
4. **PLNPCM2009-00106; Zoning Ordinance Text Amendment**—a petition initiated by the Planning Commission to amend Sections 21A.10.010 and 21A.10.020, and other related Sections of the Salt Lake City Zoning Ordinance, pertaining to Public Hearing and Notice Requirements. The proposed amendments are not site specific (Staff contact: Bill Peperone at 535-7214 or [bill.peperone@slcgov.com](mailto:bill.peperone@slcgov.com))
5. **PLNPCM2009-00105; Zoning Ordinance Text Amendment**—a petition initiated by the City Council to amend Section 21A.50.050 of the Salt Lake City Zoning Ordinance, *Standards for General Amendments*. The proposed amendment is not site specific (Staff contact: Bill Peperone at 801-535-7214 or [bill.peperone@slcgov.com](mailto:bill.peperone@slcgov.com)).
6. **Foothill Stake Planned Development/Conditional Use and Zoning Map Amendment**—a request by the Church of Latter Day Saints, represented by Bradley Gygi, architect, for an approval to allow for the redevelopment of the existing site by removing the existing meeting house building and constructing an addition to the existing stake office at property located at approximately 1933 South 2000 East. The property is located in City Council District Six represented by J.T. Martin (Staff contact: Kevin LoPiccolo at 535-6003 or [kevin.lopiccolo@slcgov.com](mailto:kevin.lopiccolo@slcgov.com)).
  - a. **Petition PLNPCM2008-00795 Planned Development/Conditional Use**—a request approval to allow the LDS Foothill Stake to replace an existing chapel with an addition to the building along 2000 East. The new chapel/stake center would be approximately 27,000 square feet. As part of the Planned Development, the applicant is requesting a reduction of required landscaping for the parking lot.
  - b. **Petition PLNPCM2009-00074 Zoning Map Amendment**—the applicant is requesting approval to rezone the property from R-1-7000 (Single Family Residential) to Institutional.

Visit the Planning 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. The Record of Decision will be posted on the Division's website the day following the meeting where a final decision on a petition is made.

**MEETING GUIDELINES**

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

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

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

On Tuesday, March 10, 2009 I personally posted copies of the foregoing notice within the City and County Building at 451 South State Street at the following locations: Planning Division, Room 406; City Council Bulletin Board, Room 315; and Community Affairs, Room 345. A copy of the agenda has also been faxed/e-mailed to all Salt Lake City Public Libraries for posting and to the Salt Lake Tribune and Deseret News.

Signed: \_\_\_\_\_  
Tami Hansen

STATE OF UTAH                    )  
  :SS

COUNTY OF SALT LAKE        )  
SUBSCRIBED AND SWORN to before me this day March 10, 2009

**6:29:44 PM PLNPCM2009-00106; Zoning Ordinance Text Amendment**—a petition initiated by the Planning Commission to amend Sections 21A.10.010 and 21A.10.020, and other related Sections of the Salt Lake City Zoning Ordinance, pertaining to Public Hearing and Notice Requirements. The proposed amendments are not site specific.  
View: [Staff Report](#)

Chair Woodhead recognized Bill Peperone as staff representative.

Mr. Peperone stated that the purpose of these amendments was to simplify the city's process, and to increase the consistency between the city's ordinances and State Law, it was not a process to diminish the process for public input. He stated that for the last six (6) months 20,500 notices were mailed to members of the public regarding Planning Commission meetings alone, and only 214 individuals had attended the Planning Commission meetings. He stated that staff was trying to strike a balance between notifying the public to receive public input, while still being sensitive to the cost and effectiveness of noticing.

Mr. Peperone stated that on page 3, the timeframes the city was currently following and the State Law requirements were listed. He stated that the city would continue to send a first notice out to the Community Council's and they would have forty-five (45) days, as well as the Business Advisory Board, which would be forming a subcommittee to evaluate the notices as they come before them.

Chair Woodhead noted that on page 21 under *Appeals*, item number 2, it stated, [...] *filing a notice of an appeal within ~~fourteen (14)~~ twelve (12) calendar days after the Planning Director's administrative hearing*. She stated that she thought that was ten (10) days, not twelve (12).

Mr. Peperone stated that was correct it would be ten (10) days. He stated that there would be a ten day window for someone to file a notice of intent to appeal, which would not include the complete application, or evidence and other details, they would still have an additional twenty (20) days to do that, but because the city was going to withhold building permits during the appeal period staff felt that the appeal period should be minimized.

Commissioner Fife inquired why in the noticing condominium owners were becoming second class homeowner's in the city. He stated that if a single-family homeowner was within the specified radius of a noticed project, they would receive a notice, but a condominium owners notice would go to their HOA board.

Mr. Peperone stated that if an HOA board existed for a condominium then the city would have the option to notice either the board or the entire association.

Commissioner Fife stated that it did not make sense to reduce the noticing period and add an additional step for condominium owners to find out about changes in their neighborhood.

Commissioner De Lay stated that some HOA boards only meet once a quarter or in some cases once a year and she felt that Commissioner Fife's argument was valid, and condominium owners should be treated the same as single-family home owners.

Mr. Peperone stated that staff would make changes to reflect that concern.

Vice Chair McHugh stated that on Page 16, under *Public Hearing Procedures*, item A, Scheduling the Public Hearing it stated, *An application requiring a public hearing shall be scheduled to be heard within a reasonable time in light of the complexity of the application and available staff resources[.]* She inquired what a reasonable time would be.

Mr. Peperone stated that was the current language in the ordinance, it was not anything new, there was nothing statutorily that would identify a reasonable time; it would probably depend on case law, and in the state of Utah that could be considered six (6) months to a year.

Mr. Nielson stated that this language mirrors the statute and is State Law.

Mr. Sommerkorn noted that there was a provision in the code, where it talked about a reasonable timeframe for an application to go to a public hearing, and there was an provisional amendment to that within the last couple of years, called the ripcord provision, which allowed an applicant, if they feel like the application was not moving forward at a reasonable time, to demand a decision from the city regarding the completeness of their application and then move it on to public hearing, within 45 days.

#### **6:42:40 PM Public Hearing**

Chair Woodhead opened the public hearing portion of this petition.

The following people spoke or submitted a hearing card in *opposition* to the proposed petition: **Esther Hunter** (1049 Norris Place) stated she was representing the East Central Community Council (ECCC). She stated that there was some work to be done within the Community Councils (CC) and felt it was not appropriate for them to hold up an applicant because they did not agree with the project. She stated that the ECCC had spent a year rewriting their by-laws and in that process, it was established that after the planner and applicant presented to the CC, they needed an additional meeting to review the information and give the public the opportunity to comment, rather than have on the spot decisions. She noted that a second meeting was needed to accomplish this and that the 45 day timeframe was not enough. She stated that CC would need time to catch up to the changes being made, and she would like to see the new timeframes be discussed with the ZAP team working on these changes.

Chair Woodhead stated that the Planning Commission was only making a recommendation to the City Council, so this would not be put into effect for a while which should give all parties involved time to adjust.

Ms. Hunter stated that 23 out of the 27 community councils met on the nights of the Planning Commission and Historic Landmarks Commission, which was why not a lot of the representatives came.

Commissioner Fife stated he was not clear on which particular item Ms. Hunter was concerned about.

Ms. Hunter stated the change in notification and appeal time and exactly what the new process would be.

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Chair Woodhead closed the public hearing.

Mr. Peperone stated that there was no proposed change to the 45 days that was given to the community councils, it was usually not on the 46th day that petitions were before the various city boards and commission, therefore staff understood there could be extenuating circumstances, and there were no proposals to diminish that at all.

Mr. Sommerkorn stated that the ZAP taskforce included several of the community council chairs and members, as well as business representatives, etc. and as far as Ms. Hunter's concern about the community councils having enough time to review these ordinance changes, the recommendations tonight have been vetted by the ZAP taskforce. He stated there was also a monthly open house held by staff, which gave community councils the opportunity to come and discuss their concerns with staff through this forum as well.

He stated that in regards to Mr. Richards comment, a number of the taskforce members were eventually comfortable with the idea that someone would have ten (10) days to state



they would appeal a petition and then twenty (20) additional days to turn in their supporting data.

Mr. Sommerkorn stated that in regards to Ms. Short's comment, there was no specified timeframe, either in the zoning ordinance, or the ordinance relating to the community councils as to when they respond, all that was required was that notice was provided and they then had 45 days to respond. He stated this was an effort to try to balance the needs of each community council with the needs of the applicants.

Chair Woodhead stated that Ms. Hunter indicated that there were some other inner-related timeframes that would come up in the future and it might create a problem to make decisions on these timeframes now.

Mr. Sommerkorn stated that he was not quite sure what Ms. Hunter meant by that, there were periods of time mentioned throughout this ordinance, and staffs intentions was to uniform and standardized all of them, so there should really not be any problems with this.

Ms. Hunter stated that there was a lot of discussion at the last Zap taskforce meeting on notice of application versus notice of decision. She stated that she believed that this had only been discussion and that it had not been finalized regarding when the public would be notified of petitions.

Mr. Sommerkorn stated that the Taskforce did have that discussion, Mr. Peperone drafted the result of that discussion and then it was presented at an Open House to the community councils and the public.

Ms. Hunter stated that the community council wanted to be good participants, but they needed time to integrate with this. She stated that the ZAP taskforce had doubled since January and the community councils were not represented officially.

Mr. Sommerkorn stated that additional people had joined, but it was certainly not a doubling of the taskforce.

Commissioner Fife stated that there should be plenty of time from tonight to when the City Council made a decision on this, for the community councils to get involved and comment on this.

Commissioner Fife stated that the only concern he had was regarding noticing to condominium owners. He inquired if it would be possible to make a motion to approve this petition, except for not approving the language under Public Hearing Notice Requirements (21A.10.020) which stated, *or may emailed to the Homeowner's Association, or Condominium Associate, where one is available.*

Chair Woodhead inquired if other Commissioners disagreed with this proposal.

# **SALT LAKE CITY PLANNING COMMISSION MEETING**

**In Room 326 of the City & County Building**

**451 South State Street, Salt Lake City, Utah**

**Wednesday, March 25, 2009**

Present for the Planning Commission meeting were Chair Mary Woodhead and Vice Chair Susie McHugh; Commissioners Babs De Lay, Tim Chambless, Angela Dean, Prescott Muir and Michael Fife. Commissioners Algarin, Scott, and Wirthlin were absent.

A field trip was held prior to the meeting. Planning Commissioners present were: Tim Chambless, Angela Dean, Michael Fife, Susie McHugh, and Mary Woodhead. Staff members present were: Joel Paterson, Nick Norris, Nole Walkingshaw, and Kevin LoPiccolo.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Woodhead called the meeting to order at 5:47 p.m. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time. Planning staff members present at the meeting were: Wilf Sommerkorn, Planning Director; Joel Paterson, Programs Manager; Paul Neilson, City Attorney; Bill Peperone, Senior Planner; Nick Norris, Senior Planner; Nole Walkingshaw, Senior Planner; Kevin LoPiccolo, Programs Supervisor; and Tami Hansen, Planning Commission Secretary.

**6:29:44 PM PLNPCM2009-00106; Zoning Ordinance Text Amendment**—a petition initiated by the Planning Commission to amend Sections 21A.10.010 and 21A.10.020, and other related Sections of the Salt Lake City Zoning Ordinance, pertaining to Public Hearing and Notice Requirements. The proposed amendments are not site specific.  
View: [Staff Report](#)

Chair Woodhead recognized Bill Peperone as staff representative.

Mr. Peperone stated that the purpose of these amendments was to simplify the city's process, and to increase the consistency between the city's ordinances and State Law, it was not a process to diminish the process for public input. He stated that for the last six (6) months 20,500 notices were mailed to members of the public regarding Planning Commission meetings alone, and only 214 individuals had attended the Planning Commission meetings. He stated that staff was trying to strike a balance between notifying the public to receive public input, while still being sensitive to the cost and effectiveness of noticing.

Mr. Peperone stated that on page 3, the timeframes the city was currently following and the State Law requirements were listed. He stated that the city would continue to send a first notice out to the Community Council's and they would have forty-five (45) days, as well as the Business Advisory

Board, which would be forming a subcommittee to evaluate the notices as they come before them.

Chair Woodhead noted that on page 21 under *Appeals*, item number 2, it stated, [...] *filing a notice of an appeal within ~~fourteen (14)~~ twelve (12) calendar days after the Planning Director's administrative hearing*. She stated that she thought that was ten (10) days, not twelve (12).

Mr. Peperone stated that was correct it would be ten (10) days. He stated that there would be a ten day window for someone to file a notice of intent to appeal, which would not include the complete application, or evidence and other details, they would still have an additional twenty (20) days to do that, but because the city was going to withhold building permits during the appeal period staff felt that the appeal period should be minimized.

Commissioner Fife inquired why in the noticing condominium owners were becoming second class homeowner's in the city. He stated that if a single-family homeowner was within the specified radius of a noticed project, they would receive a notice, but a condominium owners notice would go to their HOA board.

Mr. Peperone stated that if an HOA board existed for a condominium then the city would have the option to notice either the board or the entire association.

Commissioner Fife stated that it did not make sense to reduce the noticing period and add an additional step for condominium owners to find out about changes in their neighborhood.

Commissioner De Lay stated that some HOA boards only meet once a quarter or in some cases once a year and she felt that Commissioner Fife's argument was valid, and condominium owners should be treated the same as single-family home owners.

Mr. Peperone stated that staff would make changes to reflect that concern.

Vice Chair McHugh stated that on Page 16, under *Public Hearing Procedures*, item A, *Scheduling the Public Hearing* it stated, *An application requiring a public hearing shall be scheduled to be heard within a reasonable time in light of the complexity of the application and available staff resources[.]* She inquired what a reasonable time would be.

Mr. Peperone stated that was the current language in the ordinance, it was not anything new, there was nothing statutorily that would identify a reasonable time; it would probably depend on case law, and in the state of Utah that could be considered six (6) months to a year.

Mr. Nielson stated that this language mirrors the statute and is State Law.

Mr. Sommerkorn noted that there was a provision in the code, where it talked about a reasonable timeframe for an application to go to a public hearing, and there was an provisional amendment to that within the last couple of years, called the ripcord provision, which allowed an applicant, if they feel like the application was not moving forward at a reasonable time, to demand a decision from the city regarding the completeness of their application and then move it on to public hearing, within 45 days.

**6:42:40 PM Public Hearing**

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Chair Woodhead inquired if other Commissioners disagreed with this proposal.

Commissioners did not have any concerns with removing that language.

**7:05:08 PM Motion:**

**Commissioner Fife made a motion regarding Petition PLNPCM2009-00106, Noticing and Appeals Text Amendment that the Commission forwards a positive recommendation the City Council subject to the following conditions:**

- 1. That the proposed amendments will improve internal consistency within the Zoning Ordinance as it relates to the public noticing requirements;**
- 2. That the proposed amendments are consistent with changes in Utah State law that have taken place since the Zoning Ordinance was adopted in 1995;**
- 3. That the proposed amendments will allow for improved customer service pertaining to fulfilling application requirements; and**
- 4. That the proposed text amendments will continue to allow multiple opportunities for public input and participation through the public hearing process.**

5. **Advise staff to attempt informal communication with the Community Councils, to grant the Community Councils the opportunity to supply feedback regarding time frames, prior to the City Council review of this petition.**
6. **Those changes relating to change in the noticing requirement, regarding language added for the owners of condominiums stating, *or may be given/mailed to the Homeowners' Association, or Condominium Association, where one is available*, found in Section 21A.10.020, Item number A, 1; B, 1; and D, 2. Be deleted from this ordinance.**

**Vice Chair McHugh seconded the motion.**

Discussion of the motion

Commissioner Muir stated that that he would like to advise staff that they make an effort to meet with the community councils between now and when the City Council reviews this to make sure there was a level of comfort in the process, timing, and communications between entities.

**Commissioners De Lay, Dean, Fife, Chambless, Muir, and McHugh voted, "Aye" the motion passed unanimously.**

## **6. TASK FORCE MINUTES**



**7. OPEN HOUSE NOTICE**

## **8. OPEN HOUSE COMMENTS**

## Questionnaire

Salt Lake City is considering amendments to Section 21A.10.010 and 21A.10.020 of the Zoning Ordinance which pertain to the Public Hearing and Noticing Requirements. It is the intent of the amendments to make the Zoning Ordinance more internally consistent and more consistent with state code.

Planning Division desires to notify the public of important issues. This questionnaire is intended to help gather information and comments that will help the Planning Division improve efforts to inform the public.

1. How do you typically receive notice of city public meetings or hearings?

- mailed notice       e-mail       newspaper  
 posted sign       web site       community council  
 neighbor       other

2. How would you like to receive notice of city public meetings or hearings?

- mailed notice       e-mail       newspaper  
 posted sign       web site       community council  
 neighbor       other

3. Have you ever participated in a public meeting or a public process?       Y       N

4. If you have participated in a public meeting or public process, what was the issue?

Rezone request for Language of Flowers on 2431 E. Parley's Way R-1-5000 → CB.

5. Why was the issue important to you?

I live very close to this business + do not want to see this huge of a jump in zoning at this location. The zoning designation allows too much for this area.

6. What could Salt Lake City do to encourage greater public participation in the planning process?

Earlier notice. It's hard to organize people in less than 2 weeks.

## Questionnaire

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 neighbor       other

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4. If you have participated in a public meeting or public process, what was the issue?

*CONDITIONAL USE PERMITS*

5. Why was the issue important to you?

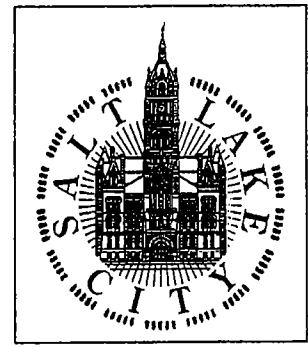
*I WORK FOR A UTILITY, IT IS IMPOSSIBLE TO GET ANY WORK DONE IN THE CITY*

6. What could Salt Lake City do to encourage greater public participation in the planning process?

*ONLY INVITE THE TAXPAYERS WHOS PROPERTY IS EFFECTED.*

**OPEN HOUSE  
PUBLIC COMMENT FORM**

**FEBRUARY 19, 2009**



Planning and Zoning Division  
Department of Community and  
Economic Development

**Public Hearing Notice Requirements**

Name: DAN KNIGHTON

Address: 1954 SO SORRENTO DR

WOODS CROSS

UTAH Zip Code 84087

Phone: 543 833 7925 E-mail DAN.KNIGHTON@PACIFICORP.COM

Comments: THE PROCESS FOR NOTIFYING CUSTOMERS WOULD  
BE IMPROVED BY REDUCING THE NUMBER OF PEOPLE TO  
BE NOTIFIED, THIS COULD BE DONE BY ELIMINATING  
THE NEED FOR CONDITIONAL USE PERMITS FOR UTILITY  
BOXES.

REDUCE THE NOTICE TIME & ONLY GIVE NOTICE TO THE  
PROPERTY OWNERS THAT WILL BE AFFECTED.

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at [bill.peperone@slcgov.com](mailto:bill.peperone@slcgov.com) or via mail at the following address: Bill Peperone, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480. Please provide your comments by February 27, 2009.

**9. ORIGINAL PETITION**

**Remarks:**

Petition No: **PLNPCM2009-00106**

By: **Salt Lake City Planning Division**

Zoning Text Amendment

Date Filed: **02/02/2009**

Address: **n/a**

**SALT LAKE CITY  
PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building  
451 South State Street, Salt Lake City, Utah  
Wednesday, June 8, 2005 -**

Present from the Planning Commission were Tim Chambless, Chairperson, Babs De Lay, John Diamond, Craig Galli, Prescott Muir, and Kathy Scott. Peggy McDonough, Laurie Noda, Vice Chairperson, and Jennifer Seelig were excused.

Present from the Planning Division Staff were Louis Zunguze, Planning Director, Doug Wheelwright, Deputy Planning Director, Cheri Coffey, Deputy Planning Director, Kevin LoPiccolo, Planning Programs Supervisor, Marilyn Lewis, Principal Planner, Lex Traughber, Principal Planner, and Shirley Jensen, Secretary. Brent Wilde, Deputy Director of the Department of Community Development, was also in attendance.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Chambless called the meeting to order at 5:45 p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. Tapes of the meeting will be retained in the Planning Office for a period of one year, after which they will be erased.

**APPROVAL OF MINUTES FOR WEDNESDAY, May 25, 2005**

*(This item was heard at 5:51 P.M.)*

Commissioner De Lay moved that the Planning Commission approve the minutes of the meeting. Commissioner Scott seconded the motion. Commissioner De Lay, Commissioner Diamond, Commissioner Galli, Commissioner Muir, and Commissioner Scott unanimously voted "Aye". Commissioner McDonough, Commissioner Noda, and Commissioner Seelig were not present. Chairperson Chambless did not vote. The motion passed.

**REPORT OF THE CHAIR AND VICE CHAIR**

*(This item was heard at 5:52 P.M.)*

Chairperson Chambless said that he nothing to report at this time. He also noted that Vice Chairperson Noda was not able to be in attendance at this meeting.

**REPORT OF THE PLANNING DIRECTOR**

*(This item was heard at 5:53 P.M.)*

Mr. Wilde announced that Mr. Zunguze was delayed by a City Council matter. He said that Mr. Zunguze asked that the Planning Commission consider initiating three petitions. Mr. Wilde indicated that Ms. Coffey would explain the circumstances surrounding the petitions.

Ms. Coffey stated that that the Planning Division is in the process of streamlining procedures within the Division. She said that a Planning Staff Subcommittee was formed and the members came up with improvements that could make the processing experience



more efficient. Ms. Coffey requested the Planning Commission initiate the following petitions to allow staff to start work on them:

1. The Planning Commission to consider initiating a petition to expand the types of conditional uses that could be approved administratively.  
(This item was heard at 5:53 P.M.)

Ms. Coffey said that the first petition that she was asking the Planning Commission to consider initiating was to allow staff to study the possibility of allowing more conditional uses to be administratively approved. She said that from a cursory review, it seemed like non-residential related cases were less controversial and could be administratively approved. Ms. Coffey said that staff is trying to expand conditional uses to be approved administratively by an Administrative Hearing Officer. Ms. Coffey stated that currently only conditional uses for telecommunication facilities and expansion of existing conditional uses could be approved administratively.

Chairperson Chambless inquired if an official vote by the Planning Commission was needed for the record. Ms. Coffey stated that only one Commissioner is needed to request the action.

Motion:

**Commissioner Scott moved that the Planning Commission initiate a petition charging staff with looking at expanding the types of conditional uses that could be heard and approved administratively.**

2. The Planning Commission to consider initiating a petition to allow design related issues to go through a new process called, "The Conditional Building and Site Design Review", rather than a conditional use process.  
(This item was heard at 5:54 P.M.)

Ms. Coffey stated that the second petition relates to the fact that the zoning ordinance has several types of design issues that currently have to go through the conditional use process. She added that because staff has a new process called "The Conditional Building and Site Design Review", some things like height increases that are design related and not use related would be shifted out of the conditional use process to the new process.

Motion:

**Commissioner Diamond moved for the Planning Commission to initiate a petition to allow design related issues to go through a new process called, "The Conditional Building and Site Design Review", rather than a conditional use process.**

3. The Planning Commission to consider initiating a petition to amend the zoning ordinance relating to notification requests.  
(This item was heard at 5:55 P.M.)

Ms. Coffey stated that the third petition relates to noticing requirements. She said that conditional uses, zoning amendments, etc. have to go to the community council for input. Ms. Coffey pointed out that there is language in the zoning ordinance that requires that the input from the community council has to be in writing and that is problematic. Ms. Coffey stated that at times if an issue is citywide, Planning Staff would hold an open house, rather than making a presentation at each community council. When that happens, she added, there is no statement in writing, so technically that issue could be invalid. She said that staff wants to remove that language from the zoning ordinance.

Ms. Coffey said that the staff is required to send a notice to all owners of condominiums when a condominium building is within 450 feet of a subject property. Ms. Coffey stated that research was done on how many people attended public hearings compared to the amount of notices sent out for that public hearing, and it is less than one percent. She indicated that staff is trying to reduce the cost of noticing. Ms. Coffey said that a suggestion was made to only send one notice to the condominium association for posting in an office or another place where the owners of the condominiums would see the notice. She pointed out that due to the amount of property owners in a large condominium complex that would save a lot of postage.

Ms. Coffey stated that the Planning Office requires the petitioner to submit a mailing list of property owners that has been acquired at the Salt Lake County Recorder's Office. She said that the City has a system where staff could more easily generate a mailing list so the public would not be forced to travel to another area of the City. Ms. Coffey referred to the City's Geographic Information System (GIS). She said that the language in the zoning ordinance would have to be changed in order for the City's GIS records to be used for notification. Ms. Coffey also stated that the State law has been changed to allow more flexibility in noticing and staff would like to review several options for public noticing.

Chairperson Chambless said that he assumed that condominium buildings would have an area for public posting. Commissioner De Lay said that was not necessarily true because she lives in a condominium building and there is no office where notices could be posted. She said that she would personally prefer to continue receiving individual mailings. However, Commissioner De Lay pointed out that staff was asking the Planning Commission to initiate a petition that would allow staff to formulate a proposal, which she said she supported.

Motion:

**Commissioner De Lay moved that the Planning Commission initiate a petition to study various modifications to the noticing requirements of the zoning ordinance.**

It was a unanimous decision by the Planning Commission to support the initiation of these petitions. Mr. Wilde stated that when the Planning Commission moves to initiate petitions, a second is not needed.

# SALT LAKE CITY CORPORATION

FRANK B. GRAY  
DIRECTOR

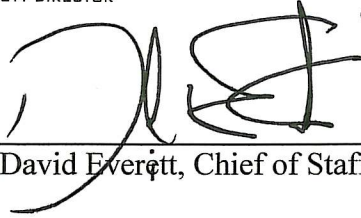
DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT  
OFFICE OF THE DIRECTOR

RALPH BECKER  
MAYOR

MARY DE LA MARE-SCHAEFER  
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.  
DEPUTY DIRECTOR

## CITY COUNCIL TRANSMITTAL



David Everett, Chief of Staff

Date Received:



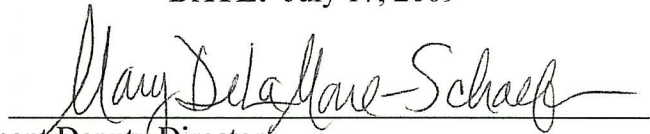
Date Sent to City Council:

07/21/2009

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

**DATE:** July 17, 2009

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



**RE:** Petition PLNPCM2009-00105: Zoning Text Amendment initiated by the City Council to differentiate between zoning text amendments and zoning map amendments.

**STAFF CONTACTS:** Bill Peperone, Principal Planner, at 801-535-7214 or bill.peperone@slcgov.com

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

**DOCUMENT TYPE:** Ordinance

**BUDGET IMPACT:** None

### DISCUSSION:

**Issue Origin:** By Ordinance 13 of 2004, the City Council directed staff to initiate an amendment to Section 21A.50.50 of the Salt Lake City Zoning Ordinance to create more specific criteria for evaluation of zoning text amendments versus zoning map amendments.

**Analysis:** Currently, Section 21A.50.50 lists five criteria by which all amendments to the Zoning Ordinance and Zoning Map are to be evaluated. These five criteria are primarily site specific and relate well to map amendments, but they do not relate very appropriately to amendments to the *text* of the zoning ordinance. The purpose of this amendment was to create criteria more fitting to each type of amendment, either map or text.

There were no issues raised by other departments.

451 SOUTH STATE STREET, ROOM 404  
P.O. BOX 145486, SALT LAKE CITY, UTAH 84114-5486  
TELEPHONE: 801-535-6230 FAX: 801-535-6005

WWW.SLCGOV.COM/CEDE



There were no issues raised by other departments.

There were no public comments on this proposal at the Planning Commission meeting.

*Master Plan Considerations:* This amendment does not conflict with the adopted city Community Master Plans. It is intended that this amendment will allow for orderly growth by encouraging more appropriate evaluation of future amendments to the City's Zoning Ordinance or Zoning Map.

#### **PUBLIC PROCESS:**

The Community & Economic Development Department organized the Zoning Amendment Project Committee (ZAP) based on the group the City Council used as part of the Conditional Use discussion last year. The Committee includes approximately 35 people. The purpose of the ZAP is to review and comment on the various code amendments currently being processed by the Planning Division. A meeting of the ZAP was held on February 9, 2009. While reviewing this particular amendment, some members of the ZAP wondered if an additional criteria pertaining to economic impact a proposed amendment may have to existing and future businesses should be included. Others believed economics should not be a guiding factor for review. This issue was raised to the Planning Commission, which did not agree to include it in its recommendation. Staff also met with the Business Advisory Board (BAB) on March 11, 2009, and discussed amendments. The BAB raised the issue of being notified sooner about these types of issues so business group have time to inform their members of the proposed changes. Staff agreed to this and has already changed the process to include business group notification similar to what is done for community council notification.

An Open House was held at City & County Building on February 19, 2009. Although the Open House was well attended, there were no public, written comments specific to this proposal.

The Planning Commission first considered this petition in their study session on March 11, 2009. A public hearing was held by the Planning Commission on March 25, 2009. There were no issues raised by either the Planning Commission or the public. The vote was unanimous in favor of recommending adoption of the amendment.

#### **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 pages 2-3 of the Planning Commission Staff Report (see Exhibit 5-B).

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  - B) STAFF REPORT
  - C) AGENDA AND MINUTES  
March 25, 2009 – Planning Commission
6. TASK FORCE MINUTES
7. OPEN HOUSE NOTICE
8. ORIGINAL PETITION

## **1. PROJECT CHRONOLOGY**

**Chronology**  
**Petition PLNPCM2009-00105**

November 14, 2008	Petition assigned to Bill Peperone
February 9, 2009	Task Force Meeting
February 19, 2009	City-wide Planning Division Open House
February 26, 2009	Planning Commission Study Session
March 2, 2009	Requested city department review
March 10, 2009	Mailed notices for Planning Commission public hearing to Community Council Chairs, Planning Division List serve and posted to city and state websites
March 11, 2009	Advertised in Deseret News and Salt Lake Tribune
March 13, 2009	Strike and bold ordinance placed on the website
March 19, 2009	Staff report posted on the web page
March 25, 2009	Planning Commission public hearing
March 31, 2009	Ordinance request sent to City Attorney
April 8, 2009	Planning Commission ratified minutes of March 25, 2009 meeting
April 27, 2009	City Attorney delivered ordinance to the Planning Division

## **2. PROPOSED ORDINANCE**



## 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. In making its decision concerning a proposed text amendment, the city council should consider the following factors:
  1. Whether the a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City as stated through its various adopted planning documents;
  2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;
  3. Whether the a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and
  4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.
- B. In making a decision to amend the zoning map, the city council should consider the following:
  1. Whether the a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City as stated through its various adopted planning documents;
  2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance;
  - ~~B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property;~~
- C. 3. The extent to which the a proposed map amendment will adversely affect adjacent properties;
- D. 4. Whether the a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and

E. 5. 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, stormwater drainage systems, water supplies, and wastewater and refuse collection. (Ord. 26-95 § 2(25-4), 1995)

FINAL VERSION  
STAMPED

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2009  
(An Ordinance Amending Section 21A.50.050 (Zoning - Standards for  
General Amendments) of the *Salt Lake City Code*)

An ordinance amending section 21A.50.050 (Zoning - Standards for General Amendments) of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2009-00105 to provide additional clarity regarding zoning ordinance text and zoning map amendments.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on March 25, 2009 to consider a request made by Salt Lake City Mayor Ralph Becker (petition no. PLNPCM2009-00105) to amend the text of section 21A.50.050 (Zoning - Standards for General Amendments) of the *Salt Lake City Code* to provide further clarity regarding petitions for zoning ordinance text amendments and zoning map amendments; and

WHEREAS, at its March 25, 2009 hearing, the Planning Commission voted in favor of recommending to the City Council that the City Council amend section 21A.50.050 of the *Salt Lake City Code*; and

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

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

SECTION 1. Amending text of *Salt Lake City Code* section 21A.50.050. That section 21A.50.050 of the *Salt Lake City Code* (Standards for General Amendments), shall be, and hereby is, amended to read as follows:

**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.

- A. In making its decision concerning a proposed text amendment, the city council should consider the following factors:
1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;
  2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;
  3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and
  4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.
- B. In making a decision to amend the zoning map, the city council should consider the following:
1. Whether a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;
  2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance;
  3. The extent to which a proposed map amendment will affect adjacent properties;
  4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and
  5. 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, stormwater drainage systems, water supplies, and wastewater and refuse collection.

SECTION 2. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

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

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

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

\_\_\_\_\_  
MAYOR

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

(SEAL)

Bill No. \_\_\_\_\_ of 2009.

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

**APPROVED AS TO FORM**  
Salt Lake City Attorney's Office  
Date: April 27, 2009  
By: Paul C. Nielson  
Paul C. Nielson, Senior City Attorney

HB\_ATT#8110-v2-Ord - Amending 21A-50-050\_Std for Gen Amendments

LEGISLATIVE  
VERSION

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2009  
(An Ordinance Amending Section 21A.50.050 (Zoning - Standards  
General Amendments) of the *Salt Lake City Code*)

An ordinance amending section 21A.50.050 (Zoning - Standards for General Amendments) of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2009-00105 to provide additional clarity regarding zoning ordinance text and zoning map amendments.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on March 25, 2009 to consider a request made by Salt Lake City Mayor Ralph Becker (petition no. PLNPCM2009-00105) to amend the text of section 21A.50.050 (Zoning - Standards for General Amendments) of the *Salt Lake City Code* to provide further clarity regarding petitions for zoning ordinance text amendments and zoning map amendments; and

WHEREAS, at its March 25, 2009 hearing, the Planning Commission voted in favor of recommending to the City Council that the City Council amend section 21A.50.050 of the *Salt Lake City Code*; and

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

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

SECTION 1. Amending text of *Salt Lake City Code* section 21A.50.050. That section 21A.50.050 of the *Salt Lake City Code* (Standards for General Amendments), shall be, and hereby is, amended to read as follows:

**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. In making its decision concerning a proposed text amendment, the city council should consider the following factors:
1. Whether the a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City City as stated through its various adopted planning documents;
  2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;
  3. Whether the a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and
  4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.
- B. In making a decision to amend the zoning map, the city council should consider the following:
1. Whether the a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City City as stated through its various adopted planning documents;
  2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance;
- ~~B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property;~~
- C. 3. The extent to which the a proposed map amendment will adversely affect adjacent properties;
- D. 4. Whether the a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and
- E. 5. 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, stormwater drainage systems, water supplies, and wastewater and refuse collection.

SECTION 2. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

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

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

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

\_\_\_\_\_  
MAYOR

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

(SEAL)

Bill No. \_\_\_\_\_ of 2009.

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

HB\_ATT#8110-v1-Ord\_-\_Amending\_21A-50-050\_Std#\_for\_Gen\_Amendments



**3. NOTICE OF CITY COUNCIL HEARING**

## NOTICE OF PUBLIC HEARING

The Salt Lake City Council will hold a public hearing regarding Petitions PLNPCM2009-00105 and PLNPCM2009-00106 to consider the following:

1. Amendments to Section 21A.50.50 of the Salt Lake City Zoning Ordinance regarding criteria for evaluating zoning map amendments verses zoning text amendments.
2. Various amendments to Zoning Ordinance sections related to public noticing and hearing requirements.

These amendments are city-wide so there is not specific property address.

As part of its review, the City Council is holding an advertised public hearing to receive comments regarding the petitions. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

**Date:**

**Time:** 7:00 p.m.

**Place:** Room 315 (City Council Chambers)\*  
Salt Lake City and County Building  
451 S. State Street  
Salt Lake City, UT

\*Please enter building from east side.

If you have any questions relating to this proposal or would like to review the petition on file, please contact Bill Peperone, Principal Planner, at 535-7214 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at [bill.peperone@slcgov.com](mailto:bill.peperone@slcgov.com).

People with disabilities may make requests for reasonable accommodations no later than 48 hours in advance in order to attend this public hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. The City & County Building is an accessible facility. For questions, requests, or additional information, please contact the City Council Office at 535-7600, or TDD 535-6021.

#### **4. MAILING LABELS**

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

RON JARRETT  
ROSE PARK CHAIR  
1441 WEST SUNSET DR  
SALT LAKE CITY UT 84116

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

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

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

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

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

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

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

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

THOMAS MUTTER  
CENTRAL CITY CHAIR  
EMAIL ONLY/ ON LISTSERVE

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

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

LISETTE GIBSON  
YALECREST CHAIR  
1764 HUBBARD AVENUE  
SALT LAKE CITY UT 84108

GREG MORROW  
WASATCH HOLLOW CHAIR  
EMAIL ONLY/ON LISTSERVE

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

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

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

MARIELLA SIRAA/MARGARET  
BRADY  
EAST LIBERTY PARK CO-CHAIRS  
EMAIL ONLY, SEE City Council site

ARCADIA HEIGHTS/BENCHMARK  
CHAIR  
Vacant

MAGGIE SHAW  
SUGAR HOUSE CHAIR  
1150 WILSON AVE  
SALT LAKE CITY UT 84105

OAK HILLS CHAIR  
Vacant

KEVIN JONES  
EAST BENCH CHAIR  
2500 SKYLINE DR  
SALT LAKE CITY, UT 84108

SUNSET OAKS CHAIR  
Vacant

INDIAN HILLS CHAIR  
Vacant

ST. MARY'S CHAIR  
Vacant

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

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

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

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

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

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

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

**5.A PLANNING COMMISSION  
ORIGINAL NOTICE AND POSTMARK**

PO Box 145480  
SIC 127 8414-548

**AGENDA FOR THE SALT LAKE CITY PLANNING COMMISSION MEETING**  
**In Room 326 of the City & County Building at 451 South State Street**  
**Wednesday, March 25, 2009 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, March 11, 2009**

**Report of the Chair and Vice Chair**

**Report of the Director**

**Public Hearing**

1. **PLNPCM2008-00918; Zoning Map Amendment**—a request by Paul L. Willie to amend the Zoning Map for property located at approximately 230 West North Temple from PL Public Lands to RMU Residential Mixed Use. This property is located in City Council District 3, represented by Council Member Luke Garrott (Staff Contact: Nole Walkingshaw at 801- 535-7128 or [nole.walkingshaw@slcgov.com](mailto:nole.walkingshaw@slcgov.com)).
2. **PLNPCM2008-00917; Preliminary Minor Subdivision**—a request by Paul L. Willie for property located at approximately 230 West North Temple to combine three parcels. This property is located in City Council District 3, represented by Council Member Luke Garrott (Staff contact: Nole Walkingshaw at 801-535-7128 or [nole.walkingshaw@slcgov.com](mailto:nole.walkingshaw@slcgov.com)).
3. **PLNPCM2009-00003; Red Moose Roasting and Coffee Conditional Use**—a request by Red Moose Roasting and Coffee, represented by Rob Karas and Teresa Nelson, for a drive thru window for a coffee shop located at approximately 1693 South 900 East. A coffee shop is a permitted use in the CN Neighborhood Commercial Zoning District; however, a drive thru window requires a conditional use. The property is located in City Council District 5 represented by Council Member Jill Remington-Love (Staff contact: Nick Norris at 801-535-6173 or [nick.norris@slcgov.com](mailto:nick.norris@slcgov.com)).
4. **PLNPCM2009-00106; Zoning Ordinance Text Amendment**—a petition initiated by the Planning Commission to amend Sections 21A.10.010 and 21A.10.020, and other related Sections of the Salt Lake City Zoning Ordinance, pertaining to Public Hearing and Notice Requirements. The proposed amendments are not site specific (Staff contact: Bill Peperone at 535-7214 or [bill.peperone@slcgov.com](mailto:bill.peperone@slcgov.com))
5. **PLNPCM2009-00105; Zoning Ordinance Text Amendment**—a petition initiated by the City Council to amend Section 21A.50.050 of the Salt Lake City Zoning Ordinance, *Standards for General Amendments*. The proposed amendment is not site specific (Staff contact: Bill Peperone at 801-535-7214 or [bill.peperone@slcgov.com](mailto:bill.peperone@slcgov.com))

*Visit the Planning 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. The Record of Decision will be posted on the Division's website the day following the meeting where a final decision on a petition is made.*

Not Williams

# PUBLIC HEARING NOTICE

Salt Lake City Planning Division  
451 South State Street, Room 406  
PO Box 145480  
Salt Lake City UT 84114

MAILED FROM ZIP CODE 84116  
0004632097 MAR 11 2009  
02 1A  
\$ 00.42  
UNITED STATES POSTAGE  
PITNEY BOWES



FIRST CLASS

STATE MAIL SVCS 03/12/2009 09:30

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.

08



**Order Confirmation for Ad #0000430833-01**

<b>Client</b>	PLANNING DIVISION	<b>Payor Customer</b>	PLANNING DIVISION
<b>Client Phone</b>	801-535-6184	<b>Payor Phone</b>	801-535-6184
<b>Account#</b>	9001394298	<b>Payor Account</b>	9001394298
<b>Address</b>	PO BOX 145455 SALT LAKE CITY UT 84114-5455 USA	<b>Payor Address</b>	PO BOX 145455 SALT LAKE CITY UT 84114-5455
<b>Fax</b>		<b>Ordered By</b>	<b>Acct. Exec</b>
<b>EEmail</b>	everett.joyce@slcgov.com	Tami Hansen	Ivaldez

<b>Total Amount</b>	<b>\$87.50</b>			
<b>Payment Amt</b>	<b>\$0.00</b>			
<b>Amount Due</b>	<b>\$87.50</b>	<u>Tear Sheets</u>	<u>Proofs</u>	<u>Affidavits</u>
		0	0	1

**Payment Method** PO Number

**Confirmation Notes:**

**Text:**

<b>Ad Type</b>	<b>Ad Size</b>	<b>Color</b>
Legal Liner	2.0 X 33 Li	<NONE>

<b>Product</b>	<b>Placement</b>
Deseret News::	Legal Liner Notice - 0998
<b>Scheduled Date(s):</b>	03/11/2009

<b>Product</b>	<b>Placement</b>
deseretnews.com::	Legal Liner Notice - 0998
<b>Scheduled Date(s):</b>	03/11/2009

**Ad Content Proof Actual Size**

Proposed amendments to the Salt Lake City Zoning Ordinance

On March 25, 2009, the Salt Lake City Planning Commission will hold a public hearing to consider making recommendations to the City Council regarding the following petitions:

Petition PLNPCM2009-00105 filed by the Salt Lake City Council to amend Section 21A.50.050 of the Salt Lake City Zoning Ordinance related to Standards for General Amendments. This proposed amendment is intended to differentiate between zoning map amendments and zoning text amendments and to adopt criteria for evaluating each type of amendment.

Petition PLNPCM2009-00106 filed by the Salt Lake City Planning Commission to amend Sections 21A.10.010, 21A.10.020, 21A.10.030 and other related sections pertaining to public noticing and advertisement requirements. The proposed amendments are intended to make the city Zoning Ordinance more internally consistent and more consistent with changes that have taken place in State law.

The public hearing will begin at 5:45 PM in room 326 of the City County Building, 451 South State Street, Salt Lake City, UT. For more information or for special ADA accommodations, which may include alternative formats, interpreters, and other auxiliary aids or additional information, please contact Bill Peperone at 801-535-7241 or TDD call 801-535-6220. UPAXLP 430833

**5.B PLANNING COMMISSION  
STAFF REPORT**

# PLANNING COMMISSION STAFF REPORT

## Salt Lake City Code Maintenance Zoning Text Amendment Petition PLNPCM2009- 00105 – City-wide March 25, 2009



Planning Division  
Department of Community and  
Economic Development

**Applicant:** Salt Lake City Mayor

**Staff:** Bill Peperone 535-7214  
bill.peperone@slegov.com

**Master Plan Designation:**  
City-wide

**Council District:** City-wide

**Applicable Land Use Regulations:**

*Affected Text:*  
21A.50.050, Standards for General  
Amendments

**Notification**

- Notice mailed on 2009

**Attachments:**

- A. Minutes from March 9,  
2004 city council meeting
- B. Summary Table of the  
Amendment

### ***Request***

The Salt Lake City Council has requested that the Planning Division bring forth an amendment to Section 21A.50.050 of the Salt Lake City Zoning Ordinance. The purpose of this amendment is to differentiate between proposed amendments to the text of the Zoning Ordinance verses proposed amendment to the city's zoning map.

### ***Staff Recommendation***

Based on the comments and analysis given in the staff report, the Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to adopt the proposed text amendment for Standards for General Amendments.

### ***Potential Motion***

*Approval of the proposed amendments to Section 21A.50.050 of the Zoning Ordinance*  
I move to forward a recommendation to the City Council for approval of PLNPCM2009-00105 for the proposed amendments to Section 21A.50.050 of the Salt Lake City Zoning Ordinance, based on the following findings:

1. That distinction between zoning text amendments and zoning map amendments is beneficial to the city;
2. That the current language of Section 21A.50.050 of the Salt Lake City Zoning Ordinance makes no such distinction;

## ***Background/ Project Description***

On March 9, 2004, the City Council adopted Ordinance 13 of 2004 which included a “request that the Administration and Planning Commission advance an update to the zoning ordinance to establish separate criteria for analyzing amendments to the zoning text and zoning maps.”

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.

## ***Comments***

### **Public Comments**

A Task Force meeting was held in January 2009. Members of the business community who were present suggested that an additional criteria be added to text amendments that would consider the impact a proposed amendment may have on existing or future commercial or industrial businesses. An Open House was held on February 19, 2009. Notice of the Open House was sent to Community Council chairs and those whose names are on the Planning Divisions List serve. Notice was also posted on the City’s website. There were no comments received directly related to this Open House issue.

### **City Department Comments:**

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

## ***Analysis and Findings***

The proposed amendment to Section 21A.50.050 is as follows:

### **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. In making its decision concerning a proposed text amendment, the city council should consider the following factors:
  - 1. ~~Whether the a~~ proposed text amendment is consistent with the purposes, goals, objectives, and policies of the ~~adopted general plan of Salt Lake City~~ City as stated through its various adopted planning documents;
  - 2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;
  - 3. ~~Whether the a~~ proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and
  - 4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.
- B. In making a decision to amend the zoning map, the city council should consider the following:
  - 1. ~~Whether the a~~ proposed map amendment is consistent with the purposes, goals, objectives, and policies of the ~~adopted general plan of Salt Lake City~~ City as stated through its various adopted planning documents;
  - 2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance;
- ~~B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property;~~
- ~~C.~~ 3. The extent to which ~~the a~~ proposed map amendment will adversely affect adjacent properties;
- ~~D.~~ 4. Whether ~~the a~~ proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and
- E. 5. 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, stormwater drainage systems, water supplies, and wastewater and refuse collection. (Ord. 26-95 □ 2(25-4), 1995)

**Attachment "A"**  
**City Council minutes from March 9, 2004**

**Crandall, Scott**

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**From:** Crandall, Scott  
**Sent:** Thursday, March 18, 2004 10:41 AM  
**To:** Paterson, Joel; Wilde, Brent; Zunguze, Louis  
**Cc:** Jardine, Janice  
**Categories:** Program/Policy

FYI: The Council adopted the following motion on March 9, 2004. Please take whatever steps are necessary to implement the request. Please forward this to anyone else who needs to be involved. Thanks.

Councilmember Turner moved and Councilmember Saxton seconded to **adopt Ordinance 13 of 2004 including a request that the Administration and Planning Commission advance an update to the zoning ordinance to establish separate criteria for analyzing amendments to the zoning text and zoning maps**, which motion carried, all members present voted aye.

#2. RE: Accept public comment and consider adopting an ordinance making **miscellaneous housekeeping amendments** to the Salt Lake City Zoning Code, pursuant to Petition No. 400-02-20. (Fine Tuning)

Cindy Cromer said she was concerned about creating separate criteria for zoning text and zoning maps. She said separating the issues would create problems with interpretation. She said even though zoning text and maps were different media, they needed to communicate the same thing.

Councilmember Saxton moved and Councilmember Turner seconded to close the public hearing, which motion carried, all members present voted aye.

Councilmember Lambert said he understood the Planning Commission (PC) wanted to remove Items 1, 18, 20, 22, 24, 25, 26, and 37. He asked if the proposed ordinance reflected those changes. Brent Wilde, Deputy Planning Director, said he would review the ordinance but he believed all of the intended items had been pulled.

Discussion was held on Item 3 of the Council staff report establishing separate criteria for analyzing amendments to zoning text and zoning maps. Councilmember Christensen said Patricia Comarell, Planning Consultant, suggested the Council request the Planning Department to develop those criteria. He asked if the Planning Department had any opposition to the suggestion. Mr. Wilde said no. He said they agreed there were issues which needed to be addressed and would prepare a proposal for Council.

Councilmember Christensen asked if the request needed to be included in the motion. Mr. Wilde said he felt that would be appropriate because that was clearly the intent.

Councilmember Turner said he would amend the motion to include the request. Councilmember Saxton seconded the amendment.



Councilmember Turner moved and Councilmember Saxton seconded to adopt Ordinance 13 of 2004 including a request that the Administration and Planning Commission advance an update to the zoning ordinance to establish separate criteria for analyzing amendments to the zoning text and zoning maps, which motion carried, all members present voted aye.

(O 04-3)

**Attachment "B"**  
**Summary Table of the Amendment**

## PROPOSED CHANGES TO STANDARDS FOR GENERAL AMENDMENTS (Sec. 21A.50.050)

Current Criteria	Proposed Changed	Staff Reasoning	Task Force Remarks
<p>A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City;</p>	<p>(Text) Whether a proposed text amendment is consistent with the purposes, goals, objectives and policies of the City as stated through its various adopted planning documents.</p> <p>(Map) Whether a proposed map amendment is consistent with the purposes, goals, objectives and policies of the City as stated through its various adopted planning documents.</p>	<ul style="list-style-type: none"> <li>• Unlike some of the other criteria, this one applies well to both text and map amendments</li> <li>• The City does not have one general plan, like most jurisdictions do, but rather has community master plans. In addition to the master plans, the city has other planning documents that should be considered for consistency.</li> </ul>	<p>Support proposal</p>
<p>B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.</p>	<p>(Text) Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;</p> <p>(Map) Whether a map amendment furthers the specific purpose statements of the zoning ordinance;</p>	<ul style="list-style-type: none"> <li>• This is a similar application of the current text but is written to make it more applicable to text amendments.</li> <li>• Map amendments should further the purpose statements of the zoning ordinance.</li> </ul>	<p>Support proposal</p>
<p>C. The extent to which the proposed amendment will adversely affect adjacent properties</p>	<p>(Text) Deleted;</p> <p>(Map) The extent to which the proposed amendment will adversely affect adjacent properties;</p>	<ul style="list-style-type: none"> <li>• (Text) This criterion is site-specific and applies more readily to map amendments than it does to text amendments.</li> <li>• Text amendments usually relate to progressive planning policies of clarification of an existing regulation.</li> <li>• (Map) Because the current criteria applied well to map amendments, no change to the current wording is proposed.</li> </ul>	<p>Text. Clarify what “best practices of urban planning and design” means. Ensure that it means current best professional practices.</p> <p>Map. Support proposal</p>
<p>D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards; and</p>	<p>(Text) No change</p> <p>(Map) No change</p>	<ul style="list-style-type: none"> <li>• Text amendments are seldom lot or parcel specific while map amendments are always parcel specific.</li> <li>• This criterion applies well to map amendments so no change to the current wording is proposed.</li> </ul>	<p>The “public interest” phrase is too vague. Do not include that language. Both Text and Map changes should be in keeping with Overlay District regulations. Retain the language relating to the Overlay Districts for both text and map amendments.</p>
<p>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,</p>	<p>(Map) No change</p>	<ul style="list-style-type: none"> <li>• This criterion applies well to map amendment and has value so the current wording is being maintained.</li> </ul>	<p>Support proposal.</p>

water supplies, and wastewater and refuse collection.			
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**5.C PLANNING COMMISSION  
AGENDA AND MINUTES**

**AMENDED AGENDA FOR THE SALT LAKE CITY PLANNING COMMISSION MEETING**  
**In Room 326 of the City & County Building at 451 South State Street**  
**Wednesday, March 25, 2009 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, March 11, 2009**

**Report of the Chair and Vice Chair**

**Report of the Director**

**Public Hearing**

1. **PLNPCM2008-00918; Zoning Map Amendment**—a request by Paul L. Willie to amend the Zoning Map for property located at approximately 230 West North Temple from PL Public Lands to RMU Residential Mixed Use. This property is located in City Council District 3, represented by Council Member Eric Jergensen (Staff contact: Nole Walkingshaw at 801- 535-7128 or [nole.walkingshaw@slcgov.com](mailto:nole.walkingshaw@slcgov.com)).
2. **PLNPCM2008-00917; Preliminary Minor Subdivision**—a request by Paul L. Willie for property located at approximately 230 West North Temple to combine three parcels. This property is located in City Council District 3, represented by Council Member Eric Jergensen (Staff contact: Nole Walkingshaw at 801-535-7128 or [nole.walkingshaw@slcgov.com](mailto:nole.walkingshaw@slcgov.com)).
3. **PLNPCM2009-00003; Red Moose Roasting and Coffee Conditional Use**—a request by Red Moose Roasting and Coffee, represented by Rob Karas and Teresa Nelson, for a drive thru window for a coffee shop located at approximately 1693 South 900 East. A coffee shop is a permitted use in the CN Neighborhood Commercial Zoning District; however, a drive thru window requires a conditional use. The property is located in City Council District 5 represented by Council Member Jill Remington-Love (Staff contact: Nick Norris at 801-535-6173 or [nick.norris@slcgov.com](mailto:nick.norris@slcgov.com)).
4. **PLNPCM2009-00106; Zoning Ordinance Text Amendment**—a petition initiated by the Planning Commission to amend Sections 21A.10.010 and 21A.10.020, and other related Sections of the Salt Lake City Zoning Ordinance, pertaining to Public Hearing and Notice Requirements. The proposed amendments are not site specific (Staff contact: Bill Peperone at 535-7214 or [bill.peperone@slcgov.com](mailto:bill.peperone@slcgov.com)).
5. **PLNPCM2009-00105; Zoning Ordinance Text Amendment**—a petition initiated by the City Council to amend Section 21A.50.050 of the Salt Lake City Zoning Ordinance, *Standards for General Amendments*. The proposed amendment is not site specific (Staff contact: Bill Peperone at 801-535-7214 or [bill.peperone@slcgov.com](mailto:bill.peperone@slcgov.com)).
6. **Foothill Stake Planned Development/Conditional Use and Zoning Map Amendment**—a request by the Church of Latter Day Saints, represented by Bradley Gygi, architect, for an approval to allow for the redevelopment of the existing site by removing the existing meeting house building and constructing an addition to the existing stake office at property located at approximately 1933 South 2000 East. The property is located in City Council District Six represented by J.T. Martin (Staff contact: Kevin LoPiccolo at 535-6003 or [kevin.lopiccolo@slcgov.com](mailto:kevin.lopiccolo@slcgov.com)).
  - a. **Petition PLNPCM2008-00795 Planned Development/Conditional Use**—a request approval to allow the LDS Foothill Stake to replace an existing chapel with an addition to the building along 2000 East. The new chapel/stake center would be approximately 27,000 square feet. As part of the Planned Development, the applicant is requesting a reduction of required landscaping for the parking lot.
  - b. **Petition PLNPCM2009-00074 Zoning Map Amendment**—the applicant is requesting approval to rezone the property from R-1-7000 (Single Family Residential) to Institutional.

Visit the Planning 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. The Record of Decision will be posted on the Division's website the day following the meeting where a final decision on a petition is made.

**MEETING GUIDELINES**

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

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

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

On Tuesday, March 10, 2009 I personally posted copies of the foregoing notice within the City and County Building at 451 South State Street at the following locations: Planning Division, Room 406; City Council Bulletin Board, Room 315; and Community Affairs, Room 345. A copy of the agenda has also been faxed/e-mailed to all Salt Lake City Public Libraries for posting and to the Salt Lake Tribune and Deseret News.

Signed: \_\_\_\_\_ Tami Hansen

STATE OF UTAH                    )  
  :SS

COUNTY OF SALT LAKE        )

SUBSCRIBED AND SWORN to before me this day March 10, 2009

# **SALT LAKE CITY PLANNING COMMISSION MEETING**

**In Room 326 of the City & County Building**

**451 South State Street, Salt Lake City, Utah**

**Wednesday, March 25, 2009**

Present for the Planning Commission meeting were Chair Mary Woodhead and Vice Chair Susie McHugh; Commissioners Babs De Lay, Tim Chambless, Angela Dean, Prescott Muir and Michael Fife. Commissioners Algarin, Scott, and Wirthlin were absent.

A field trip was held prior to the meeting. Planning Commissioners present were: Tim Chambless, Angela Dean, Michael Fife, Susie McHugh, and Mary Woodhead. Staff members present were: Joel Paterson, Nick Norris, Nole Walkingshaw, and Kevin LoPiccolo.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Woodhead called the meeting to order at 5:47 p.m. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time. Planning staff members present at the meeting were: Wilf Sommerkorn, Planning Director; Joel Paterson, Programs Manager; Paul Neilson, City Attorney; Bill Peperone, Senior Planner; Nick Norris, Senior Planner; Nole Walkingshaw, Senior Planner; Kevin LoPiccolo, Programs Supervisor; and Tami Hansen, Planning Commission Secretary.

**7:07:18 PM PLNPCM2009-00105; Zoning Ordinance Text Amendment**—a petition initiated by the City Council to amend Section 21A.50.050 of the Salt Lake City Zoning Ordinance, *Standards for General Amendments*. The proposed amendment is not site specific. View: [Staff Report](#)

Chair Woodhead recognized Bill Peperone as staff representative.

Mr. Peperone stated that this petition was initiated by the City Council to differentiate between amendments to the Zoning Map versus amendments to text of the Zoning Ordinance.

He stated that this simply would make it easier for the City Council and Planning Commission to use when evaluating a text amendment versus a map amendment.

**7:08:39 PM Public Hearing:**

Chair Woodhead open the public hearing portion of this petition, there were no members of the public present to speak to the petition. Chair Woodhead closed the public hearing.



7:09:04 PM **Motion:**

**Commissioner De Lay made a motion regarding Petition PLNPCM2009-00105, based on the staff report, that the Planning Commission forwards a positive recommendation to the City Council, to adopt the proposed text amendments for Standards for General Amendments.**

**Commissioner Dean seconded the motion.**

**Commissioners De Lay, Dean, Fife, Chambless, Muir, and McHugh voted, "Aye". The motion passed unanimously.**

*Chair Woodhead announced a break at 7:09 p.m.*

**6. TASK FORCE MINUTES**

# **2009 Zoning Text Amendment Project**

**February 9, 2009**

## **Task Force Meeting**

### ***Members Present***

Jim Ack, Betsy Burton, Cindy Cromer, Alison Einerson, David Fitzsimmons, Sydney Foncesbeck, Lisette Gibson, Barbara Green, Gerald Green, Sandra Hatch, Ron Jarrett, Bob Lund, Gregg Morrow, Bill Nighswonger, Rex Olsen, Tracy Oulman, Helen Peters, Vasilios Priskos, Ellen Reddick, Dave Richards, Steven Rosenberg, Judi Short, Maria Vyes, Ray Whitchurch, Carla Wiese,

### ***Members Absent***

Margaret Brady, Paula Carl, Shane Carlson, Mary Corporon, Bob Evans, Jim Fisher, Kirk Hufaker, Maria Garcia, Lori Gutierrez, Jim Jenkin, Maria Olguin, Craig Peterson, Inga Regenass, Grace Sperry,

### ***Staff Present***

Wilf Sommerkorn, Planning Director; Pat Comarell, Assistant Planning Director; Cheri Coffey, Planning Manager; Nick Norris, Senior Planner; Ray Milliner, Principal Planner; Janice Lew, Principal Planner; Janice Jardine, Policy Analyst for City Council

### ***Discussion relating to proposed Zoning Text and Map Amendment Criteria:***

Best Practices; The language is too vague. Need to define / clarify what is meant by "best professional practices." Ensure it includes "current" best professional practices.

Remove the criteria relating to the "public interest." That term is too nebulous.

Retain the language relating to overlay districts for both text and map amendments. The purpose statements of the overlay zoning districts may have information that would help determine whether a proposed text amendment is consistent and does not conflict with the overlay zones.

Look at the appropriateness of including a criteria that requires considering the economic impacts the new regulation may have on businesses or the City in

general. Oftentimes these regulations have unintended consequences. However, economic impact needs to be looked at broadly and not just on the basis of profitability of a business. The criteria of economic impacts need to be specific on what should be considered. Economics should not be the dominant factor of whether the regulation is appropriate or not, but economics should be considered. Must focus on a balance of the interests.

**7. OPEN HOUSE NOTICE**

**8. ORIGINAL PETITION**

**Remarks:**

Petition No: **PLNPCM2009-00105**

By: **Salt Lake City Planning Division**

Zoning Text Amendment

Date Filed: 02/02/2009

Address: n/a

# SALT LAKE CITY CORPORATION

FRANK B. GRAY  
DIRECTOR

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT  
OFFICE OF THE DIRECTOR

RALPH BECKER  
MAYOR

MARY DE LA MARE-SCHAEFER  
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.  
DEPUTY DIRECTOR

## CITY COUNCIL TRANSMITTAL



A handwritten signature in blue ink, appearing to be "D. Everitt", written over a horizontal line.

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

A handwritten signature in black ink, appearing to be "Frank Gray", written over a horizontal line.

**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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## **1. Chronology**

## **2. Ordinance**

## **3. City Council Notice and Mailing List**

- i. Hearing Notice
- ii. Mailing List

## **4. Planning Commission**

- i. Public Hearing Notice and Postmark / Agenda
- ii. Newspaper Notice for Master Plan Amendment
- iii. Planning Commission Staff Report

## **5. Original Petitions**

- i. Petition PLNPCM2008-00538 Part I - Fine Tuning Aug 08

# **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:

<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' <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:

<b><u>Disrtit</u> <u>District</u> <u>Symbol</u></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	4-stories/ 60'
AG Agricultural	Residential: 30' <del>or 21/2-stories</del>

	Agricultural: 45' Conditional: 45'
AG-2	Residential: 30' <del>or 2 1/2 stories</del> Agricultural: 45' Conditional: 45'
AG-5	Residential: 30' <del>or 2 1/2 stories</del> Agricultural: 45' Conditional: 45'
MH Mobile home park	30' (clubhouse) <del>or 2 1/2 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>Disrtit District Symbol</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:

<b>District Name</b>	<b>YARD AND BULK REGULATIONS</b>
	<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

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

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

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

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

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

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

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

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

~~THOMAS MUTTER  
CENTRAL CITY CHAIR  
EMAIL ONLY/ON LIST/SERVE~~

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

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

LISETTE GIBSON  
YALECREST CHAIR  
1764 HUBBARD AVENUE  
SALT LAKE CITY UT 84108

~~GREG MORROW  
WASATCH HOLLOW CHAIR  
EMAIL ONLY/ON LIST/SERVE~~

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

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

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

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

ARCADIA HEIGHTS/BENCHMARK  
CHAIR  
Vacant

MAGGIE SHAW  
SUGAR HOUSE CHAIR  
1150 WILSON AVE  
SALT LAKE CITY UT 84105

OAK HILLS CHAIR  
Vacant

KEVIN JONES  
EAST BENCH CHAIR  
2500 SKYLINE DR  
SALT LAKE CITY, UT 84108

SUNSET OAKS CHAIR  
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  
P.O. Box 521357  
Salt Lake City, UT 85125-1357

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

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

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WASATCH HOLLOW CHAIR  
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SUNNYSIDE EAST CHAIR  
859 SOUTH 2300 EAST  
SALT LAKE CITY UT 84108

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BONNEVILLE HILLS CHAIR  
2177 ROOSEVELT AVE  
SALT LAKE CITY UT 84108

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

MARIELLA SIRAA/MARGARET  
BRADY  
EAST LIBERTY PARK CO-CHAIRS  
EMAIL ONLY, SEE City Council site

ARCADIA HEIGHTS/BENCHMARK  
CHAIR  
Vacant

MAGGIE SHAW  
SUGAR HOUSE CHAIR  
1150 WILSON AVE  
SALT LAKE CITY UT 84105

OAK HILLS CHAIR  
Vacant

KEVIN JONES  
EAST BENCH CHAIR  
2500 SKYLINE DR  
SALT LAKE CITY, UT 84108

SUNSET OAKS CHAIR  
Vacant

INDIAN HILLS CHAIR  
Vacant

ST. MARY'S CHAIR  
Vacant

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

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

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

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

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

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

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

**Exhibit 4**  
**Planning Commission**

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

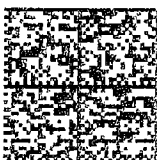
**Exhibit 4i**  
**Public Hearing Notice/Postmark/Agenda**

Tami Hansen  
1/15

# 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  
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UNITED STATES POSTAGE



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 CONTACT THE PLANNING OFFICE AT 535-7757

**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** *Commentary on the Proposed Changes to the Zoning Code*

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
	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

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~~ 21A24.164.C

**21A.24.168.C Qualifying Provisions** 1. A modification to the density regulations in subsection ~~21A.24.170D~~ 21A24.168.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*

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**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 fine 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

---

**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  
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451 South State Street, Rm 406  
PO Box 145480  
Salt Lake City, UT 84111-5480

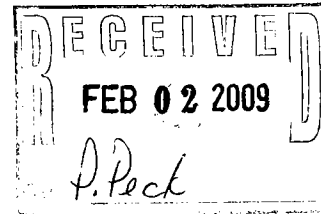
9/26/2008

**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.

---

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,

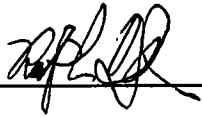
- 2) Maximum Building Height – Use number of feet standard only, eliminate number of stories standard,
- 3) Unit Legalization – Change apartment license requirement from 5 dwelling units to 3 dwelling units,
- 4) Minimum Lot Area - Reference in RMU-35 and RMU-45 Zoning Districts, and
- 5) Multiple Structures 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.

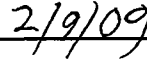
If you have any questions, please contact me.

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**

# SALT LAKE CITY CORPORATION

FRANK B. GRAY  
DIRECTOR

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT  
OFFICE OF THE DIRECTOR

RALPH BECKER  
MAYOR

MARY DE LA MARE-SCHAEFER  
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.  
DEPUTY DIRECTOR

## CITY COUNCIL TRANSMITTAL



David Everitt, Chief of Staff



Date Received: By SRB

Date Sent to City Council: 07/14/2009

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

**DATE:** July 9, 2009

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



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

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

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

**DOCUMENT TYPE:** Ordinance

**BUDGET IMPACT:** None

### DISCUSSION:

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

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



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

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

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

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

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

#### **PUBLIC PROCESS:**

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

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

#### **RELEVANT ORDINANCES:**

Amendments to the Zoning Ordinance and Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 21A.50.050: "A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard." It does, however, list five standards, which should be analyzed prior to rezoning property (Section 21A.50.050 A-E). The five standards are discussed in detail starting on page 5 of the Planning Commission Staff Report.

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## **2. Ordinance**

## **3. City Council Notice and Mailing List**

- i. Hearing Notice
- ii. Mailing List

## **4. Planning Commission**

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

## **5. Original Petitions**

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

# **Exhibit 1**

## **Chronology**

# Chronology

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

**Exhibit 2**  
**Ordinance**

LEGISLATIVE

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**E. Minimum Yard Requirements:**

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

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

3. **Interior Side Yard:**

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

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

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

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

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

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

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

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

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

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

**E. Minimum Yard Requirements:**

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

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

3. **Interior Side Yard:**

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

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

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

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

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

d. **Multi-Family Dwellings:**

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

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

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

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

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

**E. Minimum Yard Requirements:**

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

2. **Corner Side Yard:**

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

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

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

3. **Interior Side Yard:**

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

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

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

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

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

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

**G. Maximum Building Coverage:**

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

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

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

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

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

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

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

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

**G. Maximum Building Coverage:**

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

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

**Chapter 21A.08 ZONING CERTIFICATE**

**21A.08.010 Purpose Statement:**

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

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

**21A.08.020 Authority To Issue Zoning Certificate:**

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

**21A.08.030 Zoning Certificate Requirement:**

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

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

**21A.08.040 Application For Zoning Certificate:**

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

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

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

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

~~A statement describing:~~

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



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

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

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

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

**21A.40.030 Zoning Compliance Required:**

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

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

**21A.42.050 Process For Constitutionally Protected Temporary Uses:**

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

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

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

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

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

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

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

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

**21A.42.090 Use Limitations:**

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

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

### **21A.22.030 Boundaries:**

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

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

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

21A.44.020.F(7) of the *Salt Lake City Code* (Driveway Standards), shall be, and hereby is,

amended to read as follows:

### **21A.44.020 General Off Street Parking Requirements:**

#### **7. Driveway Standards:**

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

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

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

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

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

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

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

SECTION 18. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

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

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

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

\_\_\_\_\_  
MAYOR

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

(SEAL)

Bill No. \_\_\_\_\_ of 2009.

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

HB\_ATT#6369-v1-Ordinance - Zoning Fine Tuning Part II

FINAL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

**E. Minimum Yard Requirements:**

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

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

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

**E. Minimum Yard Requirements:**

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

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

3. **Interior Side Yard:**

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

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

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

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

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

d. **Multi-Family Dwellings:**

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

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

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

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

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

**E. Minimum Yard Requirements:**

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

2. **Corner Side Yard:**

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

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

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

**3. Interior Side Yard:**

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

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

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

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

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

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

**G. Maximum Building Coverage:**

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

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

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

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

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

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

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

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

**G. Maximum Building Coverage:**

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

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

**Chapter 21A.08 ZONING CERTIFICATE**

**21A.08.010 Purpose Statement:**

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

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

**21A.08.020 Authority To Issue Zoning Certificate:**

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

**21A.08.030 Zoning Certificate Requirement:**

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

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

**21A.08.040 Application For Zoning Certificate:**

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

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

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

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

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

**21A.40.030 Zoning Compliance Required:**

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

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

**21A.42.050 Process For Constitutionally Protected Temporary Uses:**

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

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

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

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

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

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



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

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

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

**21A.42.090 Use Limitations:**

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

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

**21A.22.030 Boundaries:**

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

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

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

**21A.44.020 General Off Street Parking Requirements:**

**7. Driveway Standards:**

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

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

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

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

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

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

G. Intentionally left blank.

SECTION 18. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_,  
2009.

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

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

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

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

\_\_\_\_\_  
MAYOR

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

(SEAL)

Bill No. \_\_\_\_\_ of 2009.  
Published: \_\_\_\_\_.

HB\_ATTYY-#6369-v2-Ordinance\_- \_Zoning\_Fine\_Tuning\_Part\_II

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

**Exhibit 3**  
**City Council Notice**  
**and Mailing List**

**Exhibit 3i**  
**City Council Hearing Notice**

## **NOTICE OF PUBLIC HEARING**

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

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

As part of this request the City Council is holding an advertised public hearing to receive comments regarding this petition request. During this hearing, the Planning staff may present information on the petition and anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

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

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

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

**Exhibit 3ii**  
**City Council Mailing List**



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

RON JARRETT  
ROSE PARK CHAIR  
1441 WEST SUNSET DR  
SALT LAKE CITY UT 84116

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

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

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

RANDY SORENSON  
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

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

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

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

KEVIN JONES  
EAST BENCH CHAIR  
2500 SKYLINE DR  
SALT LAKE CITY, UT 84108

MAGGIE SHAW  
SUGAR HOUSE CHAIR  
1150 WILSON AVE  
SALT LAKE CITY UT 84105

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

LISETTE GIBSON  
YALECREST CHAIR  
1764 HUBBARD AVENUE  
SALT LAKE CITY UT 84108

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

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

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

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

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

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

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

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

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

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

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

**Exhibit 4**  
**Planning Commission**

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

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

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

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

APPROVAL OF MINUTES FROM WEDNESDAY, October 22, 2008.

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

**BRIEFING**

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

**PUBLIC HEARING**

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

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

# PUBLIC HEARING NOTICE

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



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



**Exhibit 4ii**  
**Planning Commission Minutes**

# **SALT LAKE CITY PLANNING COMMISSION MEETING**

**In Room 326 of the City & County Building**

**451 South State Street, Salt Lake City, Utah**

**Wednesday, November 12, 2008**

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

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

## **Work Session:**

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

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

## ***PUBLIC HEARING***

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

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

12, 2008

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

Chair Woodhead recognized Everett Joyce as staff representative.

**7:53:38 PM Public Hearing:**

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

**7:54:42 PM Motion:**

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

**Commissioner De Lay seconded the motion.**

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



**Exhibit 4iii**  
**Staff Report**

# PLANNING COMMISSION STAFF REPORT

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



Planning Division  
Department of Community and  
Economic Development

**Applicant:** Salt Lake City Mayor

**Staff:** Everett Joyce 535-7930  
[everett.joyce@slcgov.com](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:*

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

**Notification**

- Notice mailed on October 28,  
2008

**Attachments:**

- A. Proposed Text Amendments
- B. Department Comments

### **REQUEST**

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

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

### **STAFF RECOMMENDATION:**

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

## **Background/ Project Description**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **9. Chapter 21A.52.030G Special Exceptions**

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

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

## **Comments**

### **Public Comments**

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

### **City Department Comments:**

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

## **Analysis and Findings**

**21A.50.050 Standards for general amendments.**

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the city council should consider the following factors:

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

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

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

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

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

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

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

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

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

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

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

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

**Finding:** The proposed text amendments are consistent with the provisions of all applicable overlay zoning districts that may impose additional standards.

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

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

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

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



# Code Maintenance – Zoning Ordinance Fine Tuning Projects

## Part II - September 2008

### Code Maintenance or Fine Tuning

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

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

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#### Commentary

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

#### Recommended Code Language

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

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

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

#### STANDARDS FOR THE D-1 AND D-4 DISTRICTS

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

## Item 2. Chapter 21A.46 Yard Sale Signs

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### Commentary

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

### Recommended Code Language

Language to be **added** is underlined.

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

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

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

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

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

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### Commentary

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

## Business License Text

### 5.14.020 License - Required For Residential Dwellings:

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

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

### Recommended Code Language

Language to be added is underlined.

Language to be deleted is ~~strikethrough~~

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

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

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

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### Commentary

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

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

### Recommended Code Language

Language to be **added** is underlined.

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

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

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

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

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

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

**21A.62.040 Definitions:**

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

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

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**Commentary**

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

**Recommended Code Language**

Language to be **added** is underlined.

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

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

**E. Minimum Yard Requirements:**

1. **Front Yard:** Twenty feet (20').
2. **Corner Side Yard:** Ten feet (10').
3. **Interior Side Yard:**

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

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

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

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

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

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

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

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

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

##### **E. Minimum Yard Requirements:**

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

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

3. **Interior Side Yard:**

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

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

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

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

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

d. **Multi-Family Dwellings:**

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

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

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

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

**E. Minimum Yard Requirements:**

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

2. **Corner Side Yard:**

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

3. **Interior Side Yard:**

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

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

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

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**Commentary**

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

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

**Recommended Code Language**

Language to be **added** is underlined.

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

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

**G. Maximum Building Coverage:**

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

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

**G. Maximum Building Coverage:**

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



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

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

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

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### **Commentary**

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

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

### **Recommended Code Language**

Language to be **added** is underlined.

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

## **Chapter 21A.08 ZONING CERTIFICATE**

### **21A.08.010 Purpose Statement:**

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

### **21A.08.020 Authority To Issue Zoning Certificate:**

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

**21A.08.030 Zoning Certificate Requirement:**

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

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

**21A.08.040 Application For Zoning Certificate:**

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

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

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

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

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

A statement describing:

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

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

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

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

**21A.40.030 Zoning Compliance Required:**

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

**21A.42.050 Process For Constitutionally Protected Temporary Uses:**

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

**Chapter 21A.42 TEMPORARY USES**

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

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

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

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

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

**21A.42.090 Use Limitations:**

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

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

**Commentary**

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

**Recommended Code Language**

Language to be **added** is underlined.

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

**21A.22.030 Boundaries:**

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

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

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

## **Item 9. 21A.52.030G Special Exceptions**

### **Commentary**

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

### **21A.44.020 General Off Street Parking Requirements:**

#### **7. Driveway Standards:**

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

## Recommended Code Language

Language to be **added** is underlined.

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

### **21A.52.030 Special Exceptions Authorized:**

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

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



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

**Exhibit B**  
**Department Comments**

**Joyce, Everett**

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

October 15, 2008

Everett Joyce, Planning

Re: Zoning Ordinance text changes - Fine Tuning

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

The nine issues presented:

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

21A.44.020 General Off Street Parking Requirements:

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

2/19/2009

7. Driveway Standards:

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

Sincerely,

Barry Walsh

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

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**From:** Joyce, Everett

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

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

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

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

All,

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

Thank you for your assistance on this matter.

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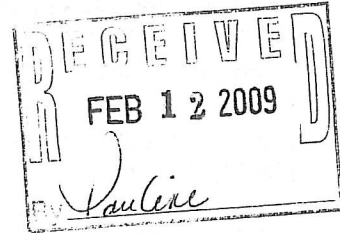
Everett L. Joyce, AICP  
Senior Planner  
801-535-7930  
Salt Lake City Planning Division  
451 South State Street, Rm 406  
PO Box 145480  
Salt Lake City, UT 84114-5480

**Exhibit 5**  
**Original Petition**



# Petition Initiation Request

Planning Division  
Community & Economic Development Department



**To:** Mayor Becker

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

**Date:** February 12, 2009

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

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

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

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

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

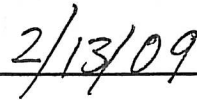
If you have any questions, please contact me.

Thank you.

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



**Ralph Becker, Mayor**



**Date**

**Remarks:**

Petition No: **PLNPCM2008-00640**

**By: Mayor Ralph Becker**

**Zoning Text Amendment - Fine tuning code amendments**

Amendments to the City Code being processed as part of this request address the following issues.

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

Date Filed: February 13, 2009

Address: **Citywide**