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# SALT LAKE CITY COUNCIL STAFF REPORT

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**DATE:** January 29, 2010

**SUBJECT:** Petition PLNPCM2009-00509 request from Mayor Becker to change the City's zoning regulations and other related sections of the City Code to provide clear, consistent, and efficient land use regulations. This proposal includes the following 4 items:

1. Eliminate the requirement that institutional uses in the Manufacturing zones (M-1 and M-2) require a maximum lot size of two (2) acres.
2. Require the Planning Commission hold a minimum of one meeting per month.
3. Clarify that buildings in historic preservation overlays and landmark sites require certificate of appropriateness review even if a building permit is not required.
4. Time expiration for approval of a variance, special exception, conditional use, planned development, site plan review, or design review will expire if complete building plans have not been submitted to the Permits Office within 12 months of the approval, and clarifies that time extensions require the applicant to demonstrate that no unmitigated impact has occurred on site in the time since the original approval.

**AFFECTED COUNCIL DISTRICTS:** If the ordinance is adopted the Zoning Ordinance text amendment would affect Council Districts citywide.

**STAFF REPORT BY:** Nick Tarbet and Janice Jardine

**ADMINISTRATIVE DEPT. AND CONTACT PERSON:** Community Development Department, Planning Division  
Ray Milliner, Principal Planner

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## KEY ELEMENTS:

- A. The Administration's paperwork provides the following information relating to the proposed changes of the City's zoning regulations.
1. The City adopted a comprehensive Zoning Ordinance in April 1995. At that time, it was understood that adjustments to the Zoning regulations would be necessary once it had been implemented, and people had an opportunity to work with it.
  2. Salt Lake City intermittently processes land use regulation changes to the City's zoning regulations and other related sections of the City Code due to land use policy changes adopted by the City or because of State enabling regulation changes. It is beneficial for Salt Lake City to make minor code revisions that lead to a greater ease of use and understanding
  3. Overall, the framework and structure of Salt Lake City's zoning regulations and development standards are sound and do not require wholesale restructuring.
  4. Amendments to the City Code selected for the Fine Tuning process meet the following objectives:
    - a. 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;
    - b. Addresses ongoing problems with administration of the existing Code language, and may result in a minor policy change of low significance;
    - c. Implements the City's Comprehensive Plan: and
    - d. Provides ordinance consistency with existing policies and objectives.
  5. The proposed amendments are part of a citywide code maintenance approach and do not impact the overall character of existing development.

- 6. The proposed amendments will not change the function of the technical standards of the zoning ordinance.
  - 7. The amendments are minor and they will improve the consistency and clarity of existing City code sections.
- B. An ordinance has been prepared for Council consideration to change the following sections of the City's zoning regulations.

1. **Section 21A.28.040 Table of Permitted & Conditional Uses for Manufacturing Districts**

-Maximum Lot Size

This change would eliminate the requirement that institutional uses in the Manufacturing zones (M-1 and M-2) have a lot size of no greater than two (2) acres. The regulation is problematic for training facilities which are classified as schools, such as the proposed Pipe Fitters Union training facility. Staff can find no rationale for this regulation that would justify the limitation of institutional uses when other similar or more intensive uses have none.

2. **Sections 21A.06.030 and 2.20.080.A**

-Planning Commission Meetings

This amendment would resolve the issue of how many monthly meetings the Planning Commission is required to hold. Currently, zoning regulations (Section 21A.06.030.E) requires the Commission to meet at least once a month, whereas another section of the City Code (Section 2.20.080.A L - Planning Commission) requires two monthly meetings. While the Commission normally meets twice a month, it is not remarkable if it meets once, due to a holiday or other mitigating factor. Therefore, it is recommended that the City Code, Chapter 2 – Planning & Zoning Commission, Section 2.20.080.A be amended to require the Planning Commission to hold a minimum of one meeting per month.

3. **Section Chapter 21A.04.030**

-Certificate of Appropriateness

The current zoning regulations specify that a building permit is required for all construction activity on a site, unless the Division of Building Services and Licensing states otherwise. (Sec. 21A.04.030) This amendment clarifies that buildings in historic preservation overlays and landmark sites still require certificate of appropriateness review even if a building permit is not required. (A certificate of appropriateness is defined in the zoning regulations as a certification by the Historic Landmark Commission stating that proposed work on historic property is compatible with the historic character of the property and of the historic preservation overlay district in which it is located.)

4. **Sections 21A.18.100, 21A.52.090, 21A.54.120, 21A.54.150.O, 21A.58.080.C.6 and 21A.59.070.C.6**

-Time Expiration of Approval

Currently, the zoning regulations state that approval of a variance, special exception, conditional use, planned development, site plan review, or design review expires after 12 months unless a building permit has been issued. The proposed changes state that approval expires if complete building plans

have not been submitted to the Permits Office within 12 months of the approval, and clarifies that time extensions require the applicant to demonstrate that no unmitigated impact has occurred on site in the time since the original approval. The requirement that complete building plans be submitted rather than a full building permit issued is designed to provide leeway to the applicant as it is not uncommon for the 12 months expire prior to the issue of a building permit due to a back log of plans in the Permits Office, or other mitigating circumstance. Changes are proposed to make the expiration of variances and special exceptions consistent with other approvals such as conditional uses and planned developments.

- C. The Planning Staff report provides findings for the Zoning Ordinance Section 21 A.50.050 – Standards for General Amendments. The standards were evaluated in the Planning staff report and considered by the Planning Commission. (Discussion and findings for the standards are found on pages 3-4 of the Planning Staff report.)
- D. The City’s Departments and Divisions have reviewed the request. No comments from the applicable City Departments / Divisions.
- E. The public process included a Planning Division sponsored Open House and written notification of the Planning Commission hearing to Community Council Chairs and the Planning Division electronic list serve. Notice was also posted on the City’s website. The Administration’s paperwork notes there were no comments received at the Open House and Planning Commission public hearing.
- F. On June 10, 2009, the Planning Commission held a public hearing. The Planning Commission voted to forward a favorable recommendation to the City Council. No one from the public was present to comment. The vote was 6 in favor and 1 opposed. Issues discussed at the meeting are summarized below. (Please refer to the Planning Commission minutes for details.)
  - 1. The Planning Commission discussion focused on the proposed zoning regulation intended to clarify those buildings in historic preservation overlays and landmark sites require a certificate of appropriateness review even if a building permit is not required. There are times when a building permit is not required, but that a certificate of appropriateness is still needed. Example include: Flat work, tile on a sidewalk, imprinting designs.
  - 2. A Planning Commissioner asked if improvements which required a certificate of appropriateness were clearly defined. Planning Staff stated other Design Guideline and the Historic Section of the code give greater detail.
  - 3. People may think they are doing only minor work and thus will not obtain a certificate of appropriateness. Will they then be cited for a code violation, charged with penalties and forced to tear out the work? Planning staff state the intent is to prevent historic structure from being impacted in a negative way.
  - 4. Will people have clear notification of this requirement? Planning staff indicated that notice indicating the property is in an historic district and regulations may apply before construction could be undertaken on the property are recorded on the property and would be included in a property title report.
  - 5. What options are available to protect buildings that are historic and significant, but were not in an historic district, from demolition? Planning staff indicated that if buildings were not on the local historic register then the regulations in the City code relating to demolition would apply. Staff also noted that the proposed Preservation Plan discusses the need to expand the tools that the City uses to protect those structures.
  - 6. The Commissioner who voted in opposition to the motion stated it was because the proposed Certificate of Appropriateness zoning regulation would not be enforceable.

## **MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:**

The Council may wish to discuss in further detail the issue raised by the Planning Commission regarding the proposed zoning regulation intended to clarify that buildings in historic preservation overlays and landmark sites require a certificate of appropriateness review even if a building permit is not required. (Please see Item 5.C - Planning Commission minutes in the Administration's paperwork for details regarding this issue and Item F under Key Elements in this staff report.)

## **MASTER PLAN AND POLICY CONSIDERATIONS:**

- A. The Administration's paperwork and Planning staff report note the following related to Master Plan and Policy considerations:
1. The community master plan land use policies generally define neighborhood, community and regional land use locations and characteristics.
  2. They do not specifically address the level of detail that code maintenance addresses.
  3. 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.
  4. 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.
  5. The proposed changes do not alter the various purpose statements included in the Zoning Ordinance.
  6. The proposed amendments will help insure compatibility with the adopted master plans of the City.
- Additional citywide Master Plan and Policy considerations are provided below.
- B. The City's Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The Plans emphasize placing a high priority on maintaining and developing new affordable residential housing in attractive, friendly, safe environments and creating attractive conditions for business expansion including retention and attraction of large and small businesses.
- C. The Council's growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
1. Is aesthetically pleasing;
  2. Contributes to a livable community environment;
  3. Yields no negative net fiscal impact unless an overriding public purpose is served; and
  4. Forestalls negative impacts associated with inactivity.

## **CHRONOLOGY:**

April 24, 2009	Petition initiated by Mayor Becker.
May 6, 2009	Petition Assigned to Ray Milliner for staff analysis and processing
May 21, 2009	Petition reviewed at a public open house.
June 10, 2009	Planning Commission held public hearing and voted 6-1 to forward a positive recommendation to the City Council.
June 26, 2009	Ordinance requested from City Attorney's office.

July 6, 2009

Draft ordinance received from City Attorney's Office.

cc: David Everitt, Karen Hale, Bianca Shreeve, Lisa Harrison-Smith, Ed Rutan, Lynn Pace, Paul Nielson, Frank Gray, Mary De La Mare-Schafer, Orion Goff, Les Koch, Larry Butcher, Craig Spangenberg, Wilf Sommerkorn, Pat Comarell, Cheri Coffey, Joel Paterson, Everett Joyce, City Council Liaisons, Mayors Liaisons

File Location: Community and Economic Development Dept., Planning Division, Zoning Text Amendment – Code Maintenance – Fine-Tuning

# 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: November 24, 2009

Date Sent to City Council: Dec 8, 2009

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

**DATE:** 11-23-09

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

**RE:** Petition # PLNPCM2009-00509 Fine Tuning City Code Text Amendments initiated  
by Mayor Becker

**STAFF CONTACTS:** Ray Milliner, Principal Planner (801) 535-7645 or  
[ray.milliner@slcgov.com](mailto:ray.milliner@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 order to provide further clarity and efficiency in the use and interpretation of the Salt Lake City Zoning Ordinance, Mayor Ralph Becker initiated a petition on April 27, 2009 to amend the following sections of the Zoning Ordinance:

- 1) Maximum Lot Size – Amend the Manufacturing Table of Permitted and Conditional Uses to delete the maximum lot size for institutional uses in the manufacturing zones.
- 2) Modify Section 2.20.080A to note that the Planning Commission should meet at least once a month rather than twice a month.

- 4) Clarify in various sections of the Zoning Ordinance that the approval timeframe expires if complete building plans are not submitted to the Permits Office or a permit issued rather than based on the issuance of a building permit and the start of construction.

### *Analysis*

From time to time, staff encounters issues or problems with the code that require clarification or modification. These revisions are generally classified as “fine tuning” and are intended to clarify the intent of the ordinance, but not to substantially alter it. Previous ordinance adjustments were processed in 1995, 1999, 2004 and 2008. The following is a short synopsis of the changes proposed:

- 1) Maximum Lot Size – This change would eliminate the requirement that institutional uses in the Manufacturing zones (M-1 and M-2) have a lot size of no greater than two (2) acres. The regulation is problematic for training facilities which are classified as schools, such as the proposed Pipe Fitters Union training facility. Staff can find no rationale for this regulation that would justify the limitation of institutional uses when other similar or more intensive uses have none.

**Affected Section:** Section 21A.28.040 Table of Permitted and Conditional Uses for Manufacturing Districts

- 2) Planning Commission Meetings – This amendment would resolve the issue of how many monthly meetings the Planning Commission is required to hold. Currently, Section 21A.06.030.E requires the Commission to meet at least once a month, whereas Section 2.20.080.A of the City Code requires two monthly meetings. While the Commission normally meets twice a month, it is not remarkable if it meets once, due to a holiday or other mitigating factor. Therefore it is recommended that Section 2.20.080.A of the City Code be amended to require a minimum of one meeting per month.

**Affected Sections:** 21A.06.030 and 2.20.080.A

- 3) Certificate of Appropriateness – Chapter 21A.04.030 establishes that a building permit is required for all construction activity on a site, unless the Division of Building Services and Licensing states otherwise. This amendment clarifies that buildings in historic preservation overlays and landmark sites still require certificate of appropriateness review even if a building permit is not required.

**Affected Sections:** Chapter 21A.04.030

- 4) Time Expiration of Approval – Currently the ordinance states that an approval of a variance, special exception, conditional use, planned development, site plan review, or design review expires after 12 months unless a building permit has been issued. The proposed changes state that the approval expires if complete building plans have not been submitted to the Permits Office within 12 months of the approval, and clarifies language relating to extensions, by requiring applicants to demonstrate that no unmitigated impact has occurred



on site in the time since the original approval. The requirement that complete building plans be submitted rather than a full building permit issued is designed to provide leeway to the applicant as it is not uncommon for the 12 months expire prior to the issue of a building permit due to a back log of plans in the Permits Office, or other mitigating circumstance. Changes are proposed to make the expiration of variances and special exceptions consistent with other approvals such as conditional uses and planned developments.

**Affected Sections:** 21A.18.100: 21A.52.090: 21A.54.120: 21A.54.150.O:  
21A.58.080.C.6: and 21A.59.070.C.6

### ***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. The proposed amendments will help insure compatibility with the adopted master plans of the City.

### **PUBLIC PROCESS:**

An Open House was held on May 18, 2009. Notice of the Open House was sent to Community Council chairs, business groups and those whose names are on the Planning Division's List serve. Notice was also posted on the City and State websites.

No written or verbal public comments have been received by staff at the time of this writing.

The Planning Commission held a public hearing on June 10, 2009. There were no issues raised at the public hearing. The Commission passed a motion to forward a positive recommendation to the City Council. The vote was 6 in favor; 1 opposed. The opposing vote was cast by Commissioner Michel Fife. Commissioner Fife explained that the reason he voted no was because he thought the Certificate of Appropriateness would not be enforceable.

### **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 3 of the Planning Commission Staff Report (see Attachment 7).

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## **1. Chronology**

**PROJECT CHRONOLOGY**  
**Petition #PLNPCM2009-00509**

April 24, 2009	Petition initiated by Mayor Becker.
May 1, 2008	Routed petition to City Departments for comment and recommendation.
May 6, 2009	Petition Assigned to Ray Milliner for staff analysis and processing
May 21, 2009	Petition reviewed at a public open house.
May 26, 2009	Publication of Planning Commission hearing notice in paper and mailed.
June 10, 2009	Planning Commission held public hearing and voted 6-1 to forward a positive recommendation to the City Council.
June 24, 2009	Planning Commission ratified minutes for June 10, 2009 meeting.
June 26, 2009	Staff requests ordinance from City Attorney's office.
July 6, 2009	Staff received draft of proposed ordinance from City Attorney's Office.

## **2. Ordinance**

SALT LAKE CITY ORDINANCE

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

(An ordinance amending certain land use provisions of Titles  
21A (Zoning) and 2 (Administration) of the *Salt Lake City Code*)

An ordinance amending certain sections of Title 21A (Zoning) and Title 2 (Administration) of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2009-00509 to provide additional clarity and efficiency in land use regulation.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on June 10, 2009 to consider a request made by Salt Lake City Mayor Ralph Becker (petition no. PLNPCM2009-00509) to amend the text of certain sections of Title 21A (Zoning) and Title 2 (Administration) of the *Salt Lake City Code* to provide further clarity and efficiency in land use regulation; and

WHEREAS, at its June 10, 2009 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.28.040. That the table, titled “Table of Permitted and Conditional Uses for Manufacturing Districts”, which is located at section 21A.28.040 of the *Salt Lake City Code*, shall be, and hereby is, amended, in part, such that only the following provisions of said table are amended:



Legend	Permitted And Conditional Uses, By District Manufacturing Districts	
	M-1	M-2
C = Conditional use P = Permitted use		
Use		
<b>Institutional (sites &lt;&lt;2 acres):</b>		
Adult daycare center	P	P
Child daycare center	P	P
Local government facilities	P	P
Museum	P	C
Music conservatory	P	C
Places of worship	C	
Schools, professional and vocational (with outdoor activities)	P	
Schools, professional and vocational (without outdoor activities)	P	P
Seminaries, religious institutes	P	C

SECTION 2. Amending text of Salt Lake City Code section 2.20.080.A. That section 2.20.080.A of the *Salt Lake City Code* (Planning Commission: Meetings), shall be, and hereby is, amended to read as follows:

- A. The planning commission shall meet at least ~~twice~~ once each month, as designated by the commission. Public hearings of the planning commission may be held at such meetings, however, all public hearings shall be held after the regular working hours of the city, upon proper notice, to consider any matters within the scope of the commission's duties as provided by ordinance or state statute.

SECTION 3. Amending text of Salt Lake City Code section 21A.04.030. That section 21A.04.030 of the *Salt Lake City Code* (Building/Demolition Permits Required), shall be, and hereby is, amended to read as follows:

**21A.04.030 Building/Demolition Permits Required:**

It is unlawful, whether acting as owner, occupant or contractor, or otherwise to erect, construct, reconstruct, alter, demolish, or change the use of any building or

other structure within Salt Lake City contrary to any provisions of this title without first obtaining a building or demolition permit from the division of building services and licensing unless the proposed improvements are such that the division of building services and licensing does not require a permit. It is also unlawful for any person, whether acting as owner, occupant or contractor to install any hard surfacing material, other than sidewalks, ornamental landscaping features, or for the minor repair of existing legal hard surfaced areas on any property without first obtaining a building permit from the division of building services and licensing. It is also unlawful for any person, whether acting as an owner, occupant or contractor, to install accessory structures without first obtaining a building permit from the division of building services and licensing, unless the adopted building code excludes such accessory structure from a building permit requirement.

Projects located within the boundaries of a Historic Preservation Overlay District, or on a Landmark Site shall submit an application for certificate of appropriateness for all improvements regardless of any building permit requirements.

SECTION 4. Amending text of Salt Lake City Code section 21A.18.100. That section 21A.18.100 of the *Salt Lake City Code* (Limitations on Variances), shall be, and hereby is, amended to read as follows:

**21A.18.100: LIMITATIONS ON VARIANCES:**

Subject to an extension of time granted upon application to the ~~zoning administrator~~ Planning Director no variance shall be valid for a period longer than ~~six (6) months~~ one (1) year unless a building permit is issued or complete building plans have been submitted to the Division of Building Services and Licensing within that period and construction is diligently pursued to completion. ~~Prior to the completion of the six (6) months, the applicant may request and the zoning administrator shall approve a six (6) month extension.~~ The Planning Director may grant an extension of a variance for up to one (1) additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted prior to the expiration of the variance.

SECTION 5. 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 on 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~~ one (1) year unless a building permit is issued or complete building plans have been submitted to the Division of Building Services and Licensing 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 approve a twelve (12) month extension. The Planning Director may grant an extension of a special exception for up to one (1) additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted to the Planning Director in writing prior to the expiration of the special exception.~~

SECTION 6. Amending text of Salt Lake City Code section 21A.54.120. That section 21A.54.120 of the *Salt Lake City Code* (Limitations on Conditional Use Approval), shall be, and hereby is, amended to read as follows:

**21A.54.120 Limitations on Conditional Use Approval:**

Subject to an extension of time granted by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, no conditional use shall be valid for a period longer than ~~twelve (12) months~~ one (1) year unless ~~a building permit is issued and construction is actually begun~~ a building permit has been issued or complete building plans have been submitted to the Division of Building Services and Licensing within that period and is thereafter diligently pursued to completion, or unless a certificate of occupancy is issued and a use commenced within that period, or unless a longer time is requested and granted by the planning commission, or, in the case of administrative conditional uses, the planning director or designee. Any request for a time extension shall be required not less than thirty (30) days prior to the twelve (12) month time period. The approval of a proposed conditional use by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, shall authorize only the particular use for which it was issued.

SECTION 7. Amending text of Salt Lake City Code section 21A.54.150.O. That section 21A.54.150.O of the *Salt Lake City Code* (Planned Developments: Time Limits), shall be, and hereby is, amended to read as follows:

- O. **Time Limit On Approved Planned Development:** No planned development approval shall be valid for a period longer than one (1) year unless a building permit has been issued or complete building plans have been submitted to the Division of Building Services and Licensing ~~a building~~

~~permit is issued and construction is diligently pursued. However, upon written request of the applicant, the one year period may be extended by the planning commission for such time as it shall determine for good cause shown, without further public hearing. The Planning Director may grant an extension of a Planned Development for up to one (1) additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted prior to the expiration of the planned development.~~

SECTION 8. Amending text of Salt Lake City Code section 21A.58.080.C.6. That section 21A.58.080.C.6 of the *Salt Lake City Code* (Site Plan Approval: Time Limits), shall be, and hereby is, amended to read as follows:

6. **Time Limit on Approval:** Approval of the site plan, landscape plan and other applicable plans shall be void unless a building permit has been issued or complete building plans have been submitted to the Division of Building Services and Licensing ~~building permit has been issued or use of the land has commenced within twelve (12) months~~ one (1) year from the date of approval. ~~Upon request, revalidation of the site plan may be granted for an additional twelve (12) months if all factors of the original site plan review are the same. The written notice requesting revalidation shall be received by the zoning administrator prior to expiration of the original twelve (12) month period.~~ The Planning Director may grant an extension of a conditional use for up to one (1) additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted to the Planning Director in writing prior to the expiration of the approval.

SECTION 9. Amending text of Salt Lake City Code section 21A.59.070.C.6. That section 21A.59.070.C.6 of the *Salt Lake City Code* (Design Review: Time Limit on Approval), shall be, and hereby is, amended to read as follows:

6. **Time Limit on Approval:** Approval of design review shall be void unless a ~~building permit has been issued or use of the land has commenced~~ building permit has been issued or complete building plans have been submitted to the Division of Building Services and Licensing within ~~twelve (12) months~~ one (1) year from the date of approval. ~~Upon request, revalidation of the site plan may be granted for an additional twelve (12) months if all factors of the original design review are the same. The extension shall be considered by the applicable approval authority without additional public notice. The written notice requesting revalidation shall be received by the planning director prior to expiration of the original twelve (12) month period.~~ The Planning Director

may grant an extension of a site plan approval for up to one (1) additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted to the Planning Director in writing prior to the expiration of the permit.

SECTION 10. Effective Date. This ordinance shall become effective on the date of its first publication.

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



SALT LAKE CITY ORDINANCE

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

(An ordinance amending certain land use provisions of Titles 21A (Zoning) and 2 (Administration) of the *Salt Lake City Code*)

An ordinance amending certain sections of Title 21A (Zoning) and Title 2 (Administration) of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2009-00509 to provide additional clarity and efficiency in land use regulation.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on June 10, 2009 to consider a request made by Salt Lake City Mayor Ralph Becker (petition no. PLNPCM2009-00509) to amend the text of certain sections of Title 21A (Zoning) and Title 2 (Administration) of the *Salt Lake City Code* to provide further clarity and efficiency in land use regulation; and

WHEREAS, at its June 10, 2009 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.28.040. That the table, titled “Table of Permitted and Conditional Uses for Manufacturing Districts”, which is located at section 21A.28.040 of the *Salt Lake City Code*, shall be, and hereby is, amended, in part, such that only the following provisions of said table are amended:



Legend	Permitted And Conditional Uses, By District Manufacturing Districts	
	M-1	M-2
C = Conditional use P = Permitted use		
Use	M-1	M-2
<b>Institutional:</b>		
Adult daycare center	P	P
Child daycare center	P	P
Local government facilities	P	P
Museum	P	C
Music conservatory	P	C
Places of worship	C	
Schools, professional and vocational (with outdoor activities)	P	
Schools, professional and vocational (without outdoor activities)	P	P
Seminaries, religious institutes	P	C

SECTION 2. Amending text of Salt Lake City Code section 2.20.080.A. That section 2.20.080.A of the *Salt Lake City Code* (Planning Commission: Meetings), shall be, and hereby is, amended to read as follows:

- A. The planning commission shall meet at least once each month, as designated by the commission. Public hearings of the planning commission may be held at such meetings, however, all public hearings shall be held after the regular working hours of the city, upon proper notice, to consider any matters within the scope of the commission's duties as provided by ordinance or state statute.

SECTION 3. Amending text of Salt Lake City Code section 21A.04.030. That section 21A.04.030 of the *Salt Lake City Code* (Building/Demolition Permits Required), shall be, and hereby is, amended to read as follows:

**21A.04.030 Building/Demolition Permits Required:**

It is unlawful, whether acting as owner, occupant or contractor, or otherwise to erect, construct, reconstruct, alter, demolish, or change the use of any building or other structure within Salt Lake City contrary to any provisions of this title

without first obtaining a building or demolition permit from the division of building services and licensing unless the proposed improvements are such that the division of building services and licensing does not require a permit. It is also unlawful for any person, whether acting as owner, occupant or contractor to install any hard surfacing material, other than sidewalks, ornamental landscaping features, or for the minor repair of existing legal hard surfaced areas on any property without first obtaining a building permit from the division of building services and licensing. It is also unlawful for any person, whether acting as an owner, occupant or contractor, to install accessory structures without first obtaining a building permit from the division of building services and licensing, unless the adopted building code excludes such accessory structure from a building permit requirement.

Projects located within the boundaries of a Historic Preservation Overlay District, or on a Landmark Site shall submit an application for certificate of appropriateness for all improvements regardless of any building permit requirements.

SECTION 4. Amending text of Salt Lake City Code section 21A.18.100. That section 21A.18.100 of the *Salt Lake City Code* (Limitations on Variances), shall be, and hereby is, amended to read as follows:

**21A.18.100: LIMITATIONS ON VARIANCES:**

Subject to an extension of time granted upon application to the Planning Director no variance shall be valid for a period longer than one (1) year unless a building permit is issued or complete building plans have been submitted to the Division of Building Services and Licensing within that period. The Planning Director may grant an extension of a variance for up to one (1) additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted prior to the expiration of the variance.

SECTION 5. 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 on 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 one (1) year unless a building permit is issued or complete building plans have been submitted to the Division of Building Services and Licensing within that period. The Planning Director may grant an extension of a special exception for up to one (1)

additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted to the Planning Director in writing prior to the expiration of the permit.

SECTION 6. Amending text of *Salt Lake City Code* section 21A.54.120. That section 21A.54.120 of the *Salt Lake City Code* (Limitations on Conditional Use Approval), shall be, and hereby is, amended to read as follows:

**21A.54.120 Limitations on Conditional Use Approval:**

Subject to an extension of time granted by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, no conditional use shall be valid for a period longer than one (1) year unless a building permit has been issued or complete building plans have been submitted to the Division of Building Services and Licensing within that period and is thereafter diligently pursued to completion, or unless a certificate of occupancy is issued and a use commenced within that period, or unless a longer time is requested and granted by the planning commission, or, in the case of administrative conditional uses, the planning director or designee. Any request for a time extension shall be required not less than thirty (30) days prior to the twelve (12) month time period. The approval of a proposed conditional use by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, shall authorize only the particular use for which it was issued.

SECTION 7. Amending text of *Salt Lake City Code* section 21A.54.150.O. That section 21A.54.150.O of the *Salt Lake City Code* (Planned Developments: Time Limits), shall be, and hereby is, amended to read as follows:

- O. **Time Limit On Approved Planned Development:** No planned development approval shall be valid for a period longer than one (1) year unless a building permit has been issued or complete building plans have been submitted to the Division of Building Services and Licensing. The Planning Director may grant an extension of a Planned Development for up to one (1) additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted prior to the expiration of the planned development permit.

SECTION 8. Amending text of Salt Lake City Code section 21A.58.080.C.6. That section 21A.58.080.C.6 of the *Salt Lake City Code* (Site Plan Approval: Time Limits), shall be, and hereby is, amended to read as follows:

6. **Time Limit on Approval:** Approval of the site plan, landscape plan and other applicable plans shall be void unless a building permit has been issued or complete building plans have been submitted to the Division of Building Services and Licensing one (1) year from the date of approval. The Planning Director may grant an extension of a conditional use permit for up to one (1) additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted to the Planning Director in writing prior to the expiration of the permit.

SECTION 9. Amending text of Salt Lake City Code section 21A.59.070.C.6. That section 21A.59.070.C.6 of the *Salt Lake City Code* (Design Review: Time Limit on Approval), shall be, and hereby is, amended to read as follows:

6. **Time Limit on Approval:** Approval of design review shall be void unless a building permit has been issued or complete building plans have been submitted to the Division of Building Services and Licensing within one (1) year from the date of approval. The Planning Director may grant an extension of a site plan approval for up to one (1) additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted to the Planning Director in writing prior to the expiration of the permit.

SECTION 10. Effective Date. This ordinance shall become effective on the date of its first publication.

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

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

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

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

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

\_\_\_\_\_  
MAYOR

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

(SEAL)

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

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

HB\_ATTY-#9390-v2-Ordinance\_-\_fine\_tuning\_PLNPCM2009-00509

<p><b>APPROVED AS TO FORM</b> Salt Lake City Attorney's Office</p> <p>Date: <u>October 7, 2009</u></p> <p>By: <u>Paul C. Nielson</u> Paul C. Nielson, Senior City Attorney</p>
--

### **3. City Council Public Hearing Notice**



## NOTICE OF PUBLIC HEARING

The Salt Lake City Council will hold a public hearing regarding Petition PLNPCM2009-00509, a request by Salt Lake City Mayor Ralph Becker to analyze the appropriateness of amending the City Code as listed below.

- a. Chapter 21A.Section 28.040 Table of Permitted and Conditional Uses for Manufacturing Districts. Eliminate the maximum lot size of two acres for institutional uses in the manufacturing zoning districts.
- b. Chapter 2.20.080A of City Code (Planning and Zoning Commission Meetings). Clarify that the Planning Commission must meet at least once a month.
- c. Chapter 21A.04.030 Clarify that a Certificate of Appropriateness may be required for properties within a local historic district or for Landmark Sites even when a building permit is not required.
- d. Various chapters of the Zoning Ordinance. Clarify that the approval timeframe expires if complete building plans are not submitted to the Permits Office or a permit issued rather than based on the issuance of a building permit and construction actually begun. Time frame of expiration for variances and special exceptions changed from 6 months to 12 months.

These text changes are citywide.

As part of its review, the City Council is holding an advertised public hearing to receive comments regarding the petition. 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 Ray Milliner, Principal Planner, at (801) 535-7645 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at ray.milliner@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 (801) 535-7600, or TDD (801) 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

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 Svcs.  
Maria Garcia  
622 West 500 North  
Salt Lake City, UT 84116

*Ray Milliner  
PO Box 145480  
Salt Lake City UT  
84114*



## **5. Planning Commission**

**5.A. Postmark of Planning Commission Notice**



# PUBLIC HEARING NOTICE



FIRST CLASS

STATE MAIL SVCS 05/27/2009 09:02 AM

MAILED FROM ZIP CODE 84116  
0004277032 MAY 26 2009  
02 1M  
\$ 00.44

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

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.

Classified ad Legal Notices copy for Salt Lake City Planning Commission Public Hearing

Run Ad in Special Notices on Wednesday May 27, 2009 (one time only) in **Salt Lake Tribune**

**Billing Address:**

Lucille Taylor  
Planning Division  
451 S. State Street, RM. 406  
Salt Lake City, UT 84111

**Contact:** Ray Milliner 535-7645 or ray.milliner@slcgov.com

[Ad copy as follows]

**SALT LAKE CITY PLANNING COMMISSION  
ZONING ORDINANCE AMENDMENT HEARING**

On **Wednesday June 10, 2009 at 5:45 P.M.**, the Salt Lake City Planning Commission will hold a public hearing to take public hearing to analyze the appropriateness of amending the City Code as listed below.

1. Chapter 21A.Section 28.040 Table of Permitted and Conditional Uses for Manufacturing Districts. Eliminate the maximum lot size of two acres for institutional uses in the manufacturing zoning districts.
2. Chapter 2.20.080A of City Code (Planning and Zoning Commission Meetings). Clarify that the Planning Commission must meet at least once a month.
3. Chapter 21A.04.030 Clarify that a Certificate of Appropriateness may be required for properties within a local historic district or for Landmark Sites even when a building permit is not required.
4. Various chapters of the Zoning Ordinance. Clarify that the approval timeframe expires if complete building plans are not submitted to the Permits Office or a permit issued rather than based on the issuance of a building permit and construction actually begun.

The hearing will be held in **Room 326 of the Salt Lake City and County Building, 451 South State Street.** 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, request or additional information, please contact the Planning Division at 535-7757; TDD 535-6220. For further information regarding this hearing, call Ray Milliner at 535-7645.

## **5.B. Planning Commission Staff Report**

# PLANNING COMMISSION STAFF REPORT

## Salt Lake City Code Maintenance City Code Amendment Petition PLNPCM2009-00509 – City-wide June 10, 2009



Planning Division  
Department of Community and  
Economic Development

### **Applicant**

Salt Lake City Mayor

### **Staff**

Ray Milliner 535-7645  
[ray.milliner@slcgov.com](mailto:ray.milliner@slcgov.com)

### **Master Plan Designation**

City-wide

### **Council District**

City-wide

### **Review Standards**

21A.50.050 Standards for General  
Amendments

### **Affected Text Sections**

21A.28.040  
2.20.080  
21A.04.030  
21A.54.120  
21A.18.100  
21A.52.090  
21A.54.150. O  
21A.58.080 C  
21A.59.070.C

### **Notification**

- Notice mailed on May 26, 2009
- Published in Deseret News May 22, 2009
- Posted on City & State Websites May 26, 2009

### **Attachments**

- A. Proposed Text Amendments

## **REQUEST**

On April 27, 2009 Salt Lake City Mayor Ralph Becker initiated a petition to amend the following sections of the Zoning Ordinance.

- 1) Maximum Lot Size – Amend the Manufacturing Table of Permitted and Conditional Uses to delete the maximum lot size for institutional uses in the manufacturing zones.
- 2) Modify Section 2.20.080A to note that the Planning Commission should meet at least once a month rather than twice a month.
- 3) Clarify Chapter 21A.04.030 by stating that a Certificate of Appropriateness for a contributing structure or Landmark Site may be required even if a building permit is not necessary.
- 4) Clarify in various sections of the Zoning Ordinance that the approval timeframe expires if complete building plans are not submitted to the Permits Office or a permit issued rather than based on the issuance of a building permit and construction actually begun.

The purpose of the request is to provide further clarity and efficiency in the document.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission review the proposed amendments to the Salt Lake City Zoning Ordinance, conduct a public hearing and transmit a favorable recommendation to the City Council pursuant to the analysis and findings of fact written in this staff report.



## **Background/ Project Description**

From time to time, staff encounters issues or problems with the code that require clarification or modification. These revisions are generally classified as “fine tuning” and are intended to clarify the intent of the ordinance, but not to substantially alter it. Previous ordinance adjustments were processed in 1995, 1999, 2004 and 2008.

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, procedures and objectives.

## **Summary of Proposed Code Changes**

The following is a short synopsis of the changes proposed by Mayor Becker (language and redlines attached as Exhibit A):

- 1) Maximum Lot Size – This change would eliminate the requirement that institutional uses in the Manufacturing zones (M-1 and M-2) have a lot size of no greater than two (2) acres. The regulation is problematic for training facilities which are classified as schools, such as the proposed Pipe Fitters Union training facility. Staff can find no rationale for this regulation that would justify the limitation of institutional uses when other similar or more intensive uses have none.

**Affected Section:** Section 21A.28.040 Table of Permitted and Conditional Uses for Manufacturing Districts

- 2) Planning Commission Meetings – This amendment would resolve the issue of how many monthly meetings the Planning Commission is required to hold. Currently, Section 21A.06.030 (E) requires the Commission to meet at least once a month, whereas Section 2.20.080A of the City Code requires two monthly meetings. While the Commission normally meets twice a month, it is not remarkable if it meets once, due to a holiday or other mitigating factor. Therefore it is recommended that Section 2.20.080A of the City Code be amended to require a minimum of one meeting per month.

**Affected Sections:** 21A.06.030 (E) and 2.20.080A

- 3) Certificate of Appropriateness – Chapter 21A.04.030 establishes that a building permit is required for all construction activity on a site, unless the Division of Building Services and Licensing states otherwise. This amendment clarifies that buildings in historic preservation overlays and landmark sites still require certificate of appropriateness review even if a building permit is not required.

**Affected Sections:** Chapter 21A.04.030

- 4) Time Expiration of Approval – Currently the ordinance states that an approval of a variance, special exception, conditional use, planned development, site plan review, or design review expires after 12 months unless a building permit has been issued. The proposed changes state that the approval expires

if complete building plans have not been submitted to the Permits Office within 12 months of the approval, and clarifies language relating to extensions, by requiring applicants to demonstrate that no unmitigated impact has occurred on site in the time since the original approval.

**Affected Sections:** 21A.18.100: 21A.52.090: 21A.54.120: 21A.54.150 (O): 21A.58.080 (C) (6): and 21A.59.070 (C) (6)

## ***Public Participation***

### **Community Council Meeting**

An Open House was held on May 18, 2009. Notice of the Open House was sent to Community Council chairs, business groups and those whose names are on the Planning Divisions List serve. Notice was also posted on the City and State website.

### **Public Comments**

At the time of this writing staff has received no public comment.

### **City Department Comments:**

Staff sent information regarding the proposed text changes to applicable City Departments. Department responses are included in Attachment B.

## ***Analysis***

### **Standards of Review**

#### **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. 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 City Code including the 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;**

**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.

***Attached Exhibits***

Attachment A – Proposed language

Attachment B – Department Comments

**Attachment A**  
**Proposed Ordinance Amendments**

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

Legend	Permitted And Conditional Uses, By District Manufacturing Districts	
C = Conditional use P = Permitted use		
Use	M-1	M-2
<b>Institutional (sites &lt;&lt;2 acres):</b>		
Adult daycare center	P	P
Child daycare center	P	P
Local government facilities	P	P
Museum	P	C
Music conservatory	P	C
Places of worship	C	
Schools, professional and vocational (with outdoor activities)	P	
Schools, professional and vocational (without outdoor activities)	P	P
Seminaries, religious institutes	P	C

**2.20.080 Meetings:**

- A. The planning commission shall meet at least ~~twice~~ once each month, as designated by the commission. Public hearings of the planning commission may be held at such meetings, however, all public hearings shall be held after the regular working hours of the city, upon proper notice, to consider any matters within the scope of the commission's duties as provided by ordinance or state statute.

**21A.04.030 Building/Demolition Permits Required:**

It is unlawful, whether acting as owner, occupant or contractor, or otherwise to erect, construct, reconstruct, alter, demolish, or change the use of any building or other structure within Salt Lake City contrary to any provisions of this title without first obtaining a building or demolition permit from the division of building services and licensing unless the proposed improvements are such that the division of building services and licensing does not require a permit. It is also unlawful for any person, whether acting as owner, occupant or contractor to install any hard surfacing material, other than sidewalks, ornamental landscaping features, or for the minor repair of existing legal hard

surfaced areas on any property without first obtaining a building permit from the division of building services and licensing. It is also unlawful for any person, whether acting as an owner, occupant or contractor, to install accessory structures without first obtaining a building permit from the division of building services and licensing, unless the adopted building code excludes such accessory structure from a building permit requirement.

Projects located within the boundaries of a Historic Preservation Overlay District, or on a Landmark Site shall submit an application for certificate of appropriateness for all improvements regardless of any building permit requirements.

### **21A.18.100: LIMITATIONS ON VARIANCES:**

Subject to an extension of time granted upon application to the ~~zoning administrator~~ Planning Director no variance shall be valid for a period longer than ~~six (6) months~~ one (1) year unless a building permit is issued or complete building plans have been submitted to the Division of Building Services and Licensing within that period and construction is diligently pursued to completion. ~~Prior to the completion of the six (6) months, the applicant may request and the zoning administrator shall approve a six (6) month extension.~~ The Planning Director may grant an extension of a variance for up to one (1) additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted prior to the expiration of the variance.

### **21A.52.090: GENERAL CONDITIONS TO BE APPLIED TO ALL SPECIAL EXCEPTIONS:**

The following conditions shall apply to all special exceptions granted by the board of adjustment. These conditions shall be in addition to any other conditions set by the board of adjustment or required by this title for certain special exceptions. (See section 21A.52.100 of this chapter.)

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~~ one (1) year unless a building permit is issued or complete building plans have been submitted to the Division of Building Services and Licensing 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 approve a twelve (12) month extension.~~ The Planning Director may grant an extension of a special exception for up to one (1) additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted to the Planning Director in writing prior to the expiration of the permit

### **21A.54.120 Limitations on Conditional Use Approval:**

Subject to an extension of time granted by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, no conditional use shall be valid for a period longer than ~~twelve (12) months~~ one (1) year unless a building permit is issued and construction is actually begun a building permit has been issued or complete building plans have been submitted to the Division of Building Services and Licensing within that period and is thereafter diligently pursued to completion, or unless a certificate of occupancy is issued and a use commenced within that period, or unless a longer time is requested and granted by the planning commission, or, in the case of

administrative conditional uses, the planning director or designee. Any request for a time extension shall be required not less than thirty (30) days prior to the twelve (12) month time period. The approval of a proposed conditional use by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, shall authorize only the particular use for which it was issued.

### **21A.54.150 Planned Developments:**

**O. Time Limit On Approved Planned Development:** No planned development approval shall be valid for a period longer than one (1) year unless a building permit has been issued or complete building plans have been submitted to the Division of Building Services and Licensing ~~a building permit is issued and construction is diligently pursued. However, upon written request of the applicant, the one-year period may be extended by the planning commission for such time as it shall determine for good cause shown, without further public hearing.~~ The Planning Director may grant an extension of a Planned Development for up to one (1) additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted prior to the expiration of the planned development permit.

### **21A.58.080 Procedures For Site Plan Review:**

**6. Time Limit on Approval:** Approval of the site plan, landscape plan and other applicable plans shall be void unless a building permit has been issued or complete building plans have been submitted to the Division of Building Services and Licensing ~~building permit has been issued or use of the land has commenced within twelve (12) months~~ one (1) year from the date of approval. ~~Upon request, revalidation of the site plan may be granted for an additional twelve (12) months if all factors of the original site plan review are the same. The written notice requesting revalidation shall be received by the zoning administrator prior to expiration of the original twelve (12) month period.~~ The Planning Director may grant an extension of a conditional use permit for up to one (1) additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted to the Planning Director in writing prior to the expiration of the permit

### **21A.59.070 Procedures For Design Review:**

**6. Time Limit on Approval:** Approval of design review shall be void unless a ~~building permit has been issued or use of the land has commenced~~ building permit has been issued or complete building plans have been submitted to the Division of Building Services and Licensing ~~within twelve (12) months~~ one (1) year from the date of approval. ~~Upon request, revalidation of the site plan may be granted for an additional twelve (12) months if all factors of the original design review are the same. The extension shall be considered by the applicable approval authority without additional public notice. The written notice requesting revalidation shall be received by the planning director prior to expiration of the original twelve (12) month period.~~ The Planning Director may grant an extension of a site plan approval for up to one (1) additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted to the Planning Director in writing prior to the expiration of the permit

**5.C 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, June 10, 2009**

Present for the Planning Commission meeting were Chair Mary Woodhead and Vice Chair Susie McHugh; Commissioners Michael Gallegos, Angela Dean, Prescott Muir, Michael Fife, Tim Chambless, and Kathleen Hill. Commissioners Matthew Wirthlin, Frank Algarin, and Babs De Lay were excused.

A field trip was held prior to the meeting. Planning Commissioners present were: Tim Chambless, Michael Fife, Kathleen Hill, and Mary Woodhead. Staff members present were: Joel Paterson, Michael Maloy, and Ray Milliner.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Woodhead called the meeting to order at 5:46 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: Wilford Sommerkorn, Planning Director; Joel Paterson, Programs Manager; Paul Neilson, City Attorney; Doug Dansie, Senior Planner; Nole Walkingshaw, Senior Planner; Michael Maloy, Principal Planner; Ray Milliner, Principal Planner, and Tami Hansen, Planning Commission Secretary.

**6:02:58 PM** **Petition No. PLNPCM2009-00509 Salt Lake City Code Maintenance; Fine Tuning text amendments**—a request by Salt Lake City Mayor Ralph Becker to analyze the appropriateness of amending the City Code as listed below. These text changes are citywide. [View: Staff Report](#)

1. Chapter 21A.Section 28.040 Table of Permitted and Conditional Uses for Manufacturing Districts. Eliminate the maximum lot size of two acres for institutional uses in the manufacturing zoning districts.
2. Chapter 2.20.080A of City Code (Planning and Zoning Commission Meetings). Clarify that the Planning Commission must meet at least once a month.
3. Chapter 21A.04.030 Clarify that a Certificate of Appropriateness may be required for properties within a local historic district or for Landmark Sites even when a building permit is not required.
4. Various chapters of the Zoning Ordinance. Clarify that the approval timeframe expires if complete building plans are not submitted to the Permits Office or a permit issued rather than based on the issuance of a building permit and construction actually begun.

Chair Woodhead recognized Ray Milliner as staff representative.

Mr. Milliner stated that the petition was for fine tuning to the Zoning Ordinance, which staff read through and found a few items that needed to be updated as listed as one (1) through four (4) in the staff report. He stated that staff recommended that the Planning Commission forward a positive recommendation to the City Council to approve these changes.

Commissioner Dean inquired about the Certificate of Appropriateness for all improvements, and if those improvements were clearly defined such as minor repairs and painting.

Mr. Milliner stated that was defined in more detail in other sections of the code in the Design Guidelines as well as the Historic Section of the code.

Commissioner Dean inquired about what those improvements typically were in the past.

Mr. Milliner stated that flat work on the outside of the structure like tile, paint, or imprinting designs into the sidewalk. He stated it does not happen very often.

Chair Woodhead inquired if people had clear notice of this.

Mr. Milliner stated hopefully they would receive clear notice because these types of improvements would be part of a bigger project that would require a permit, but there was not a way of notifying each individual homeowner that they needed a certificate to do this type of work.

Commissioner Dean inquired about the process to receive a certificate.

Mr. Milliner stated it was a free application that was submitted to the Buzz Center, who then routed it to staff, and after the staff review it was either approved or denied.

Commissioner Dean inquired if this was useful because it seemed somewhat unenforceable in a broader sense of those minor repairs. There might need to be a plan to enforce this on a small scale.

Mr. Milliner stated that staff that reviews these plans had expressed some concern because they had situations where they were not quite sure what do with these types of applications, so this change was actually a request from Larry Butcher and Ken Brown in the Building Division.

Chair Woodhead inquired if a result of this would be that someone might do something fairly minor and then get hit with a code violation and have to face the penalties.

Mr. Milliner stated that was the intent to prevent historic structures from being impacted in a negative way.

6:08:27 PM **Public Hearing**

Chair Woodhead opened the public hearing portion of the petition. She stated that there was no one present to speak to the petition, and closed the public hearing.

Commissioner Fife inquired about the time expiration of approval; it seemed the process is being made more complex than needed to ask if complete building plans were permitted.



Mr. Milliner stated that the departments usually do not accept them unless they have been complete and the reason for that change was due to the amount of volume there was to review building permits, if the applicant in good faith came in at ten months and the building permit had not been reviewed and issued yet it was not the applicants fault.

Commissioner Fife stated that the intent was then to help the applicant.

Mr. Milliner stated yes.

6:10:03 PM **Motion**

**Commissioner Muir made a motion regarding Petition PLNPCM2009-00509, that the Planning Commission accept the text amendment changes as outlined in items 1-4 in the staff report, based on the findings in the staff report and the public hearing and forwards a positive recommendation to the City Council.**

**Commissioner Chambless seconded the motion.**

**Commissioners Dean, Hill, Gallegos, Chambless, Muir, and McHugh voted, "Aye". Commissioner Fife voted, "No". The motion passed.**

Commissioner Fife explained that the reason he voted no was because he thought the Certificate of Appropriateness would not be able to be enforceable.

Mr. Sommerkorn stated that all properties that were in historic districts did have a notice filed at the County Recorder's Office so it would show up in a title report indicating that they were in that district, and regulations may apply before construction could be undertaken on the property. He stated he did not know how many people really read their title report, but it was there.

Commissioner Hill inquired if for buildings that were historic and significant, but were not in a historic district, was there a way to protect those buildings from being demolished.

Mr. Paterson stated that there were buildings outside of historic districts that were listed individually as landmark sites, and those standards would apply to those structures. If buildings were not on the local register, currently Chapter 18 of the City code regulates demolition and there were certain procedures one would have to meet in order to get a demolition permit. He stated that the City could adopt code amendments that would require some extra review of possible demolition in certain cases.

Commissioner Dean stated that she believed all of that was addressed in the recent report the Commission reviewed regarding the Historic Preservation Master Plan.

Mr. Paterson stated that plan did discuss the need to expand the tools that the City had to protect those structures.

Mr. Sommerkorn noted that another tool that could be used was the Design Guidelines, which was currently being reviewed and might include Historic Design Guidelines.

Chair Woodhead stated that after the demolition of the Sugar House project, the ordinance was looked at to see if changes could be made regarding demolition permits based on the existence of a landscape plan, she inquired if that ordinance was finalized yet.

Mr. Sommerkorn stated that was still in the process.

## **6. Original Petition**



# Petition Initiation Request

Planning Division  
Community & Economic Development Department

To: Mayor Becker

From: Wilf Sommerkorn, Planning Director *WS*

Date: April 27, 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 analyze the appropriateness of amending portions of the City Code as part of an ordinance Fine Tuning process. Amendments to the City Code selected for processing as part of this request address the following issues:

- 1) Maximum Lot Size – Eliminate the maximum lot size of two acres for institutional uses in the manufacturing zoning districts. This regulation is problematic for training facilities which are classified as schools, such as the proposed Pipe Fitters Union training facility. It is not known why such a maximum requirement was included in this zoning district. However, many of the parcels in the manufacturing zoning district are greater than two acres.
- 2) Clarify the Planning Commission should meet at least once a month. Section 21A.06.030(E) requires the Planning Commission meet at least once a month, whereas Section 2.20.080A of the City Code requires the planning commission to meet at least twice a month. The Planning Commission rarely meets twice in the months of July and December.

- 3) Certificate of Appropriateness requirement when a Building Permit is not required. Clarify in Chapter 21A.04.030 that even when a building permit is not required, a Certificate of Appropriateness may be required for properties within a local historic district or for Landmark Sites.
- 4) Civil Fines based on use violation. Clarify in Chapter 21A.20.050 that Civil Fines will be placed on properties with violations relating to use, rather than based on the underlying zoning district. Currently if a business is being operated illegally in a residential zoning district, the fine is only \$25 because the underlying zoning district is residential. This proposed change will clarify that fines will be charged based on the violation type.
- 5) Time Expiration of Approval. Clarify in various sections of the zoning ordinance that the approval timeframe expires if complete building plans are not submitted to the Permits Office or a permit issued rather than based on the issuance of a building permit and construction actually begun. This is based on the fact that an applicant cannot be held responsible for the time it takes for a permit to be issued, once a complete set of construction drawings are submitted to the City for a permit.

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: **PLNPCM2009-00509**

By: **Salt Lake City Planning Division**

Zoning Ordinance fine tuning code amendments

Date Filed: 04/27/2009

Address: City Wide