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# SALT LAKE CITY COUNCIL STAFF REPORT

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**DATE:** February 25, 2010

**SUBJECT:** Petition PLNPCM2009-00643 – request to change the City’s zoning regulations to provide clear, consistent, and efficient land use regulations. This proposal includes the following 5 items:

1. Allow home day care and home occupations in residences within non-residential zoning districts except manufacturing districts.
2. Allow specialty housing type uses in the Mixed Use MU Zoning District. Specialty housing includes resident healthcare facilities, assisted living, nursing care, small and large group homes, adult and child day care, transitional victim and transitional treatment homes, and residential substance abuse treatment homes.
3. Allow wireless telecommunication facilities as accessory uses in the Mixed Use MU Zoning District.
4. Allow single-family and two-family dwellings as part of a mixed-use project in the Commercial Neighborhood CN Zoning District.
5. Allow corporate flags to be secured in order to prevent excessive movement, allow continual display of the flag and minimize the potential for interference with surrounding objects.

**AFFECTED COUNCIL DISTRICTS:** If the ordinance is adopted the Zoning regulation changes would affect Council Districts citywide.

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

**ADMINISTRATIVE DEPT. AND CONTACT PERSON:** Community Development Department, Planning Division  
Everett Joyce, Senior Planner

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## POTENTIAL MOTIONS:

1. [“I move that the Council”] Refer this item to a future Council meeting.
2. [“I move that the Council”] Adopt the ordinance changing the City’s zoning regulations and other related sections of the City Code to provide clear, consistent, and efficient land use regulations.
3. [“I move that the Council”] Not adopt the ordinance changing the City’s zoning regulations and other related sections of the City Code to provide clear, consistent, and efficient land use regulations.

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The following information was provided previously for the Council Work Session on February 2, 2010. It is provided again for background purposes.

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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 text amendments provide additional refinement of the zoning regulations by providing corrections, clarification and consistency within existing regulations. The proposed fine tuning regulations are consistent with the City's land use policies.
6. The proposed amendments are part of a citywide code maintenance approach and do not impact the overall character of existing development.
7. Generally, the proposed amendments will not change the functions of the technical standards of the zoning ordinance. 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. **Chapter 21A.36 Child Day Care and Home Occupations** – *Allow child day care and home occupations in residences within non-residential zoning districts, except manufacturing districts*

The change would allow a more uniform application of child day care and home occupation uses in residences with the city. Planning staff believes that Child Day Care and Home Occupations should be allowed within any residence subject to specific regulations. However, an exception for child day care uses should not be allowed within residences located within industrial zoning districts.

2. **Chapter 21A.36. General Provisions and Section 21A.32.140 Table of Permitted and Conditional Uses for Special Purposes Districts** – *Allow specialty housing type uses in the Mixed Use MU Zoning District. Specialty housing includes resident healthcare facilities, assisted living, nursing care, small and large group homes, adult and child day care uses, transitional victim and transitional treatment homes, and residential substance abuse treatment homes.*

Within the Residential RMF-35, RMF-45, RMU-35, RMU-45, RMF-75, R-MU, and RO Districts these uses are allowed as a permitted or conditional use. Planning staff believes that not including these uses was an oversight and that it is appropriate to add them to the Mixed Use MU Zoning District.

3. **Chapter 21A.40.090E Accessory Uses – Wireless Telecommunication Facilities** – *Allow wireless telecommunication facilities as accessory uses in the Mixed Use MU Zoning District.*

The Mixed Use MU Zoning District is not listed within Table 21A.40.090E Wireless Telecommunications Facilities. The Mixed Use zoning district is being added to the table. The telecommunications facilities are permitted in similar zoning districts such as other mixed use and multi-family zoning districts.

4. **Chapter 21A.26 Commercial Districts - 21A.26.080 Table of Permitted and Conditional Uses** – *Allow single family and two family dwellings as part of a mixed use project in the Commercial Neighborhood CN Zoning District.*

The Commercial Neighborhood CN Zoning District is intended for small scale commercial uses. Parcels within the zoning district typically are smaller than in other commercial districts. Smaller parcels could support mixed use developments that include single-family or duplex dwellings. Since mixed-use developments are permitted within the Commercial Neighborhood CN Zoning District, planning staff believes that adding a qualifying provision to allow mixed use developments that contain single family or duplex dwellings would support the intent of allowing mixed uses without compromising the purpose and intent of the commercial districts.

5. **Chapter 21A.46, Section 21A.46.110 Signs - Corporate flags**

The zoning regulations only permits corporate flags that hang freely. Such flags can have excessive movement that limits their use since they may interfere with street trees and utilities structures. The proposed change would allow securing corporate flags at the bottom to prevent excessive movement, allow continual display of the flag and minimize the potential for interference with surrounding objects.

- 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 4-5 of the Planning Staff report.)
- D. The City’s Departments and Divisions have reviewed the request. There are 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 November June 24, 2009 the Planning Commission held a public hearing. No issues were raised at the Public Hearing. The Planning Commission unanimously passed a motion to forward a favorable recommendation to the City Council.

## **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:

The Administration’s transmittal provides a chronology of events relating to the proposed rezoning and master plan amendments. Key dates are listed below. Please refer to the Administration’s chronology for details.

|                  |  |
|------------------|--|
| August 5, 2008   | Petition assigned to Everett Joyce.                    |
| October 16, 2008 | City-wide Planning Division Open House                 |
| June 24, 2009    | Planning Commission public hearing                     |
| October 1, 2009  | Ordinance requested from City Attorney                 |
| November 2, 2009 | Ordinance received from City Attorney                  |
| December 8, 2009 | Administration’s paperwork received in Council Office. |

cc: David Everitt, Karen Hale, Bianca Shreeve, Holly Hilton, 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: <sup>24</sup> 11-23-09

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 PLNPCM2008-00643: 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](mailto: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 PLNPCM2008-00643 by Salt Lake City Mayor Becker requesting the Planning Commission analyze and recommend adjustments to the City Code related to Zoning Ordinances to provide for clarity and efficiency of use as part of an ongoing process of code maintenance. Five fine tuning text amendments are being processed with this petition.

**Analysis:** 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 21A.36 Home Day Care and Home Occupations: Allow home day care and home occupations in legal conforming single family and duplex properties that are located within commercial or other non-residential zones
- 2 Chapter 21A.36 General Provisions: Add the MU - Mixed Use Zoning District to the Resident Healthcare, Assisted Living and Nursing Care Facilities; Group Homes; Transitional Victim, Treatment and Substance Abuse Homes; Adult and Child Day Care uses listed in Chapter 36 and Section 21A.32.140 Table of Permitted And Conditional Uses For Special Purpose Districts: Add Transitional Victim Homes, Transitional Treatment Homes and Residential Substance Abuse Treatment Homes uses within the MU – Mixed Use Zoning District.
- 3 Chapter 21A.40 Accessory Uses, section 21A.40.090E: Add the MU - Mixed Use Zoning District to the wireless communications facilities table.
- 4 Chapter 21A.26 Commercial Districts: Amend 21A.26.080 Table of Permitted and Conditional Uses. Allow single-family and duplex uses as part of a mixed use development in the CN Zoning District.
- 5 Chapter 21A.46 Signs, section 21A.46.110 Signs, Corporate Flag: Allow additional anchoring at the bottom of flag to prevent excessive movement.

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 October 16, 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 related to the posted Open House issues.

The Planning Commission held a Public Hearing on June 24, 2009. 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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- i. Petition PLNPCM2008-00643 City-wide - Fine Tuning

# **Exhibit 1**

## **Chronology**

# Chronology

|                  |   |
|------------------|---|
| August 5, 2008   | Petition assigned to Everett Joyce  |
| October 16, 2008 | City-wide Community Council Open House  |
| December 2, 2008 | Requested City Department review  |
| June 9, 2009     | Mailed notices for Planning Commission public hearing to Community Council Chairs |
| June 9, 2009     | Posted public hearing agenda notice on website and Planning Listserve             |
| June 9, 2009     | Staff report posted on web page   |
| June 10, 2009    | Newspaper notice published  |
| June 24, 2009    | Planning Commission public hearing  |
| July 8, 2009     | Planning Commission ratified minutes of June 24, 2009 meeting                     |
| October 1, 2009  | Ordinance request sent to City Attorney   |
| November 2, 2009 | Received ordinance from City Attorney   |

**Exhibit 2**  
**Ordinance**

FINAL  
VERSION

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2009  
(An ordinance amending certain land use 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. PLNPCM2008-00643 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 24, 2009 to consider a request made by Salt Lake City Mayor Ralph Becker (petition no. PLNPCM2008-00643) to amend the text of certain sections of Title 21A (Zoning) of the *Salt Lake City Code* to provide further clarity and efficiency in land use regulation; and

WHEREAS, at its June 24, 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.36.030. That section 21A.36.030.A of the *Salt Lake City Code* (Home Occupations), shall be, and hereby is, amended to read as follows:

**21A.36.030 Home Occupations:**

**A. Purpose:** The purpose of this section is to permit the establishment of home occupations in all residential districts and within legal conforming single family, duplex, and multifamily dwellings within commercial and nonresidential districts and ensure that



the home occupations are compatible with the district in which they are located and have no negative impact upon the surrounding neighborhood.

SECTION 2. Amending text of Salt Lake City Code section 21A.36.130. That sections 21A.36.130.A through 21A.36.130.B of the *Salt Lake City Code* (Child Daycare), shall be, and hereby is, amended to read as follows:

**21A.36.130 Child Daycare:**

Child daycare shall be permitted pursuant to the following provisions:

- A. **Nonregistered Home Daycare:** Nonregistered home daycare, limited to no more than two (2) children, excluding the provider's children, is permitted in the home of the care provider in the FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, MU and RO districts and within legal conforming single family, duplex, and multifamily dwellings within commercial and nonresidential districts excluding M-1 and M-2 districts. A business revenue license or home occupation conditional use approval shall not be required.
- B. **Registered Home Daycare Or Registered Home Preschool:** A registered home daycare or registered home preschool as defined in part VI, chapter 21A.62 of this title, may be allowed as an accessory use in the FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, MU and RO districts and within legal conforming single family, duplex, and multifamily dwellings within commercial and nonresidential districts excluding M-1 and M-2 districts as a home occupation special exception pursuant to the provisions of part V, chapter 21A.52 of this title. The permittee shall also obtain appropriate licensing where applicable from the state pursuant to the Utah Code Annotated, 1953.

SECTION 3. Amending text of Salt Lake City Code section 21A.32.140. That the table, titled "Table of Permitted and Conditional Uses For Special Purpose Districts", which is located at section 21A.32.140 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:

| Use | Permitted And Conditional Uses |
|-----|--------------------------------|
|-----|--------------------------------|

|   | MU |
|---|----|
| Residential:  |    |
| Residential substance abuse treatment home, large (see section 21A.36.0100 of this title) | C  |
| Residential substance abuse treatment home, small (see section 21A.36.0100 of this title) | P  |
| Transitional treatment home, large (see section 21A.36.090 of this title)                 | C  |
| Transitional treatment home, small (see section 21A.36.090 of this title)                 | C  |
| Transitional victim home, large (see section 21A.36.080 of this title)                    | C  |
| Transitional victim home, small (see section 21A.36.080 of this title)                    | P  |

SECTION 4. Amending text of *Salt Lake City Code* section 21A.36.040. That section 21A.36.040 of the *Salt Lake City Code* (Resident Healthcare Facilities), shall be, and hereby is, amended to read as follows:

**21A.36.040 Resident Healthcare Facilities:**

A "resident healthcare facility" as defined in part VI, chapter 21A.62 of this title, shall be permitted as of right in the RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, MU and RO districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title and of this code, including business licensing requirements.

SECTION 5. Amending text of *Salt Lake City Code* section 21A.36.050. That section 21A.36.050 of the *Salt Lake City Code* (Assisted Living Facilities), shall be, and hereby is, amended to read as follows:

**21A.36.050 Assisted Living Facilities:**

An "assisted living facility" as defined in part VI, chapter 21A.62 of this title, shall be permitted in the RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, MU and R-MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title and of this code, including business licensing requirements. If the assisted living facility is an apartment building, the facility shall not exceed the density allowed in the base zoning district. If the assisted living facility is a rooming house, for the purpose of calculating the density

allowed under the base zoning district, three (3) boarders shall constitute one dwelling unit.

SECTION 6. Amending text of Salt Lake City Code section 21A.36.060. That section 21A.36.120 of the *Salt Lake City Code* (Nursing Care Facilities), shall be, and hereby is, amended to read as follows:

**21A.36.060 Nursing Care Facilities:**

A "nursing care facility" as defined in part VI, chapter 21A.62 of this title, shall be permitted in the RMF-45, RMF-75, R-MU-35, R-MU-45, MU and R-MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title.

SECTION 7. Amending text of Salt Lake City Code section 21A.36.070. That sections 21A.36.070.C through 21A.36.070.D of the *Salt Lake City Code* (Group Homes), shall be, and hereby is, amended to read as follows:

**C. Small Group Homes - Authorized As Permitted Uses:** Small group homes shall be permitted pursuant to subsection B of this section in the FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, MU, CC, CG, D-2, D-3, AG, AG-2, and AG-5 districts provided:

1. No small group home shall be located within eight hundred feet (800') of another group home; and
2. Small group homes established in the RB and RO districts shall be located above the ground floor.

**D. Large Group Homes - Authorized As Conditional Uses:** Large group homes, as either principal or accessory uses, may be allowed, as conditional uses pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, MU, CC, CG, D-2, D-3 and G-MU districts provided:

1. No large group home shall be located within eight hundred feet (800') of another group home; and

2. Large group homes established in the RB and RO districts shall be located above the ground floor.

SECTION 8. Amending text of Salt Lake City Code section 21A.36.080. That sections 21A.36.080.C through 21A.36.080.E of the *Salt Lake City Code* (Transitional Victim Homes), shall be, and hereby is, amended to read as follows:

- C. Small Transitional Victim Homes - Authorized As Permitted Uses: Small transitional victim homes shall be permitted as either principal or accessory uses pursuant to subsection B of this section in the RMF-75, R-MU, MU and RO districts provided:
  1. No small transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home or transitional treatment home.
  2. Small transitional victim homes established in RO districts shall be located above the ground floor.
- D. Small Transitional Victim Homes - Authorized As Conditional Uses: Small transitional victim homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, R-MU-35, R-MU-45, CC, CG, D-2, D-3, and G-MU districts provided:
  1. No small transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home or transitional treatment home.
- E. Large Transitional Victim Homes - Authorized As Conditional Uses: Large transitional victim homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, MU, CC, CG, D-2, D-3, and G-MU districts provided:
  1. No small transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home or transitional treatment home.
  2. Small transitional victim homes established in RO districts shall be located above the ground floor.

SECTION 9. Amending text of Salt Lake City Code section 21A.36.090. That sections 21A.36.090.C through 21A.36.090.D of the *Salt Lake City Code* (Transitional Treatment Homes), shall be, and hereby is, amended to read as follows:

**C. Small Transitional Treatment Homes - Authorized As Conditional Uses:** Small transitional treatment homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, MU, RO, CC, CG, D-2, D-3, and G-MU districts provided:

1. No small transitional treatment home shall be located within eight hundred feet (800') of another transitional treatment home, residential substance abuse treatment home, transitional victim home or community correctional facility; and
2. A small transitional treatment home established in the RO district shall be located above the ground floor.

**D. Large Transitional Treatment Homes - Authorized As Conditional Uses:** Large transitional treatment homes may be allowed as either principal or accessory uses, as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, MU, CC, CG, D-2, D-3, and G-MU districts provided:

1. No large transitional treatment home shall be located within eight hundred feet (800') of another transitional treatment home, residential substance abuse treatment home, transitional victim home or community correctional facility; and
2. A large transitional treatment home established in the RO district shall be located above the ground floor.

SECTION 10. Amending text of Salt Lake City Code section 21A.36.100. That sections 21A.36.100.C through 21A.36.100.E of the *Salt Lake City Code* (Residential Substance Abuse Treatment Homes), shall be, and hereby is, amended to read as follows:

**C. Small Residential Substance Abuse Treatment Homes - Authorized As Permitted Uses:** Small residential substance abuse treatment homes shall be permitted as either principal or accessory uses pursuant to subsection B of this



section in the RMF-75, R-MU-35, R-MU-45, R-MU, MU and RO districts provided:

1. No small residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home or transitional treatment home; and
2. A small residential substance abuse treatment home established in RO districts shall be located above the ground floor.

**D. Small Residential Substance Abuse Treatment Homes - Authorized As Conditional Uses:** Small residential substance abuse treatment homes, as either principal or accessory uses, may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, CC, CG, D-2, D-3 and G-MU districts provided:

1. No small residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home, transitional treatment home or community correctional facility.

**E. Large Residential Substance Abuse Treatment Homes - Authorized As Conditional Uses:** Large residential substance abuse treatment homes, as either principal or accessory uses, may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, MU, CC, CG, D-2, D-3, and G-MU districts provided:

1. No large residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home, transitional treatment home or community correctional facility; and
2. A small residential substance abuse treatment home established in RO districts shall be located above the ground floor.

SECTION 11. Amending text of Salt Lake City Code section 21A.36.120. That section 21A.36.120.A of the *Salt Lake City Code* (Adult Daycare Center), shall be, and hereby is, amended to read as follows:

A. Permitted Use: An adult daycare center is a permitted use in the R-MU-35, R-MU-45, R-MU, RO, MU, CN, CB, CC, CS, CSHBD, CG, D-1, D-2, D-3, I, UI and M-1 districts.

SECTION 12. Amending text of Salt Lake City Code section 21A.40.090.E. That the table, titled “Wireless Telecommunication Facilities”, which is located at section 21A.40.090.E 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:

**Table 21A.40.090E  
WIRELESS TELECOMMUNICATIONS FACILITIES**

|  | Wall Mount | Roof Mount | Monopole With Antennas And Antenna Support Structure Less Than 2 Feet Wide |   | Monopole With Antennas And Antenna Support Structure Greater Than 2 Feet Wide |   | Lattice Tower |
|--|------------|------------|--|---|---|---|---------------|
|  |            |            | District Height Limit But Not To Exceed 60 Feet (Whichever Is Less)        | 60 Feet Or Exceeding The Maximum Height Limit Of The Zone | District Height Limit But Not To Exceed 60 Feet (Whichever Is Less)           | 60 Feet Or Exceeding The Maximum Height Limit Of The Zone |               |
| <b>Special Purpose/Overlay Districts</b> |            |            |  |   |   |   |               |
| MU                                       | P          | C          |  |   |   |   |               |

Notes:

- P Permitted use.
- C Conditional use.

SECTION 13. Amending text of Salt Lake City Code section 21A.26.080. That the table, titled “Table of Permitted and Conditional Uses For Commercial Districts”, which is located at section 21A.26.080 of the *Salt Lake City Code*, shall be, and hereby is, amended, in part, such that only the following provisions of said table are amended:

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

|                     |  |
|---------------------|--|
| LEGEND              | PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS |
| C = Conditional Use |  |

|  |    |    |    |     |        |    |       |
|--|----|----|----|-----|--------|----|-------|
| P = Permitted Use  |    |    |    |     |        |    |       |
| USE  | CN | CB | CC | CS1 | CSHBD1 | CG | TC-75 |
| Residential  |    |    |    |     |        |    |       |
| Mixed use developments including residential and other uses allowed in the zoning district | P8 | P  | P  | P   | P      | P  | P     |

Qualifying Provisions:

8. Mixed use development within the CN Zoning District may include single family and duplex dwellings.

SECTION 14. Amending text of Salt Lake City Code section 21A.46.110. That section 21A.46.110.A.4.c of the *Salt Lake City Code* (Sign Regulations for Downtown Districts: Corporate Flags), shall be, and hereby is, amended to read as follows:

c. **Corporate Flags:** The pole support must be attached directly to the building and located so that all portions of the flag clear the pedestrian level of the building. Flags shall not interfere with street trees, light poles, utility lines, etc., and shall maintain a ten foot (10') clearance from the sidewalk. Corporate flags may be additionally anchored at the bottom with a cable, chain, rope or other non-rigid devise, to prevent excessive movement. However, if more than one structural support is provided, the flag shall be considered a fabric "projecting sign".

SECTION 15. 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.

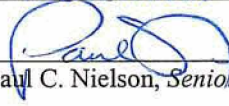
\_\_\_\_\_  
MAYOR

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

(SEAL)

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

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

|  |
|--|
| <p><b>APPROVED AS TO FORM</b><br/>Salt Lake City Attorney's Office</p> <p>Date: <u>NOVEMBER 2, 2009</u></p> <p>By: <u></u><br/>Paul C. Nielson, <i>Senior City Attorney</i></p> |
|--|

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2009  
(An ordinance amending certain land use 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. PLNPCM2008-00643 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 24, 2009 to consider a request made by Salt Lake City Mayor Ralph Becker (petition no. PLNPCM2008-00643) to amend the text of certain sections of Title 21A (Zoning) of the *Salt Lake City Code* to provide further clarity and efficiency in land use regulation; and

WHEREAS, at its June 24, 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.36.030. That section 21A.36.030.A of the *Salt Lake City Code* (Home Occupations), shall be, and hereby is, amended to read as follows:

**21A.36.030 Home Occupations:**

A. **Purpose:** The purpose of this section is to permit the establishment of home occupations in all residential districts and within legal conforming single family, duplex, and multifamily dwellings within commercial and nonresidential districts and ensure that

the home occupations are compatible with the residential district in which they are located and have no negative impact upon the surrounding neighborhood.

SECTION 2. Amending text of Salt Lake City Code section 21A.36.130. That sections 21A.36.130.A through 21A.36.130.B of the *Salt Lake City Code* (Child Daycare), shall be, and hereby is, amended to read as follows:

**21A.36.130 Child Daycare:**

Child daycare shall be permitted pursuant to the following provisions:

A. **Nonregistered Home Daycare:** Nonregistered home daycare, limited to no more than two (2) children, excluding the provider's children, is permitted in the home of the care provider in the FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, MU and RO districts and within legal conforming single family, duplex, and multifamily dwellings within commercial and nonresidential districts excluding M-1 and M-2 districts. A business revenue license or home occupation conditional use approval shall not be required.

B. **Registered Home Daycare Or Registered Home Preschool:** A registered home daycare or registered home preschool as defined in part VI, chapter 21A.62 of this title, may be allowed as an accessory use in the FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, MU and RO districts and within legal conforming single family, duplex, and multifamily dwellings within commercial and nonresidential districts excluding M-1 and M-2 districts as a home occupation special exception pursuant to the provisions of part V, chapter 21A.52 of this title. The permittee shall also obtain appropriate licensing where applicable from the state pursuant to the Utah Code Annotated, 1953.

SECTION 3. Amending text of Salt Lake City Code section 21A.32.140. That the table, titled "Table of Permitted and Conditional Uses For Special Purpose Districts", which is located at section 21A.32.140 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:

| Use | Permitted And Conditional Uses |
|-----|--------------------------------|
|-----|--------------------------------|

|  | MU       |
|--|----------|
| Residential:   |          |
| <u>Residential substance abuse treatment home, large (see section 21A.36.0100 of this title)</u> | <u>C</u> |
| <u>Residential substance abuse treatment home, small (see section 21A.36.0100 of this title)</u> | <u>P</u> |
| <u>Transitional treatment home, large (see section 21A.36.090 of this title)</u>                 | <u>C</u> |
| <u>Transitional treatment home, small (see section 21A.36.090 of this title)</u>                 | <u>C</u> |
| <u>Transitional victim home, large (see section 21A.36.080 of this title)</u>                    | <u>C</u> |
| <u>Transitional victim home, small (see section 21A.36.080 of this title)</u>                    | <u>P</u> |

SECTION 4. Amending text of Salt Lake City Code section 21A.36.040. That section 21A.36.040 of the *Salt Lake City Code* (Resident Healthcare Facilities), shall be, and hereby is, amended to read as follows:

**21A.36.040 Resident Healthcare Facilities:**

A "resident healthcare facility" as defined in part VI, chapter 21A.62 of this title, shall be permitted as of right in the RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, MU and RO districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title and of this code, including business licensing requirements.

SECTION 5. Amending text of Salt Lake City Code section 21A.36.050. That section 21A.36.050 of the *Salt Lake City Code* (Assisted Living Facilities), shall be, and hereby is, amended to read as follows:

**21A.36.050 Assisted Living Facilities:**

An "assisted living facility" as defined in part VI, chapter 21A.62 of this title, shall be permitted in the RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, MU and R-MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title and of this code, including business licensing requirements. If the assisted living facility is an apartment building, the facility shall not exceed the density allowed in the base zoning district. If the assisted living facility is a rooming house, for the purpose of calculating the density



allowed under the base zoning district, three (3) boarders shall constitute one dwelling unit.

SECTION 6. Amending text of Salt Lake City Code section 21A.36.060. That section 21A.36.120 of the *Salt Lake City Code* (Nursing Care Facilities), shall be, and hereby is, amended to read as follows:

**21A.36.060 Nursing Care Facilities:**

A "nursing care facility" as defined in part VI, chapter 21A.62 of this title, shall be permitted in the RMF-45, RMF-75, R-MU-35, R-MU-45, MU and R-MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title.

SECTION 7. Amending text of Salt Lake City Code section 21A.36.070. That sections 21A.36.070.C through 21A.36.070.D of the *Salt Lake City Code* (Group Homes), shall be, and hereby is, amended to read as follows:

**C. Small Group Homes - Authorized As Permitted Uses:** Small group homes shall be permitted pursuant to subsection B of this section in the FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, MU, CC, CG, D-2, D-3, AG, AG-2, and AG-5 districts provided:

1. No small group home shall be located within eight hundred feet (800') of another group home; and
2. Small group homes established in the RB and RO districts shall be located above the ground floor.

**D. Large Group Homes - Authorized As Conditional Uses:** Large group homes, as either principal or accessory uses, may be allowed, as conditional uses pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, MU, CC, CG, D-2, D-3 and G-MU districts provided:

1. No large group home shall be located within eight hundred feet (800') of another group home; and

2. Large group homes established in the RB and RO districts shall be located above the ground floor.

SECTION 8. Amending text of Salt Lake City Code section 21A.36.080. That sections 21A.36.080.C through 21A.36.080.E of the *Salt Lake City Code* (Transitional Victim Homes), shall be, and hereby is, amended to read as follows:

- C. Small Transitional Victim Homes - Authorized As Permitted Uses: Small transitional victim homes shall be permitted as either principal or accessory uses pursuant to subsection B of this section in the RMF-75, R-MU, MU and RO districts provided:
  1. No small transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home or transitional treatment home.
  2. Small transitional victim homes established in RO districts shall be located above the ground floor.
- D. Small Transitional Victim Homes - Authorized As Conditional Uses: Small transitional victim homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, R-MU-35, R-MU-45, CC, CG, D-2, D-3, and G-MU districts provided:
  1. No small transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home or transitional treatment home.
- E. Large Transitional Victim Homes - Authorized As Conditional Uses: Large transitional victim homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, MU, CC, CG, D-2, D-3, and G-MU districts provided:
  1. No small transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home or transitional treatment home.
  2. Small transitional victim homes established in RO districts shall be located above the ground floor.

SECTION 9. Amending text of Salt Lake City Code section 21A.36.090. That sections 21A.36.090.C through 21A.36.090.D of the *Salt Lake City Code* (Transitional Treatment Homes), shall be, and hereby is, amended to read as follows:

**C. Small Transitional Treatment Homes - Authorized As Conditional Uses:** Small transitional treatment homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, MU, RO, CC, CG, D-2, D-3, and G-MU districts provided:

1. No small transitional treatment home shall be located within eight hundred feet (800') of another transitional treatment home, residential substance abuse treatment home, transitional victim home or community correctional facility; and
2. A small transitional treatment home established in the RO district shall be located above the ground floor.

**D. Large Transitional Treatment Homes - Authorized As Conditional Uses:** Large transitional treatment homes may be allowed as either principal or accessory uses, as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, MU, CC, CG, D-2, D-3, and G-MU districts provided:

1. No large transitional treatment home shall be located within eight hundred feet (800') of another transitional treatment home, residential substance abuse treatment home, transitional victim home or community correctional facility; and
2. A large transitional treatment home established in the RO district shall be located above the ground floor.

SECTION 10. Amending text of Salt Lake City Code section 21A.36.100. That sections 21A.36.100.C through 21A.36.100.E of the *Salt Lake City Code* (Residential Substance Abuse Treatment Homes), shall be, and hereby is, amended to read as follows:

**C. Small Residential Substance Abuse Treatment Homes - Authorized As Permitted Uses:** Small residential substance abuse treatment homes shall be permitted as either principal or accessory uses pursuant to subsection B of this

section in the RMF-75, R-MU-35, R-MU-45, R-MU, MU and RO districts provided:

1. No small residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home or transitional treatment home; and
2. A small residential substance abuse treatment home established in RO districts shall be located above the ground floor.

**D. Small Residential Substance Abuse Treatment Homes - Authorized As Conditional Uses:** Small residential substance abuse treatment homes, as either principal or accessory uses, may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, CC, CG, D-2, D-3 and G-MU districts provided:

1. No small residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home, transitional treatment home or community correctional facility.

**E. Large Residential Substance Abuse Treatment Homes - Authorized As Conditional Uses:** Large residential substance abuse treatment homes, as either principal or accessory uses, may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, MU, CC, CG, D-2, D-3, and G-MU districts provided:

1. No large residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home, transitional treatment home or community correctional facility; and
2. A small residential substance abuse treatment home established in RO districts shall be located above the ground floor.

SECTION 11. Amending text of Salt Lake City Code section 21A.36.120. That section 21A.36.120.A of the *Salt Lake City Code* (Adult Daycare Center), shall be, and hereby is, amended to read as follows:



A. Permitted Use: An adult daycare center is a permitted use in the R-MU-35, R-MU-45, R-MU, RO, MU, CN, CB, CC, CS, CSHBD, CG, D-1, D-2, D-3, I, UI and M-1 districts.

SECTION 12. Amending text of Salt Lake City Code section 21A.40.090.E. That the table, titled “Wireless Telecommunication Facilities”, which is located at section 21A.40.090.E 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:

**Table 21A.40.090E  
WIRELESS TELECOMMUNICATIONS FACILITIES**

|  | Wall Mount | Roof Mount | Monopole With Antennas And Antenna Support Structure Less Than 2 Feet Wide |   | Monopole With Antennas And Antenna Support Structure Greater Than 2 Feet Wide |   | Lattice Tower |
|--|------------|------------|--|---|---|---|---------------|
|  |            |            | District Height Limit But Not To Exceed 60 Feet (Whichever Is Less)        | 60 Feet Or Exceeding The Maximum Height Limit Of The Zone | District Height Limit But Not To Exceed 60 Feet (Whichever Is Less)           | 60 Feet Or Exceeding The Maximum Height Limit Of The Zone |               |
| <b>Special Purpose/Overlay Districts</b> |            |            |  |   |   |   |               |
| <u>MU</u>                                | P          | C          |  |   |   |   |               |

Notes:

- P Permitted use.
- C Conditional use.

SECTION 13. Amending text of Salt Lake City Code section 21A.26.080. That the table, titled “Table of Permitted and Conditional Uses For Commercial Districts”, which is located at section 21A.26.080 of the *Salt Lake City Code*, shall be, and hereby is, amended, in part, such that only the following provisions of said table are amended:

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

|                     |  |
|---------------------|--|
| LEGEND              | PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS |
| C = Conditional Use |  |

|  |                |    |    |     |        |    |       |
|--|----------------|----|----|-----|--------|----|-------|
| P = Permitted Use  |                |    |    |     |        |    |       |
| USE  | CN             | CB | CC | CS1 | CSHBD1 | CG | TC-75 |
| Residential  |                |    |    |     |        |    |       |
| Mixed use developments including residential and other uses allowed in the zoning district | P <del>8</del> | P  | P  | P   | P      | P  | P     |

Qualifying Provisions:

8. Mixed use development within the CN Zoning District may include single family and duplex dwellings.

SECTION 14. Amending text of Salt Lake City Code section 21A.46.110. That section 21A.46.110.A.4.c of the *Salt Lake City Code* (Sign Regulations for Downtown Districts: Corporate Flags), shall be, and hereby is, amended to read as follows:

**c. Corporate Flags:** The pole support must be attached directly to the building and located so that all portions of the flag clear the pedestrian level of the building. Flags shall not interfere with street trees, light poles, utility lines, etc., and shall maintain a ten foot (10') clearance from the sidewalk. Corporate flags may be additionally anchored at the bottom with a cable, chain, rope or other non-rigid devise, to prevent excessive movement. However, if more than one structural support is provided, the flag shall be considered a fabric "projecting sign".

SECTION 15. 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\_ATTU-#10299-v1-Ordinance\_-\_zoning\_fine\_tuning\_PLNPCM2008-00643.DOC

**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 **PLNPCM2008-00643** 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.36 Home Day Care and Home Occupations: Allow home day care and home occupations in legal conforming single family and duplex properties that are located within commercial or other non-residential zones.
2. Chapter 21A.36 General Provisions: Add the (MU) Mixed Use Zoning District to the Assisted Living, Nursing Care, Small Group Homes, Large Group Homes, Adult Day Care and Child Day Care uses listed in Chapter 36.
3. Chapter 21A.40 Accessory Uses, section 21A.40.090E: Add the (MU) Mixed Use Zoning District to the table (wireless communications facilities)
4. Chapter 21A.26 Commercial Districts: Amend 21A.26.080 Table of Permitted and Conditional Uses. Allow single-family and duplex uses as part of a mixed use development in the CN Zoning District.
5. Chapter 21A.46 Signs, section 21A.46.110 Signs, Corporate Flag: Allow additional anchoring at the bottom of flag to prevent excessive movement. These text changes are Citywide.

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 801-535-7930, 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**

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

PETE TAYLOR  
SUNNYSIDE EAST  
933 SOUTH 2300 EAST  
SALT LAKE CITY, UT 84108

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

GORDON STORRS  
FAIRPARK CHAIR  
159 NORTH 1320 WEST  
SALT LAKE CITY, UT 84116

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

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

PHILIP CARLSON  
SUGAR HOUSE CHAIR  
1917 EAST 2700 SOUTH  
SALT LAKE CITY, UT 84106

ESTHER HUNTER  
UNIVERSITY NEIGHBORHOOD  
1049 NORRIS PLACE  
SALT LAKE CITY, UT 84102

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

TERRY THOMAS  
WESTPOINT CHAIR  
1840 STALLION LANE  
SALT LAKE CITY, UT 84116

EVERETT JOYCE  
451 SO STATE STREET, RM 406  
P.O. BOX 145480  
SALT LAKE CITY, UT 84114-5480

DOWNTOWN ALLIANCE  
175 EAST 400 SOUTH #100  
SALT LAKE CITY, UT 84111

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

JUDITH LOCKE  
GREATER AVENUES CHAIR  
407 7<sup>TH</sup> AVENUE  
SALT LAKE CITY, UT 84103

SALT LAKE CHAMBER OF COMMERCE  
175 EAST 400 SOUTH #100  
SALT LAKE CITY, UT 84111

DEWITT SMITH  
LIBERTY WELLS  
328 EAST HOLLYWOOD AVE  
SALT LAKE CITY, UT 84115

LOGGINS MERRILL  
EAST CENTRAL CHAIR  
P.O. BOX 521809  
SALT LAKE CITY, UT 84152

ATTN: CAROL DIBLEE  
DOWNTOWN MERCHANTS ASSN  
10 W. ROADWAY, STE #420  
SALT LAKE CITY, UT 84101

LISETTE GIBBONS  
YALECREST CHAIR  
1764 HUBBARD AVE  
SALT LAKE CITY, UT 84108

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

SUGAR HOUSE MERCHANT'S ASSN  
C/O BARBARA GREEN  
SMITH CROWN  
2000 SOUTH 1100 EAST  
SALT LAKE CITY, UT 84106

BEVERLY NELSON  
FEDERAL HEIGHTS  
26 SOUTH WOLCOTT STREET  
SALT LAKE CITY, UT 84102

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

HISPANIC CHAMBER OF COMMERCE  
P.O. BOX 1805  
SALT LAKE CITY, UT 84110

PAMELA PEDERSEN  
EAST LIBERTY PARK  
SALT LAKE CITY SCHOOL DIST.  
440 EAST 100 SOUTH  
SALT LAKE CITY, UT 84111

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

VEST POCKET BUSINESS COALITION  
P.O. BOX 521357  
SALT LAKE CITY, UT 85125-1357

MARK BRINTON  
WASATCH HOLLOW  
1869 LOGAN AVE  
SALT LAKE CITY, UT 84108

THOMAS MUTTER  
CENTRAL CITY CHAIR  
228 EAST 500 SOUTH #100  
SALT LAKE CITY, UT 84111

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**

**Newspaper Notice**

**Planning Commission Minutes**

**Planning Commission Staff Report**

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

TAMI HANSEN  
PO BOX 145480

# PUBLIC HEARING NOTICE



FIRST CLASS

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.

## SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA

In Room 326 of the City &amp; County Building at 451 South State Street

Wednesday, June 24, 2009 at 5:45 p.m.

There will be no field trip. Dinner will be served to the Planning Commissioners and staff at 5:00 p.m., in Room 126. **Early Work Session** (This portion of the meeting is open to the public for observation)—The work session will begin at **3:00 p.m.** and will include discussion on Long Range Planning including:

1. Sustainable Community Development Code Revision Project. The Planning Commission will receive a presentation by Clarion Associates regarding the purpose and status of the Sustainable Community Development Code Revision Project. This project includes recommendations regarding ways the City can amend its development codes, including the Zoning and Subdivision ordinances, to improve implementation of sustainability in Salt Lake City. (Staff contact: Wilf Sommerkorn at 801.535.7226 or [wilford.sommerkorn@slcgov.com](mailto:wilford.sommerkorn@slcgov.com)).
2. Long range general plan approach.
3. Updates on the North Temple Plan, Euclid Plan, etc.

Approval of Minutes from Wednesday, May 27, 2009 and June 10, 2009

Report of the Chair and Vice Chair

Report of the Director

Public Hearings

4. **Petition PLNPCM2009-00616, Zoning Text Amendment**—The Planning Division is reviewing a petition requested by Mayor Becker to amend the Salt Lake City Zoning Ordinance, to allow “public parks” in the Public Lands Zoning District. The proposed text change affects all properties zoned Public Lands citywide (Staff contact: Everett Joyce at 801.535.7390 or [everett.joyce@slcgov.com](mailto:everett.joyce@slcgov.com)).
5. **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.36 Home Day Care and Home Occupations: Allow home day care and home occupations in legal conforming single family and duplex properties that are located within commercial or other non-residential zones.
  - b. Chapter 21A.36 General Provisions: Add the (MU) Mixed Use Zoning District to the Assisted Living, Nursing Care, Small Group Homes, Large Group Homes, Adult Day Care and Child Day Care uses listed in Chapter 36.
  - c. Chapter 21A.40 Accessory Uses, section 21A.40.090E: Add the (MU) Mixed Use Zoning District to the table (wireless communications facilities)
  - d. Chapter 21A.26 Commercial Districts: Amend 21A.26.080 Table of Permitted and Conditional Uses. Allow single-family and duplex uses as part of a mixed use development in the CN Zoning District.
  - e. Chapter 21A.46 Signs, section 21A.46.110 Signs, Corporate Flag: Allow additional anchoring at the bottom of flag to prevent excessive movement.

These text changes are Citywide (Staff contact: Everett Joyce at 535-7930 or [everett.joyce@slcgov.com](mailto:everett.joyce@slcgov.com)).

Briefing

6. **Petition PLNPCM2009-00168 Northwest Quadrant Master Plan** —a request by the City Council to develop a community master plan for the Northwest Quadrant. The Northwest Quadrant includes the incorporated area of the City located between the Bangerter Highway and the west City limits (8800 West) from 2100 South to the north City limits (3700 North). A public hearing on the matter will be held at a future date. There will be no decision made at this meeting. The community is located in City Council District One, represented by Carlton Christensen and in City Council District Two, represented by Van Turner (Staff contact: Everett Joyce at 801. 535.7930 or [everett.joyce@slcgov.com](mailto:everett.joyce@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

**Exhibit 4ii**  
**Newspaper Notice**

4770 S. 5600 W.  
 P.O. BOX 704005  
 WEST VALLEY CITY, UTAH 84170  
 FED. TAX I.D.# 87-0217663

PROOF OF PUBLICATION

CUSTOMER'S COPY

| CUSTOMER NAME AND ADDRESS   | ACCOUNT NUMBER | DATE      |
|---|----------------|-----------|
| PLANNING DIVISION,<br>451 SOUTH STATE STREET, ROOM 4<br><br>SALT LAKE CITY UT 84111 | 9001394298     | 6/11/2009 |

| ACCOUNT NAME                             |                               |
|--|-------------------------------|
| PLANNING DIVISION,                       |                               |
| TELEPHONE                                | ADVERTISER / VOICEMAIL NUMBER |
| 8015356184                               | 0000463291 /                  |
| DATES                                    |                               |
| Start 06/10/2009                         | End 06/10/2009                |
| COLUMNS                                  |                               |
| SALT LAKE CITY PLANNING COMMISSION ZONIN |                               |
| 50 Lines                                 | 1.00 COLUMN                   |
| PAGES                                    | CHARGES                       |
| 2  |                               |
| TOTAL CHARGES                            |                               |
| 67.50                                    |                               |

SALT LAKE CITY PLANNING COMMISSION ZONING TEXT AMENDMENTS PUBLIC HEARING

On Wednesday June 24, 2009 at 5:45 P.M., the Salt Lake City Planning Commission will hold hearings to take comment on petitions PLNP-CAZ008-00643 and PLNP-CAZ009-00616 amending the zoning text. Petition 00643 allows home day care and home occupations in legal conforming single family and duplex properties in non-residential zones. Assisted Living, Nursing Care, Small Group Homes, Large Group Homes, Adult Day Care and Child Day Care uses and wireless communications facilities in the AU District; single-family and duplex uses as part of a mixed use development in the CN District; and anchoring of corporate flags. Petition 00616 allows public parks in the PL District.

All persons interested and present will be given an opportunity to be heard. The hearing will be held in Room 326 of the Salt Lake City and County Building, 451 South State Street. Accessible parking and entrance is located on the east side of the building. Hearing impaired individuals who wish to attend this meeting should contact our TDD service number, 535-6220, four days in advance. For further information regarding this hearing, call Everett Joyce at 535-7930. 463291 LPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY CORPORATION LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF SALT LAKE CITY PLANNING COMMISSION ZONIN FOR PLANNING DIVISION, WAS PUBLISHED BY THE NEWSPAPER AGENCY CORPORATION, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH.

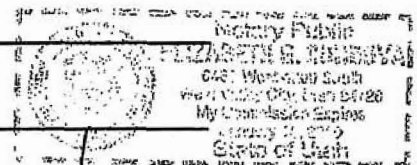
Start 06/10/2009 End 06/10/2009

PUBLISHED ON

SIGNATURE

*[Handwritten Signature]*

6/11/2009



*[Handwritten Signature]*

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"  
 PLEASE PAY FROM BILLING STATEMENT

**Exhibit 4iii**  
**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 24, 2009**

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

**6:20:26 PM Petition No. PLNPCM2009-00643, 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: View: [Staff Report](#)

1. Chapter 21A.36 Home Day Care and Home Occupations: Allow home day care and home occupations in legal conforming single family and duplex properties that are located within commercial or other non-residential zones.
2. Chapter 21A.36 General Provisions: Add the (MU) Mixed Use Zoning District to the Assisted Living, Nursing Care, Small Group Homes, Large Group Homes, Adult Day Care and Child Day Care uses listed in Chapter 36.
3. Chapter 21A.40 Accessory Uses, section 21A.40.090E: Add the (MU) Mixed Use Zoning District to the table (wireless communications facilities)
4. Chapter 21A.26 Commercial Districts: Amend 21A.26.080 Table of Permitted and Conditional Uses. Allow single-family and duplex uses as part of a mixed use development in the CN Zoning District.
5. Chapter 21A.46 Signs, section 21A.46.110 Signs, Corporate Flag: Allow additional anchoring at the bottom of flag to prevent excessive movement. These text changes are Citywide.

Chair Woodhead recognized Everett Joyce as staff representative

### **6:23:05 PM Public Hearing**

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

### **6:23:28 PM Motion**

**Commissioner De Lay made a motion regarding Petition PLNPCM2008-00643, based on the findings listed in the staff report and the fact that this petition generally meets the**



**applicable standards, the Planning Commission transmits a favorable recommendation to the City Council.**

**Commissioner Algarin seconded the motion.**

**Commissioners De Lay, Fife, Hill, Algarin, Dean, Chambless, Wirthlin, McHugh, and Gallegos voted, "Aye". The motion passed unanimously.**

**Exhibit 4iv**  
**Planning Commission Staff Report**

# PLANNING COMMISSION STAFF REPORT

## Salt Lake City Code Maintenance, Fine Tuning Zoning Text Amendment PLNPCM2008-00643 City-wide

**June 24, 2009**



Planning and Zoning Division  
Department of Community and  
Economic Development

**Applicant:** Salt Lake City Mayor  
Ralph Becker

**Staff:** Everett Joyce 535-7930  
[everett.joyce@slcgov.com](mailto:everett.joyce@slcgov.com)

**Tax ID:** n/a

**Current Zone:** n/a

**Master Plan Designation:**  
City-wide.

**Council District:** City-wide

**Lot Size:** n/a

**Current Use:** n/a

**Applicable Land Use  
Regulations:**

*Review Standards:* 21A.50.050  
Standards for General Amendments

*Affected Text:*

21A.26, Commercial Districts  
21A.32.140 Table of Permitted and  
Conditional Uses  
21A.36, General Provisions  
21A.40 Accessory Uses  
21A.46 Signs

**Notification**

- Notice mailed on June 9, 2009
- Agenda posted on the Planning  
Division and Utah Public Meeting  
Notice websites June 9, 2009
- Newspaper Notice June 10, 2009

**Attachments:**

- A. Proposed Ordinance  
Amendments

### **Request**

Salt Lake City Mayor Ralph Becker is requesting the Planning Commission analyze and adjust the City Ordinances to provide for clarity and efficiency of use as part of a code maintenance program. The five minor Fine Tuning text amendments being processed with this petition address the following issues:

- 1 Chapter 21A.36 Home Day Care and Home Occupations: Allow home day care and home occupations in legal conforming single family and duplex properties that are located within commercial or other non-residential zones
- 2 Chapter 21A.36 General Provisions: Add the MU - Mixed Use Zoning District to the Resident Healthcare, Assisted Living and Nursing Care Facilities; Group Homes; Transitional Victim, Treatment and Substance Abuse Homes; Adult and Child Day Care uses listed in Chapter 36. Section 21A.32.140 Table of Permitted And Conditional Uses For Special Purpose Districts: Add Transitional Victim Homes, Transitional Treatment Homes and Residential Substance Abuse Treatment Homes uses within the MU – Mixed Use Zoning District.
- 3 Chapter 21A.40 Accessory Uses, section 21A.40.090E: Add the MU - Mixed Use Zoning District to the wireless communications facilities table.
- 4 Chapter 21A.26 Commercial Districts: Amend 21A.26.080 Table of Permitted and Conditional Uses. Allow single-family and duplex uses as part of a mixed use development in the CN Zoning District.
- 5 Chapter 21A.46 Signs, section 21A.46.110 Signs, Corporate Flag: Allow additional anchoring at the bottom of flag to prevent excessive movement.

### **Staff Recommendation**

Based on the findings listed in the staff report, it is the Planning Staff's opinion that overall the project generally meets the applicable standards and therefore, recommends the Planning Commission transmit a favorable recommendation to the City Council.

## **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.

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 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;
- Implements the City's Comprehensive Plan; and
- Provides ordinance consistency with existing policies and objectives.

### **Proposed Code Changes**

The Salt Lake Planning Division is processing specific adjustments to the Salt Lake City code. The five minor Fine Tuning text amendments being processed with this petition are discussed below.

#### ***Item 1. Chapter 21A.36 Child Day Care and Home Occupations – Allow in residences within non-residential zoning districts, except manufacturing districts***

The current code allows child day care and home occupation operations in homes within all residential districts. Child day care includes non-registered home day care, registered home day care and registered home preschools. However, there is a substantial amount of housing located within other mixed use districts and within non-residential districts that do not allow these ancillary uses. Child daycare and home occupations would be a typical use within homes located within residential developments whether or not the properties are zoned residential or mixed use. To allow a more uniform application of such ancillary uses to residences within the city, staff believes that Child Day Care and Home Occupations should be allowed subject to regulations within any residence. However, an exception for child day care uses should not be allowed within residences located within industrial zoning districts.

#### **Recommended Code Changes**

Allow child day care and home occupations in legal conforming single family, duplex, and multi-family properties that are located within commercial and other non-residential zoning districts. However, child day care would not be permitted uses within industrial zoning districts.

#### ***Item 2. Chapter 21A.36. General Provisions and Section 21A.32.140 Table of Permitted and Conditional Uses for Special Purposes Districts – Allow nursing home and specialty housing type uses in the MU Zoning District***

*General Provisions.* Several specific land uses are identified within the Tables of Permitted and Conditional Uses as well as in section 21A.36 General Provisions, such as Resident Healthcare Facilities, Assisted Living, Nursing Care, Small Group Homes, Large Group Homes, Adult Day Care and Child Day Care uses. Typically the general provisions section provides standards such uses need to meet in addition to those required in the specific zoning districts. This fine tuning amendment is to add the MU – Mixed Use District to several categories within Chapter 36, General Provisions that are listed within the Tables of Permitted and Conditional Uses.

*Special Purpose District Table of Permitted and Conditional Uses.* Within the table of permitted and conditional uses for the MU – Mixed Use Zoning District Transitional Victim Homes, Transitional Treatment Homes and Residential Substance Abuse Treatment Homes are not listed. Within the RMF-35, RMF-45, RMU-35, RMU-45, RMF-75, R-MU, and RO Districts these uses are permitted. These zoning districts allow similar uses as the MU Zoning District allows. Staff believes that not including these uses was an oversight and that it is appropriate to add these land uses to the MU Zoning District.

#### Recommended Code Changes

Add the (MU) Mixed Use Zoning District to the Resident Healthcare Facilities, Assisted Living Facilities, Nursing Care Facilities; Group Homes; Transitional Victim Homes, Transitional Treatment Homes, Residential Substance Abuse Treatment Homes; Adult Daycare Centers and Child Day Care uses listed in Chapter 36, General Provisions.

Add Transitional Victim Homes, Transitional Treatment Homes, Residential Substance Abuse Treatment Homes uses to the MU- Mixed Use Zoning District within section 21A.32.140 Table of Permitted and Conditional Uses for Special Purpose Districts.

#### ***Item 3. Chapter 21A.40.090E Accessory Uses – Wireless Telecommunication Facilities – Allow in the MU Zoning District***

The MU – Mixed Use Zoning District is not listed within Table 21A.40.090E Wireless Telecommunications Facilities. This zoning district is being added to the table and the telecommunications facilities listed as permitted or conditional use are those permitted in similar zoning districts such as other mixed use and multi-family zoning districts.

#### Recommended Code Changes

Add the MU- Mixed Use Zoning District to Table 21A.40.090E Wireless Telecommunications Facilities and identify wall mounted as a permitted use and roof mounted facilities as a conditional use.

#### ***Item 4. Chapter 21A.26 Commercial Districts - 21A.26.080 Table of Permitted and Conditional Uses – Allow single family and two family dwellings as part of a mixed use project in the CN Zoning District***

The Table of Permitted and Conditional Uses for Commercial Districts allows “mixed use developments including residential and other uses allowed in the zoning district”. The same table also allows multi-family dwellings within commercial districts. Multiple family dwellings are defined as three or more dwelling units.

The CN Zoning District is intended for small scale commercial uses. Parcels within the CN Zoning District, typically are smaller than in other commercial districts. These smaller parcels could support mixed use developments that include single family or duplex dwellings. Since mixed use developments are permitted within the CN Zoning District staff believes that adding a qualifying provision to allow mixed use



developments within the CN Zoning District that contain single family or duplex dwellings would support the intent of allowing mixed uses without compromising the purpose and intent of the commercial districts.

#### Recommended Code Changes

Add a Qualifying Provision to the CN Zoning District in section 21A.26.080 Table of Permitted and Conditional Uses for Commercial Districts. The qualifying provision will state “Mixed use development within the CN Zoning District may include single family and duplex dwellings”.

#### ***Item 5. Chapter 21A.46, Section 21A.46.110 Signs - Anchoring of corporate flags***

The zoning ordinance allows for corporate flags. Such flags shall not interfere with street trees, light poles, utility lines, etc. The ordinance only permits corporate flags that hang freely. It has been identified that such flags can have excessive movement that limits their use since they may interfere with street trees and utilities structures. It is recommended to allow anchoring corporate flags at the bottom to prevent excessive movement and allow for more continuous display and minimize the potential for interference with surrounding objects.

#### Recommended Code Changes

Add to the definition and standards of corporate flags that they may be anchored at the bottom with a cable, chain, rope or other non-rigid device to prevent excessive movement.

### **Comments**

#### **Public Comments**

An Open House was held on October 16, 2008. 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’s website. There were no comments received directly related to the posted Open House issues.

#### **City Department Comments**

The Planning Division routed a request for department comments on December 2, 2008. The staff did not receive any comments from the applicable City Departments / Divisions.

### **Analysis and Findings**

**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. 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 zoning at the level of detail that that are specific to individual zoning classifications or the specific zoning district table of permitted and conditional uses or the specific level 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 and intent statements included in the Zoning Ordinance. The proposed amendments support ordinance 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:** Generally, the proposed amendments will not change the functions of the technical standards of the zoning ordinance. 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.

**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.





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



# Petition PLNPCM2008-00643 Salt Lake City Code Maintenance

## Recommended Code Text Changes

Language to be **added** is underlined.

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

### 21A.36.030 Home Occupations:

A. **Purpose:** The purpose of this section is to permit the establishment of home occupations in all residential districts and within legal conforming single family, duplex, and multifamily dwellings within commercial and nonresidential districts and ensure that the home occupations are compatible with the residential district in which they are located and have no negative impact upon the surrounding neighborhood.

### 21A.36.130 Child Daycare:

Child daycare shall be permitted pursuant to the following provisions:

A. **Nonregistered Home Daycare:** Nonregistered home daycare, limited to no more than two (2) children, excluding the provider's children, is permitted in the home of the care provider in the FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, MU and RO districts and within legal conforming single family, duplex, and multifamily dwellings within commercial and nonresidential districts excluding M-1 and M-2 districts. A business revenue license or home occupation conditional use approval shall not be required.

B. **Registered Home Daycare Or Registered Home Preschool:** A registered home daycare or registered home preschool as defined in part VI, chapter 21A.62 of this title, may be allowed as an accessory use in the FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, MU and RO districts and within legal conforming single family, duplex, and multifamily dwellings within commercial and nonresidential districts excluding M-1 and M-2 districts as a home occupation special exception pursuant to the provisions of part V, chapter 21A.52 of this title. The permittee shall also obtain appropriate licensing where applicable from the state pursuant to the Utah Code Annotated, 1953.

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

| Use  | Permitted And Conditional Uses |
|--|--------------------------------|
|  | MU                             |
| Residential:   |                                |
| <u>Residential substance abuse treatment home, large (see section 21A.36.0100 of this title)</u> | <u>C</u>                       |
| <u>Residential substance abuse treatment home, small (see section 21A.36.0100 of this title)</u> | <u>P</u>                       |
| <u>Transitional treatment home, large (see section 21A.36.090 of this title)</u>                 | <u>C</u>                       |
| <u>Transitional treatment home, small (see section 21A.36.090 of this title)</u>                 | <u>C</u>                       |
| <u>Transitional victim home, large (see section 21A.36.080 of this title)</u>                    | <u>C</u>                       |
| <u>Transitional victim home, small (see section 21A.36.080 of this title)</u>                    | <u>P</u>                       |

**21A.36.040 Resident Healthcare Facilities:**

A "resident healthcare facility" as defined in part VI, chapter 21A.62 of this title, shall be permitted as of right in the RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, MU and RO districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title and of this code, including business licensing requirements.

**21A.36.050 Assisted Living Facilities:**

An "assisted living facility" as defined in part VI, chapter 21A.62 of this title, shall be permitted in the RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, MU and R-MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title and of this code, including business licensing requirements. If the assisted living facility is an apartment building, the facility shall not exceed the density allowed in the base zoning district. If the assisted living facility is a rooming house, for the purpose of calculating the density allowed under the base zoning district, three (3) boarders shall constitute one dwelling unit.

**21A.36.060 Nursing Care Facilities:**

A "nursing care facility" as defined in part VI, chapter 21A.62 of this title, shall be permitted in the RMF-45, RMF-75, R-MU-35, R-MU-45, MU and R-MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title.

### **21A.36.070 Group Homes:**

**C. Small Group Homes - Authorized As Permitted Uses:** Small group homes shall be permitted pursuant to subsection B of this section in the FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, MU, CC, CG, D-2, D-3, AG, AG-2, and AG-5 districts provided:

**D. Large Group Homes - Authorized As Conditional Uses:** Large group homes, as either principal or accessory uses, may be allowed, as conditional uses pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, MU, CC, CG, D-2, D-3 and G-MU districts provided:

### **21A.36.080 Transitional Victim Homes:**

**C. Small Transitional Victim Homes - Authorized As Permitted Uses:** Small transitional victim homes shall be permitted as either principal or accessory uses pursuant to subsection B of this section in the RMF-75, R-MU, MU and RO districts provided:

**D. Small Transitional Victim Homes - Authorized As Conditional Uses:** Small transitional victim homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, R-MU-35, R-MU-45, CC, CG, D-2, D-3, and G-MU districts provided:

**E. Large Transitional Victim Homes - Authorized As Conditional Uses:** Large transitional victim homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, MU, CC, CG, D-2, D-3, and G-MU districts provided:

### **21A.36.090 Transitional Treatment Homes:**

**C. Small Transitional Treatment Homes - Authorized As Conditional Uses:** Small transitional treatment homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, MU, RO, CC, CG, D-2, D-3, and G-MU districts provided:

**D. Large Transitional Treatment Homes - Authorized As Conditional Uses:** Large transitional treatment homes may be allowed as either principal or accessory uses, as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, MU, CC, CG, D-2, D-3, and G-MU districts provided:

**21A.36.100 Residential Substance Abuse Treatment Homes:**

**C. Small Residential Substance Abuse Treatment Homes - Authorized As Permitted Uses:**

Small residential substance abuse treatment homes shall be permitted as either principal or accessory uses pursuant to subsection B of this section in the RMF-75, R-MU-35, R-MU-45, R-MU, MU and RO districts provided:

**D. Small Residential Substance Abuse Treatment Homes - Authorized As Conditional Uses:**

Small residential substance abuse treatment homes, as either principal or accessory uses, may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, CC, CG, D-2, D-3 and G-MU districts provided:

**E. Large Residential Substance Abuse Treatment Homes - Authorized As Conditional Uses:**

Large residential substance abuse treatment homes, as either principal or accessory uses, may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, MU, CC, CG, D-2, D-3, and G-MU districts provided:

**21A.36.120 Adult Daycare Center:**

A. Permitted Use: An adult daycare center is a permitted use in the R-MU-35, R-MU-45, R-MU, RO, MU, CN, CB, CC, CS, CSHBD, CG, D-1, D-2, D-3, I, UI and M-1 districts.

**Section 21A.40 Accessory Uses**

**Table 21A.40.090E  
WIRELESS TELECOMMUNICATIONS FACILITIES**

|  | Wall Mount | Roof Mount | Monopole With Antennas And Antenna Support Structure Less Than 2 Feet Wide | 60 Feet Or Exceeding The Maximum Height Limit Of The Zone | Monopole With Antennas And Antenna Support Structure Greater Than 2 Feet Wide | 60 Feet Or Exceeding The Maximum Height Limit Of The Zone | Lattice Tower |
|--|------------|------------|--|---|---|---|---------------|
|  |            |            | District Height Limit But Not To Exceed 60 Feet (Whichever Is Less)        |   | District Height Limit But Not To Exceed 60 Feet (Whichever Is Less)           |   |               |
| <b>Special Purpose/Overlay Districts</b> |            |            |  |   |   |   |               |
| <u>MU</u>                                | P          | C          |  |   |   |   |               |

Notes:

P Permitted use.

C Conditional use.



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

| LEGEND   |                | PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS |    |     |        |    |       |
|--|----------------|--|----|-----|--------|----|-------|
| C = Conditional Use<br>P = Permitted Use   |                |  |    |     |        |    |       |
| USE  | CN             | CB   | CC | CS1 | CSHBD1 | CG | TC-75 |
| Residential  |                |  |    |     |        |    |       |
| Mixed use developments including residential and other uses allowed in the zoning district | P <sup>8</sup> | P  | P  | P   | P      | P  | P     |

Qualifying Provisions:

8. Mixed use development within the CN Zoning District may include single family and duplex dwellings.

**21A.46.110 Sign Regulations For Downtown Districts:**

A. Sign Regulations For The D-1 And D-4 Downtown Districts:

**4. Supplementary Regulations:**

c. **Corporate Flags:** The pole support must be attached directly to the building and located so that all portions of the flag clear the pedestrian level of the building. Flags shall not interfere with street trees, light poles, utility lines, etc., and shall maintain a ten foot (10') clearance from the sidewalk. Corporate flags may be additionally anchored at the bottom with a cable, chain, rope or other non-rigid devise, to prevent excessive movement. However, if more than one structural support is provided, the flag shall be considered a fabric "projecting sign".

**Exhibit 5**  
**Original Petition**



# Petition Initiation Request

Planning Division  
Community & Economic Development Department

To: Mayor Becker

From: Wilf Sommerkorn, Planning Director *WS*

Date: November 4, 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: Authorizing the initiation of various petitions to implement an ongoing Code Maintenance Program that develops and processes Fine Tuning elements that amend the City zoning code and related ordinances.

SCANNED TO: *by Nayer*  
SCANNED BY: *Lawrence*  
DATE: 11/5/09

RECEIVED  
NOV 05

The Planning Staff is requesting that you initiate a general petition request that allows multiple petitions to be created to implement a Code Maintenance Program that will routinely monitor and develop petitions that will analyze the appropriateness of amending portions of the City Code as part of an ongoing ordinance Fine Tuning process. (See Attachment – Tier 3 – Code Maintenance Fine Tuning Element)

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 maintain an effective code. Previous ordinance adjustments have been processed by the Administration in 1995, 1999 and in 2004. These projects were processed as packages of minor text changes that were collected through a period of several years.

The Planning Division has modified its Fine Tuning ordinance approach in order to implement a code maintenance program that consists of more frequent code changes. The Code Maintenance Program places code review and maintenance into an ongoing process that will allow for routine updates to the City code. This approach is more responsive to ensuring effective implementation of

City policies, eliminating code conflicts and clarifying elements of the City code for a more effective code for all users.

All Fine Tuning amendments to the City code are taken through the formal City adoption process including citizen input and public hearings with the Planning Commission and City Council. Text or map amendments selected for Fine Tuning processing must 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 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.

If you have any questions, please contact me.

Thank you.

***Concurrence to initiating multiple petitions to address implementation of the City's Code Maintenance Program within the guidelines for fine tuning code amendments as noted above.***



Ralph Becker, Mayor



Date

# Salt Lake City Policy Development

## Tier 3 – Code Maintenance Fine Tuning Element



### What is Code Maintenance?

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, it would be advantageous for Salt Lake City to make code revisions that lead to a greater ease of use and understanding. Code maintenance is a regulatory code improvement program that refines the existing City Code through intervals of updates that improves the organization and format of the code and updates the City code to reflect changes in City policy.

### What is the Fine Tuning Element of Code Maintenance?

Fine Tuning is part of a continuing effort to improve the clarity and structure of the Salt Lake City Code. It is intended to make corrections and clarifications to the City Zoning Code and related codes that improve usability, without changing basic policy or intent.

The Fine Tuning element of the regulatory code improvement program is a process that takes several minor code text or mapping amendment proposals through the City's code amendment process. The program processes code maintenance items intermittently through an ongoing basis. The amendments within a fine tuning code maintenance package are recommended and processed for adoption by the City Council. Code maintenance issues have occurred intermittently since the current Zoning Code was adopted in 1995.

### What are the objectives of the Fine Tuning Element?

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; and
- Implement the City's Comprehensive Plan and be consistent with existing policies and objectives.

### What is the source of the Fine Tuning amendments?

The regulatory code fine tuning improvement items are chosen from a database of clarification and conflict issues received from customers of the City, development review and planning staff, as well as City policy staff and other service agency staff.

### What are the types of amendments contained within the Fine Tuning Element?

Proposed fine Tuning amendments provide consistency, clarification and correction of the Code. Consistency amendments are intended to eliminate conflicts or ambiguities within existing language. Clarification amendments are intended to clarify existing language so as 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.



**Remarks:**

Petition No: **PLNPCM2008-00643**

By: **Mayor Becker**

Petition requesting 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. The five fine tuning text amendments being processed with this petition are:

- 1 Chapter 21A.36 Home Day Care and Home Occupations:  
Allow home day care and home occupations in legal conforming single family and duplex properties that are located within commercial or other non-residential zones
- 2 Chapter 21A.36 General Provisions: Add the MU - Mixed Use Zoning District to the Resident Healthcare, Assisted Living and Nursing Care Facilities; Group Homes; Transitional Victim, Treatment and Substance Abuse Homes; Adult and Child Day Care uses listed in Chapter 36.  
Section 21A.32.140 Table of Permitted And Conditional Uses For Special Purpose Districts: Add Transitional Victim Homes, Transitional Treatment Homes and Residential Substance Abuse Treatment Homes uses within the MU - Mixed Use Zoning District.
- 3 Chapter 21A.40 Accessory Uses, section 21A.40.090E:  
Add the MU - Mixed Use Zoning District to the wireless communications facilities table.
- 4 Chapter 21A.26 Commercial Districts: Amend 21A.26.080 Table of Permitted and Conditional Uses. Allow single-family and duplex uses as part of a mixed use development in the CN Zoning District.
- 5 Chapter 21A.46 Signs, section 21A.46.110 Signs, Corporate Flag: Allow additional anchoring at the bottom of flag to prevent excessive movement.

Date Filed: 11/09/2009

Address: **Citywide**