

Project Title: Zoning Administration Text Amendment

Petition No.: PLNPCM2025-00164

Version: Public Draft

Date Prepared: 3/7/2025

Recommended by Planning Commission: [Yes/No]

<p>APPROVED AS TO FORM Salt Lake City Attorney's Office</p> <p>Date: _____</p> <p>By: _____ Katherine D. Pasker, <i>Senior City Attorney</i></p>

This proposed ordinance makes the following amendments (for summary purposes only):

- Includes design standards as a type of regulation in the zoning code (21A.04.010).
- Authorizes HLC to modify any design standards (21A.06.050)
- Deletes obsolete special exception language in 21A.06.030.
- Modifies Zoning Administrator authority to Planning Director and adds section about designees (21A.06.060).
- Removes Development Review Team (DRT) as a decision-making body (21A.06.070) and amends several sections to give authority to more appropriate staff or division.
- Deletes chapter 21A.08 - Zoning Certificate and moves relevant standards to 21A.58.
- Clarifies the administrative interpretations process, including who can apply, the decision's effect and its limitations (21A.12)
- Clarifies appeal periods for administrative decisions (21A.16.030.C)
- Amends 21A.24.010.P.9 to allow modifications to grade changes when necessary to provide driveway access.
- Deletes 21A.32.056 - AG-20 Agricultural District because district is not in the zoning map and thus regulations do not apply.
- Deletes Chapter 21A.35 - Character Conservation Districts because no district has been created and thus regulations have not been used since chapter was added to the code in 2013.
- Clarifies how development standards apply for new uses and buildings on noncomplying lots (21A.36.020.A).
- Reorganizes standards related to abandonment of nonconformity as to apply to both use and structures (21A.38.020)
- Amends 21A.38 to clarify noncomplying structure, noncomplying lots and the application requirements to determine nonconformity.
- Updates chapter 21A.58 to replace obsolete site plan review process with current practice of zoning review and approval process during building permit and business license.
- Makes technical changes to several sections in Title 21A that simplifies, clarifies or makes language more consistent.
- Makes changes to code references associated with the amended sections, including in Title 2, 18 and 21A.
- Amends definitions in section 21A.62.040 associated with the other amended sections.

Underlined text is new; text with strikethrough is proposed to be deleted. Modifications made as part of the Planning Commission recommendation are highlighted in yellow. All other text is existing with no proposed change.

1 **Amending subsection 2.58.037.A.5**

2 5. Site plans, as required pursuant to section 21A.58-060 of this Code;

3 **Amending subsection 18.12.050.A**

4 A. Powers and Duties of Fines Hearing Officer: The fines hearing officer, appointed pursuant to
5 Section 21A.06.09070, may hear and decide appeals of civil fines and abatement costs imposed
6 pursuant to this title. As set forth in this section, the fines hearing officer may affirm civil fines,
7 reduce civil fines, and approve civil fine payment schedules. The fines hearing officer may affirm
8 or reduce an abatement statement of costs and may approve abatement cost payment schedules.

9 **Amending subsection 21A.04.010.C**

10 C. Types Of Regulations In This Title: The following types of regulations are contained in this title:

11 1. Land Use Regulations: Land use regulations for each base zoning district specify land
12 uses permitted as of right, or allowed after obtaining conditional use approval. The
13 regulations include special requirements applicable to specific uses. Land use regulations for
14 all districts appear in part III of this title. Land use regulations may be modified by overlay
15 districts also found in part III of this title, or by procedures in part V, "Amendments And
16 Special Approvals", of this title.

17 2. Development Standards: Development standards for each zoning district include fixed
18 dimensional standards and performance standards. Fixed dimensional standards are numerical
19 maximum or minimum conditions which govern the development on a site. These standards
20 are intended to promote uniformity of development in terms of the dimensions being
21 controlled. Performance standards establish certain criteria which must be met on a site, but
22 allow flexibility as to how those criteria can be met.

23 Development standards control the height, size, location and other particular aspects of
24 structures and uses on sites intended for development. These standards also prescribe off-
25 street parking, landscaping and buffering requirements between districts and between certain
26 potentially incompatible uses. Development standards for each zoning district appear in part
27 III of this title. Development standards for base zoning districts may be modified by overlay
28 districts which are found in part III of this title, or through procedures in part V,
29 "Amendments And Special Approvals", of this title. The development standards in part III of
30 this title are supplemented by additional development standards in part IV of this title. The
31 development standards in part IV of this title also include sign regulations applicable to the
32 zoning districts.

33 3. Design Standards: Design standards are dimensional and performance standards that
34 promote the district's intended aesthetics and construction quality. These design standards are
35 located in part III and part IV of this title. The standards may be modified through procedures
36 in part V, "Amendments and Special Approvals", of this title. Part V of this title may also
37 require additional design standards to comply with the special approval goals and purpose.

38 ~~3-~~ 4. Administration: Administration includes creation of, and allocation of powers and
39 duties to, decision making bodies and officials, requirements for zoning certificates, general
40 application and public hearing procedures for administrative interpretations, appeals of

41 administrative decisions and variances. These administrative regulations appear in part II of
42 this title.

43 4- 5. Enforcement: Enforcement contains the remedies available to the City to enforce this
44 title. These regulations appear in part II of this title or may be included in other sections to
45 address violation of specific chapters.

46 **Amending section 21A.06.010**

47 21A.06.010: SUMMARY OF AUTHORITY

48 The City decision making bodies and officials described in this chapter, without limitation upon such
49 authority as each may possess by law, have responsibility for implementing and administering this title in
50 the manner described in ~~sections 21A.06.020 through 21A.06.090~~ of this chapter. Other City departments
51 also have specific responsibilities related to this title and are identified in the appropriate sections.

52 **Deleting subsection 21A.06.030.C.8**

53 ~~8. Authorize special exceptions to the terms of this title pursuant to the procedures and standards~~
54 ~~set forth in chapter 21A.52, "Special Exceptions", of this title.~~

55 **Amending subsection 21A.06.050.C.6.f**

56 f. ~~Any m~~Modifications to bulk and lot regulations development and design standards, except
57 density and off-street parking, of the underlying zoning district where it is found that the
58 proposal complies with the applicable standards identified in Section 21A.34.020 and is
59 compatible consistent with the surrounding historic structures purpose of the H Historic
60 Preservation Overlay District;

61 **Amending section 21A.06.060**

62 21A.06.060: ~~ZONING ADMINISTRATOR:~~ PLANNING DIRECTOR:

63 Primary responsibility for administering and enforcing this title shall be delegated to the planning ~~official~~
64 director. The planning director has the responsibility to process any application required by this title and
65 make administrative decisions as authorized by this title. Except as otherwise specifically provided in this
66 title, the ~~The D~~director may designate a staff person or staff persons in the division to carry out these
67 responsibilities as follow: The staff person(s) to whom such administrative and enforcement functions are
68 assigned shall be referred to in this title as the "Zoning Administrator".

69 A. Zoning Administrator: The zoning administrator shall be responsible for interpreting the
70 provisions of this title and of any rule or regulation issued pursuant to it. The zoning
71 administrator shall be responsible for zoning reviews and approvals and for administrative
72 decisions as specifically authorized by this title.

73 B. Planning Staff: The planning director or zoning administrator may delegate to staff the processing
74 of applications and issuing of administrative decisions.

75 **Deleting sections 21A.06.070 and 080 and renumbering**

76 21A.06.070: ~~DEVELOPMENT REVIEW TEAM (DRT):~~

77 The development review team shall consist of a designated representative from all City departments
78 and/or divisions involved in the development review/approval process, including, but not limited to, the
79 Department of Community and Neighborhoods, the Department of Public Services, the Police
80 Department, the Fire Department and the Department of Public Utilities, and shall be responsible for
81 advising the Zoning Administrator in the Zoning Administrator's administration of the site plan review
82 process pursuant to the provisions of chapter 21A.58 of this title.

83 ~~21A.06.080: RESERVED.~~

84 ~~21A.06.090: FINES HEARING OFFICER:~~

85 **Deleting chapter 21A.08 and reserving**

86 ~~CHAPTER 21A.08—ZONING CERTIFICATE~~ Reserved

87 ~~SECTION:~~

88 ~~21A.08.010: Purpose Statement Applicability~~

89 ~~21A.08.020: Authority To Issue Zoning Certificate~~

90 ~~21A.08.030: Zoning Certificate Requirement~~

91 ~~21A.08.040: Application For Zoning Certificate~~

92 ~~21A.08.050: Waiver Of Requirements~~

93 ~~21A.08.060: Revocation Of Zoning Certificate~~

94

95 ~~21A.08.010: PURPOSE STATEMENT:~~

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

102 ~~21A.08.020: AUTHORITY TO ISSUE ZONING CERTIFICATE:~~

103 ~~The zoning administrator shall have authority to issue zoning certificates, but only in accordance with the~~
104 ~~provisions of this chapter.~~

105 ~~21A.08.030: ZONING CERTIFICATE REQUIREMENT:~~

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

108 ~~—A. Building Permit: Any new principal building development activity requiring a building permit.~~

109 ~~—B. Change Of Land Use Type: Any change of land use type.~~

110 ~~—C. Increased Parking Or Landscaping Requirements: Any modification to a property or development~~
111 ~~that requires an increase in parking or landscaping requirements.~~

112 ~~21A.08.040: APPLICATION FOR ZONING CERTIFICATE:~~

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

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

120 ~~— 1. A statement describing:~~

121 ~~— a. The type of structure containing the use, if any,~~

122 ~~— b. The exact nature of the most recent use of such structure or lot,~~

123 ~~— c. The exact nature of the proposed use of the structure or lot, and~~

124 ~~— d. The number of off street parking and loading spaces currently provided on the zoning lot;~~

125 ~~— 2. A site plan, drawn to scale and fully dimensioned, including:~~

126 ~~— a. The topography, actual shape and dimensions of the lots to be built upon or used,~~

127 ~~— b. The exact size and location on the lot of the existing and proposed buildings, structures, and~~
128 ~~accessory buildings;~~

129 ~~— c. The existing and intended use of each building or part of a building,~~

130 ~~— d. The number of dwelling units the building is designed to accommodate,~~

131 ~~— e. The number and location of off street parking stalls to be provided,~~

132 ~~— f. The location and design of loading docks and facilities, and~~

133 ~~— g. Such other information with regard to the lot and neighboring lots as may be necessary for the~~
134 ~~enforcement of this title. (Ord. 62-09 § 10, 2009)~~

135 ~~21A.08.050: WAIVER OF REQUIREMENTS:~~

136 ~~The zoning administrator shall waive any or all of the submittal requirements of section 21A.08.040 of~~
137 ~~this chapter, if information necessary to create a zoning certificate exists in existing city records~~
138 ~~including, but not limited to, building permit, business licensing, appeals hearing officer records, and~~
139 ~~board of adjustment records. (Ord. 8-12, 2012)~~

140 ~~21A.08.060: REVOCATION OF ZONING CERTIFICATE:~~

141 ~~—A. Authority: A zoning certificate may be revoked by the zoning administrator in accordance with the~~
142 ~~provisions of this section, if the recipient of the certificate fails to develop or maintain the property in~~
143 ~~accordance with the plans submitted, the requirements of this title, or any additional requirements~~
144 ~~lawfully imposed in connection with the issuance of the zoning certificate.~~

145 ~~—B. Notice: Before a zoning certificate may be revoked, written notice of the decision to revoke shall be~~
146 ~~given to the certificate holder. The notice shall inform the certificate holder of the grounds for the~~

147 ~~revocation and advise the certificate holder that the revocation shall be effective thirty (30) days from the~~
148 ~~date of the notice unless before the revocation date, the certificate holder either: 1) demonstrates to the~~
149 ~~satisfaction of the zoning administrator compliance with the requirements of the zoning certificate; or 2)~~
150 ~~files an appeal of the zoning administrator's decision to revoke pursuant to subsection D of this section.~~

151 ~~—C. Effect Of Revocation: No person may continue to make use of land or buildings in the manner~~
152 ~~authorized by any zoning certificate after such certificate has been revoked in accordance with this~~
153 ~~section.~~

154 ~~—D. Appeal: Any person adversely affected by a final decision of the zoning administrator to revoke a~~
155 ~~zoning certificate may appeal to the appeals hearing officer in accordance with the provisions of chapter~~
156 ~~21A.16 of this title.~~

157 **Amending section 21A.12.030**

158 21A.12.030: PERSONS ENTITLED TO SEEK INTERPRETATIONS:

159 Applications for interpretations ~~may~~ shall be filed only by ~~a the~~ property owner ~~having need for an~~
160 ~~interpretation~~ or by the property owner's authorized agent. The request for interpretation shall be specific
161 to provisions of this title as it applies to the property.

162 **Amending section 21A.12.060**

163 21A.12.060: EFFECT OF ~~USE~~ INTERPRETATIONS:

164 ~~A use~~ An administrative interpretation finding a particular use to be a permitted use or a conditional use
165 ~~shall not authorize the establishment of such a use nor the development, construction, reconstruction,~~
166 ~~alteration or moving of any building or structure. It shall merely~~ clarify how specific provisions of this
167 title are to be applied to the situation being interpreted. ~~authorize the preparation, filing, and processing of~~
168 ~~applications for any approvals and permits that may be required by the codes and ordinances of the city~~
169 ~~including, but not limited to, a zoning certificate, a building permit, a certificate of occupancy,~~
170 ~~subdivision approval, and site plan approval.~~

171 **Amending section 21A.12.070**

172 21A.12.070: LIMITATIONS ON ~~USE~~ INTERPRETATIONS:

173 ~~A use~~ An administrative interpretation finding a particular use to be a permitted use or a conditional use
174 ~~in a particular district shall be~~ specific to the situation being interpreted and deemed to authorize only that
175 ~~particular use in the district and such use interpretation shall not be deemed to authorize any other~~
176 ~~allegedly similar use or situation for which a separate use interpretation has not been issued.~~

177 **Amending subsection 21A.16.030.C**

178 C. Time for Filing an Appeal: The deadlines for filing a complete application for appeal are:

- 179 1. Administrative decisions ~~made by the zoning administrator:~~ ten (10) days;
- 180 2. Planning commission decisions: ten (10) days;
- 181 3. Historic landmark commission or administrative decisions authorized in 21A.34: thirty (30)
182 days for appeals filed by the applicant, ten (10) days for appeals filed by any other party
183 entitled to appeal.

184 **Amending subsection 21A.20.080.A**

185 A. Powers And Duties Of Fines Hearing Officer: The Fines Hearing Officer, appointed pursuant to
186 section 21A.06.09070 of this title, may hear and decide appeals of civil fines imposed pursuant to
187 this chapter. As set forth in this section, the Fines Hearing Officer may reduce civil fines and
188 approve civil fine payment schedules.

189 **Deleting subsection 21A.24.010.B and reserving**

190 B.—~~Site Plan Review: In certain districts, permitted uses and conditional uses have the potential for~~
191 ~~adverse impacts if located and laid out without careful planning. Such impacts may interfere with~~
192 ~~the use and enjoyment of adjacent property and uses. Site plan review is a process designed to~~
193 ~~address such adverse impacts and minimize them where possible. Site plan review is not required~~
194 ~~for single family, two family and twin home dwellings unless they are approved as a conditional~~
195 ~~use. All other uses shall be subject to the site plan review regulations contained in chapter 21A.58~~
196 ~~of this title. Reserved~~

197 **Amending subsection 21A.24.010.P.9**

198 9. Roads And Driveways: To ensure that private roads and driveways minimize impact on the
199 natural landscape, plans for the design and improvement of roads and driveways shall be
200 subject to review and approval by the City Engineer and Fire Department as a condition of
201 building permit issuance. Design standards and guidelines for private roads and driveways
202 shall include the following:

203 a. Driveways which serve more than one parcel are encouraged as a method of reducing
204 unnecessary grading, paving, and site disturbance. The drive approach for driveways
205 which serve more than one parcel shall not exceed the standard widths for drive
206 approaches as specified by the Salt Lake City Transportation Division.

207 b. Driveway approaches shall not be located within six feet (6') of any side property line.
208 ~~The zoning administrator Exceptions may be considered by the development review team~~
209 ~~exceptions~~, based on the driveway slope and dimension, slope of the roadway or lot,
210 location of existing drive approaches serving abutting properties, and proposed uses.

211 (1) Driveway approaches shall maintain a twelve foot (12') separation from another
212 drive approach. Drive approaches shall be located ten feet (10') from a corner
213 property line or five feet (5') from the termination of a corner curb radius, whichever
214 is greater. Drive approaches located along a designated right turn lane shall maintain
215 a fifty foot (50') setback from the termination of a corner curb radius. ~~The zoning~~
216 ~~administrator Exceptions to those requirements may be approved by the development~~
217 ~~review team exceptions to this requirement.~~

218 c. A driveway shall not exceed sixteen percent (16%) average slope with standard vertical
219 curve transitions from the property line to a legal parking space.

220 (1) The cross slope of driveways should not exceed four percent (4%).

221 d. Driveway approaches shall maintain a five foot (5') offset from power poles, fire
222 hydrants, trees or any other roadside hazards. ~~The zoning administrator Exceptions to~~
223 ~~those requirements may be approved by the development review team exceptions to this~~
224 ~~requirement.~~

- 225 e. Sight obstructions along driveways shall maintain a ten foot (10') wide by ten foot (10')
226 deep sight distance triangle as noted in section 21A.62.050, figure 21A.62.050I of this
227 title. Obstructions in the required sight distance triangle shall generally not exceed thirty
228 inches (30") in height. ~~The zoning administrator~~ ~~Exceptions may be approved by the~~
229 ~~development review team exceptions~~ based upon location and type of material.
- 230 f. The zoning administrator may approve grade changes that exceeds the limitations in
231 21A.24.010.P.6 when necessary to accommodate a driveway that provides access to legal
232 parcels or legal parking areas.

233 **Deleting subsection 21A.32.010.B and reserving**

234 B.—~~Site Plan Review: In certain districts, permitted uses and conditional uses have the potential for~~
235 ~~adverse impacts if located and laid out without careful planning. Such impacts may interfere with~~
236 ~~the use and enjoyment of adjacent property and uses. Site plan review is a process designed to~~
237 ~~address such adverse impacts and minimize them where possible. Site plan review of~~
238 ~~development proposals is required in the RP, BP, FP, PL, PL 2, I, UI, MH and MU districts. All~~
239 ~~uses in these districts shall be subject to the site plan review regulations contained in chapter~~
240 ~~21A.58 of this title.~~ Reserved

241 **Amending subsection 21A.32.020.G**

242 G. Attached Buildings On Separate Lots: Buildings on separate lots of record that are attached by a
243 common wall along the interior side lot line may be permitted, ~~subject to the site plan review~~
244 ~~approval pursuant to the provisions of chapter 21A.58 of this title~~ when the lots are part of a
245 single development. Where such buildings are authorized, the requirement for interior side yards
246 in subsection F3 of this section shall be waived.

247 **Amending subsection 21A.32.080.I**

248 I. Traffic And Parking Impact: The traffic and parking characteristics of institutional uses can have a
249 significant impact on the nearby residential neighborhoods. To ensure that these characteristics do
250 not impair the safety or enjoyment of property in nearby areas, a traffic and parking study shall be
251 submitted to the City in conjunction with the site plan review provisions of this title whenever an
252 expansion of an existing use or an expansion of the mapped district is proposed. New institutional
253 uses or expansions/intensifications of existing institutional uses shall not be permitted unless the
254 traffic and parking study provides clear and convincing evidence that no significant impacts will
255 occur. The Zoning Administrator may, upon recommendation of the Transportation Director
256 ~~development review team~~, waive the requirement for a traffic and parking study if site conditions
257 clearly indicate that no impact would result from the proposed development.

258 **Amending subsection 21A.32.090.K**

259 K. Traffic And Parking Impact: The traffic and parking characteristics of institutional uses can have
260 a significant impact on the nearby residential neighborhoods. To ensure that these characteristics
261 do not impair the safety or enjoyment of property in nearby areas, a traffic and parking study shall
262 be submitted to the City in conjunction with the site plan review provisions of this title whenever
263 any additional parking is provided or required for an existing use or for any expansion of a
264 mapped district is proposed. Unless the traffic and parking study provides clear and convincing
265 evidence that no significant impacts will occur, the application shall be denied. The Zoning

266 Administrator may, upon recommendation of the Transportation Director-development review
 267 team, waive the requirement for a traffic and parking study if site conditions clearly indicate that
 268 no impact would result from the proposed development.

269 **Deleting section 21A.32.056**

270 ~~21A.32.056: AG 20 AGRICULTURAL DISTRICT:~~

271 ~~—A. Purpose Statement: The purpose of the AG 20 Agricultural District is to preserve and protect~~
 272 ~~agricultural uses, on lots not less than twenty (20) acres, in suitable portions of Salt Lake City. These~~
 273 ~~regulations are also designed to minimize conflicts between agricultural and nonagricultural uses.~~
 274 ~~This district is appropriate in areas of the City where the applicable master plans support this type of~~
 275 ~~land use.~~

276 ~~—B. Uses: Uses in the AG 20 Agricultural District as specified in section 21A.33.070, "Table Of~~
 277 ~~Permitted And Conditional Uses For Special Purpose Districts", of this title are permitted subject to~~
 278 ~~the general provisions set forth in section 21A.32.010 of this chapter and this section.~~

279 ~~—C. Minimum Lot Area And Lot Width:~~

Land Use	Minimum Lot Area	Minimum Lot Width
Agricultural uses	20 acres	500 feet
Kennels, public and private	5 acres	220 feet
Natural open space and conservation areas, public and private	No minimum	No minimum
Pet cemetery	2 acres	150 feet
Public pedestrian pathways, trails and greenways	No minimum	No minimum
Public/private utility wires, lines, pipes and poles	No minimum	No minimum
Utility substations and buildings	5,000 square feet	50 feet
Other permitted or conditional uses as listed in section 21A.33.070 of this title	20 acres	500 feet

280

281 ~~—D. Maximum Building Height: Building height shall be limited to forty five feet (45'). Building~~
 282 ~~heights in excess of forty five feet (45') but not more than sixty five feet (65') may be approved~~
 283 ~~through the design review process provided that the additional height is compatible with adjacent~~
 284 ~~properties and does not conflict with the Airport Flight Path Protection Overlay Zone.~~

285 ~~—E. Minimum Yard Requirements:~~

286 ~~—1. Front Yard: Fifty feet (50').~~

287 ~~—2. Corner Side Yard: Fifty feet (50').~~

288 ~~—3. Interior Side Yard: None required.~~

- 289 — 4. ~~Rear Yard: None required.~~
- 290 — 5. ~~Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located~~
 291 ~~in required yard areas subject to section 21A.36.020, table 21A.36.020B of this title.~~
- 292 — F. ~~Required Landscape Yards: None required.~~
- 293 — G. ~~Restrictions On Agricultural Uses: In addition to the applicable foregoing regulations, agricultural~~
 294 ~~uses shall comply with the following requirements:~~
- 295 — 1. ~~No feeding, grazing, or sheltering of livestock and poultry, whether within penned enclosures or~~
 296 ~~within enclosed buildings, shall be permitted within fifty feet (50') of an existing single family~~
 297 ~~dwelling on an adjacent lot.~~

298 **Deleting subsection 21A.34.010.B and reserving**

299 B. ~~Site Plan Review: Permitted uses and conditional uses in the Overlay Districts have the potential~~
 300 ~~for adverse impacts if located and laid out on lots without careful planning. Such impacts may~~
 301 ~~interfere with the use and enjoyment of adjacent property and uses. Site plan review is a process~~
 302 ~~designed to address such adverse impacts and minimize them where possible. Site plan review of~~
 303 ~~development proposals is required in the T Transitional Overlay District, the LC Lowland~~
 304 ~~Conservancy Overlay District, and the LO Landfill Overlay District. All uses in these districts~~
 305 ~~shall be subject to the site plan review regulations contained in chapter 21A.58 of this title.~~
 306 Reserved

307 **Amending subsection 21A.34.040.FF.7**

308 7. Plan Approval: All landscape plans shall be coordinated with the city's departments and
 309 divisions ~~development review team (DRT) and planning division~~, for review and comment on
 310 compliance with city ordinances and these performance standards. The planning director and
 311 director of airports shall jointly approve final landscaping plans for any airport parking lot.

312 **Amending subsection 21A.34.120.E.2**

313 2. Noncomplying Detached Garages: An existing noncomplying detached garage located in the
 314 rear yard may be rebuilt or expanded at its existing location to a maximum size of four
 315 hundred forty (440) square feet subject to the approval of the ~~development review team~~
 316 (DRT) zoning administrator.

317 **Amending subsection 21A.34.150.D.1**

318 1. Permitted Uses: Permitted uses located in the IP Inland Port Overlay District shall be subject
 319 to the ~~site plan~~ review requirements found in chapter 21A.58 of this title.

320 **Deleting chapter 21A.35**

321 ~~CHAPTER 21A.35~~
 322 ~~CHARACTER CONSERVATION DISTRICTS~~

323 ~~SECTION:~~

324 ~~21A.35.010: Purpose~~

325 ~~21A.35.020: Applicability~~

326 21A.35.030: General Provisions
327 21A.35.040: Petition Initiation For A Character Conservation District
328 21A.35.050: Planning Director Report To The City Council
329 21A.35.060: District Plan And Design Standards Formulation And Review
330 21A.35.070: Character Conservation District Plan And Design Standards Ordinance Review
331 21A.35.080: Character Conservation District Standards
332 21A.35.090: Adjustment Or Repeal Of A Character Conservation District
333
334 21A.35.010: PURPOSE:
335 The city recognizes the substantial aesthetic, environmental and economic importance of its
336 neighborhoods and commercial districts. The purpose of this chapter is to establish policies, regulations
337 and standards to protect neighborhood character and to ensure that development in a character
338 conservation district is compatible and enhances the quality and character of Salt Lake City. The intent of
339 this chapter is to promote the general welfare of the public of the city through the protection,
340 conservation, preservation, enhancement, perpetuation and use of structures, sites and areas that are
341 characteristic to each of the unique areas of Salt Lake City.
342 —A. Specific purposes of character conservation districts for residential neighborhoods and commercial
343 districts are as follows:
344 —1. To protect and strengthen desirable and unique physical features, design characteristics, and
345 recognized identity and charm.
346 —2. To promote and provide for economic revitalization.
347 —3. To protect and enhance the livability of the city.
348 —4. To reduce conflict and prevent blighting caused by incompatible and insensitive development and
349 to promote new compatible development.
350 —5. To stabilize property values.
351 —6. To provide residents and property owners with a planning tool for future development.
352 —7. To promote and retain affordable housing.
353 —8. To encourage and strengthen civic pride. (Ord. 73-12, 2012)
354
355 21A.35.020: APPLICABILITY:
356 The regulations set forth in this chapter shall apply to properties located within the boundaries designated
357 as a character conservation district on the Salt Lake City zoning map. In the case of conflict between the
358 character conservation district standards and other requirements contained in other chapters of the zoning
359 ordinance, the standards of the character conservation district shall prevail. (Ord. 73-12, 2012)
360
361 21A.35.030: GENERAL PROVISIONS:

362 —A. Establishment By Ordinance: Each character conservation district must be established by a separate
363 character conservation district ordinance. The city council shall approve a character conservation district
364 ordinance in accordance with this chapter.

365 —B. Special Review Procedure: If the planning director determines that, due to the sensitivity of the
366 area, or due to the nature of the proposed regulations for the area, a special administrative procedure
367 needs to be established for the review of proposed work in a character conservation district, such a
368 procedure may be incorporated into the character conservation district ordinance before it is approved by
369 the city council.

370 —C. Administrative Review Of Projects Subject To Adopted Character Conservation District Standards:
371 Following administrative review of an application subject to the standards of an adopted character
372 conservation district, staff shall approve, conditionally approve or refer the application to the historic
373 landmark commission for consideration. (Ord. 73-12, 2012)

374

375 21A.35.040: PETITION INITIATION FOR A CHARACTER CONSERVATION DISTRICT:

376 —A. An application for a character conservation district feasibility study may be filed with the planning
377 director on an application form furnished by the planning division. The following are those who are
378 authorized to submit an application:

379 — 1. The mayor;

380 — 2. A majority of the city council; or

381 — 3. Property owners with fifteen percent (15%) support of the property owners within the proposed
382 district. A property owner or owners would have six (6) months to collect signatures and submit an
383 application to the city. The six (6) month time period begins when the first signature is obtained. There is
384 no fee for the application.

385 —B. An application for a character conservation district prepared by the proposed district area or their
386 authorized agent must include the following:

387 — 1. Property Owners: A list of the names, site address and mailing address of all property owners in
388 the area of request.

389 — 2. Organizations: A list of all neighborhood associations or other organizations representing the
390 interests of property owners in the area of request. This list should include information as to the number
391 of members and the officers' names, mailing addresses, and phone numbers.

392 — 3. Justification: A statement of justification. This statement should:

393 — a. Identify the factors which make the area of request eligible for character conservation district
394 classification as per the determination of eligibility in this chapter; and

395 — b. Explain in detail how and why such a classification would be in the best interest of the city as a
396 whole.

397 — 4. Character Defining Features: A written description of the character defining features of the area as
398 seen from the public right of way. Character defining features may include, but are not limited to,
399 architecture or architectural features, mass and scale of buildings, streetscape, building orientation,
400 landscaping, types of signs, sidewalk improvements, public art, or other items that contribute to the

401 overall character of the area. Photographs of the area to be considered as a character conservation district
402 should also be included for reference.

403 — 5. Fees: No application fee will be required for a petition initiated for the designation of a character
404 conservation district. (Ord. 54-14, 2014)

405

406 21A.35.050: PLANNING DIRECTOR REPORT TO THE CITY COUNCIL:

407 —A. When a petition for the creation of a character conservation district is initiated in accordance with
408 this chapter, the planning director shall determine the eligibility of the area for character conservation
409 district classification in accordance with this section.

410 —B. The planning director's determination of eligibility must be based on a consideration of the
411 standards in this subsection. The boundaries or designated area for a character conservation district shall
412 satisfy all of the following criteria:

413 — 1. The area must contain at least one "block face" (as defined in this title) for all character
414 conservation districts proposed in residential zoning districts.

415 — 2. Commercial areas should contain one block face when feasible and must contain all properties
416 located at the intersecting corners of streets that are proposed to be included in the character conservation
417 district boundary.

418 — 3. The area must be either "stable" or "stabilizing" as those terms are defined in this title.

419 — 4. The area must contain significant "character defining features" as defined in this title.

420 — 5. The area must have a distinctive atmosphere or character which can be identified and conserved
421 by protecting or enhancing its character defining features.

422 —C. If the planning director upon the advice of the historic landmark commission determines that the
423 area is not eligible for character conservation district classification, the planning director shall notify the
424 applicant of this fact in writing. Notice shall be mailed to the address shown on the application. The
425 decision of the planning director that an area is not eligible for character conservation district
426 classification may be appealed in accordance with chapter 21A.16 of this title.

427 —D. An appeal under this chapter is made in accordance with chapter 21A.16 of this title. The request
428 must be filed within ten (10) days of the date written notice is given to the applicant of the planning
429 director's decision. In considering the appeal, the sole issue shall be whether or not the planning director
430 erred in their determination of eligibility, and, in this connection, the commission shall consider the same
431 standards that were required to be considered by the planning director in making their determination.

432 —E. If it is determined by the final appeal authority that the area is not eligible for character conservation
433 district classification, no further applications for character conservation district classification may be
434 considered for the area of request for one year from the date of its decision.

435 —F. If the planning director determines that the area is eligible for character conservation district
436 classification, the planning director shall submit a report based on the following considerations to the city
437 council:

438 — 1. The estimated financial cost of creating the character conservation district standards;

439 — 2. Evaluation to determine if there is sufficient funding and staff resources available to allow the
440 planning division to develop standards, complete the public process and provide ongoing administration

441 of the new character conservation district if approved by the city council. If sufficient funding is not
442 available, the report shall include a proposed budget. (Ord. 73-12, 2012)

443

444 ~~21A.35.060: DISTRICT PLAN AND DESIGN STANDARDS FORMULATION AND REVIEW:~~

445 ~~—A. If the area is determined to be eligible for character conservation district classification pursuant to~~
446 ~~this chapter, the planning director shall schedule a public meeting for the purpose of informing property~~
447 ~~owners in the proposed district of the nature of the pending request. The planning director shall send~~
448 ~~mailed notice of the time and place of the meeting in accordance with chapter 21A.10 of this title.~~

449 ~~—B. The planning division shall prepare a draft district plan and design standards for the proposed~~
450 ~~district based on the information and character defining features found in the feasibility study with input~~
451 ~~from owners and residents of the proposed character conservation district.~~

452 ~~—C. The draft district plan and design standards must include at a minimum (or note the inapplicability),~~
453 ~~the following elements governing the physical characteristics and features of all property (public or~~
454 ~~private) within the proposed character conservation district:~~

455 ~~— 1. Building height and number of stories.~~

456 ~~— 2. Building size and massing.~~

457 ~~— 3. Lot size and lot coverage.~~

458 ~~— 4. Front and side yard setbacks.~~

459 ~~— 5. Roof line and pitch.~~

460 ~~— 6. Parking and hardscape covering.~~

461 ~~—D. In addition, the draft district plan and design standards may include, but are not limited to, the~~
462 ~~following elements:~~

463 ~~— 1. Building orientation.~~

464 ~~— 2. General site planning (primary or accessory structures).~~

465 ~~— 3. Density.~~

466 ~~— 4. Demolition.~~

467 ~~— 5. Floor area ratio.~~

468 ~~— 6. Signage.~~

469 ~~— 7. Garage (residential or commercial) entrance location.~~

470 ~~— 8. Entrance and street lighting.~~

471 ~~— 9. Driveway, curbs, curb cuts and sidewalks.~~

472 ~~— 10. Utility boxes and trash receptacles.~~

473 ~~— 11. Street furniture.~~

474 ~~— 12. Building relocation.~~

475 ~~— 13. Right of way designs that exceed current city standards.~~

476 —E.— Once the draft plan and design standards are developed, public hearings before the historic
477 landmark commission and the planning commission will be scheduled to receive public comment
478 regarding the plan. The planning director shall send written notice of the public hearing in accordance
479 with chapter 21A.10 of this title. (Ord. 73-12, 2012)

480

481 21A.35.070: CHARACTER CONSERVATION DISTRICT PLAN AND DESIGN STANDARDS
482 ORDINANCE REVIEW:

483 —A.— Staff Report: A staff report evaluating the application for establishment of the character
484 conservation district shall be prepared by the planning division.

485 —B.— Public Hearing By Historic Landmark Commission: The historic landmark commission shall
486 schedule and hold a public hearing on the application in accordance with the standards and procedures for
487 conduct of the public hearing set forth in chapter 21A.10 of this title.

488 —C.— Historic Landmark Commission Recommendation: Following the public hearing, the historic
489 landmark commission shall recommend approval or denial of the proposed amendment or the approval of
490 some modification of the amendment and shall then submit its recommendation to the planning
491 commission and city council.

492 —D.— Public Hearing By Planning Commission: The planning commission shall schedule and hold a
493 public hearing on the application in accordance with the standards and procedures for conduct of the
494 public hearing set forth in chapter 21A.10 of this title.

495 —E.— Planning Commission Recommendation: Following the public hearing, the planning commission
496 shall recommend approval or denial of the proposed amendment or the approval of some modification of
497 the amendment and shall then submit its recommendation to the city council.

498 —F.— Determination; Level Of Public Support:

499 — 1.— Following the completion of the historic landmark commission and planning commission public
500 hearings, the planning division will deliver a public support ballot to all property owners of record within
501 the boundary of the proposed character conservation district.

502 — 2.— Property owners of record will have thirty (30) days from the postmark date of the public support
503 ballot to submit a response to the planning division indicating the property owner's support or nonsupport
504 of the proposed character conservation district.

505 — 3.— A certified letter shall be mailed to all property owners within the proposed character conservation
506 district whose public support ballot has not been received by the planning division within fifteen (15)
507 days from the original postmark date. This follow up letter will encourage the property owners to submit a
508 public support ballot prior to the thirty (30) day deadline date set by the mailing of the first public support
509 ballot.

510 — 4.— There shall be one vote per property and the results of the vote shall be based on the number of
511 votes received. A vote to abstain shall not be counted as a vote received.

512 —G.— Notification Of Public Support: Following the determination of the level of support, the planning
513 division will send notice of the results to all property owners within the proposed character conservation
514 district.

515 ~~—H. Public Hearing By City Council: The city council shall schedule and hold a public hearing to~~
516 ~~consider the proposed amendment in accordance with the standards and procedures for conduct of the~~
517 ~~public hearing set forth in chapter 21A.10 of this title.~~

518 ~~—I. City Council Action: At the public hearing, the city council may adopt the proposed creation of a~~
519 ~~character conservation district, adopt the proposed character conservation district with modifications, or~~
520 ~~deny the proposed character conservation district. However, no additional land may be added to the~~
521 ~~boundaries of the character conservation district, without new notice and hearing.~~

522 ~~—J. Designation Of Character Conservation District:~~

523 ~~—1. If the number of ballots received in support exceed the number of ballots in opposition, the city~~
524 ~~council may designate a character conservation district by simply majority vote.~~

525 ~~—2. If the number of ballots received in support do not exceed the number of ballots received in~~
526 ~~opposition, the city council may only designate a character conservation district by a super majority (2/3)~~
527 ~~vote.~~

528 ~~—K. Amendments To District Boundaries Or Standards: Amendments to the character conservation~~
529 ~~district boundaries or standards shall be processed in the same manner as a new application according to~~
530 ~~the process in the chapter. (Ord. 73-12, 2012)~~

531

532 ~~21A.35.080: CHARACTER CONSERVATION DISTRICT STANDARDS:~~

533 ~~A decision to create a character conservation district is a matter committed to the legislative discretion of~~
534 ~~the city council and is not controlled by any one standard.~~

535 ~~—A. In making its decision concerning creation of a character conservation district, the city council~~
536 ~~should consider the following factors:~~

537 ~~—1. The proposed character conservation district is an established area with shared distinguishing~~
538 ~~characteristics, which may include architecture, geography, development, services, and interests.~~

539 ~~—2. The proposed character conservation district is a logical neighborhood unit with a closely settled~~
540 ~~development pattern on similar sized parcels. (Ord. 73-12, 2012)~~

541

542 ~~21A.35.090: ADJUSTMENT OR REPEAL OF A CHARACTER CONSERVATION DISTRICT:~~

543 ~~The procedure to repeal or adjust the boundaries of a character conservation district shall be the same as~~
544 ~~that outlined for the designation of a character conservation district. (Ord. 73-12, 2012)~~

545 **Amending section name 21A.36.020**

546 **21A.36.020: CONFORMANCE WITH LOT AND BULK CONTROLS DEVELOPMENT**
547 **STANDARDS:**

548 **Amending subsection 21A.36.020.A**

549 **A. Conformance With District Requirements: No structure or lot shall be developed, used or**
550 **occupied unless it meets the lot area, lot width, yards, building height, and other New**
551 **development shall comply with the requirements established in the applicable district regulations,**

552 except where specifically established otherwise elsewhere in this title. The following exceptions
553 shall apply to noncomplying lots:

554 1. A single-family dwelling shall be permitted on noncomplying lots in all residential districts.

555 ~~In any residential district, on a lot legally established prior to April 12, 1995, a single family~~
556 ~~dwelling may be erected regardless of the size of the lot, subject to complying with all yard area~~
557 ~~requirements of the R-1/5,000 District.~~

558 2. Legal conforming Noncomplying lots in nonresidential districts shall be approved for any
559 permitted use or conditional use allowed in the zoning district.

560 **Amending note 2 of table 21A.36.020C**

561 2. Amenities shall be structures setback at least 5 feet from all property lines. Physical separation shall
562 be provided to delineate the rooftop amenity area but amenity may not be a building.

563 **Amending subsection 21A.36.140.E**

564 E. Application For Sexually Oriented Business Conditional Site Plan Review: Applications for
565 conditional site plan review may be obtained from the City license authority and should be
566 returned to the same when completed. The application for a conditional site plan review shall be
567 filed with the City license authority on the same day that the application for a sexually oriented
568 business license, if applicable, is filed with the license authority. The application for a conditional
569 site plan review shall include the items listed in section 21A.58.060 of this title.

570 **Amending subsection 21A.36.250.J.1**

571 1. Landscaping and screening of recycling collection stations shall be provided in a manner that
572 improves their appearance without obscuring their visibility. ~~Landscaping and screening~~
573 ~~requirements shall be established on a case by case basis as part of the site plan review~~
574 ~~process pursuant to chapter 21A.58 of this title. In districts where site plan review is not~~
575 ~~required, no landscaping or screening will be required.~~

576 **Deleting section 21A.37.030 and reserving**

577 21A.37.030: ~~SUBMITTAL REQUIREMENTS:~~ Reserved

578 ~~All applications that are subject to site plan review as indicated in chapter 21A.58 of this title shall~~
579 ~~address as part of their submittal drawings all applicable design standards identified in this chapter, in~~
580 ~~addition to all other applicable regulations.~~

581 **Amending subsection 21A.38.010.A.2**

582 2. Noncomplying structures and improvements include legally constructed principal and
583 accessory buildings, structures and property improvements, that do not comply with the
584 applicable ~~bulk and/or yard area regulations~~ development and design standards of this title
585 ~~such as setbacks and parking in the zoning districts in which the buildings or structures are~~
586 ~~located.~~

587 **Amending section 21A.38.020**

588 21A.38.020: ~~AUTHORITY TO CONTINUE:~~

589 ~~Except as provided in this chapter, a~~ A nonconforming use, noncomplying structure, noncomplying lot or
590 legal conforming dwelling may continue unaffected by any change in ownership, except when the
591 nonconformity is determined to have been abandoned.

592 A. Abandonment of nonconformity:

593 1. A nonconforming use of land shall be considered abandoned when:

594 (a) The primary structure associated with the nonconforming use has been voluntarily
595 demolished, as defined without prior written agreement with the municipality regarding an extension of
596 the nonconforming use;

597 (b) The use has been discontinued for a minimum of one year; or

598 (c) The primary structure associated with the nonconforming use remains vacant for a period of
599 one year.

600 2. A noncomplying structure shall be considered abandoned when:

601 (a) A noncomplying structure is allowed to deteriorate to a condition that the structure is
602 rendered uninhabitable as determined by the building official and is not repaired or restored within one
603 year after written notice to the property owner that the structure is uninhabitable.

604 (b) A property owner or authorized representative voluntarily demolishes the noncomplying
605 structure.

606 b. Calculation Of Period Of Discontinuance: Any period of discontinuance caused by government
607 actions, without any contributing fault by the nonconforming user, shall not be considered in calculating
608 the length of discontinuance.

609 c. Termination Of Legal Nonconforming Status: A nonconforming use or noncomplying structure
610 that has been abandoned shall be terminated and will have lost legal nonconforming status.

611 3. Presumption Of Abandonment: Any party claiming that a nonconforming use has been abandoned
612 shall have the burden of establishing the abandonment.

613 4. Rebuttal Of Presumption Of Abandonment: A property owner may rebut the presumption of
614 abandonment, and shall have the burden of establishing that the claimed abandonment has not in fact
615 occurred.

616 B. Termination Of A Nonconforming Use By Amortization: The appeals hearing officer may require
617 the termination of a nonconforming use, except billboards, under any plan providing a formula
618 establishing a reasonable time period during which the owner can recover or amortize the amount of the
619 owner's investment in the nonconforming use, if any, as determined by the zoning administrator. The
620 appeals hearing officer may initiate a review for amortization of nonconforming uses upon a petition filed
621 by the mayor or city council, in accordance with the following standards and procedures and consistent
622 with the municipal land use, development, and management act, title 10, chapter 9a, of the Utah code and
623 shall mail written notice to the owner and occupant of the property:

624 1. Initiation Of Termination Procedure: Appeals hearing officer review of a use determined to be
625 nonconforming pursuant to the provisions of this section, for the purpose of establishing an amortization
626 plan for termination of the use, shall first require a report from the zoning administrator to the appeals

627 hearing officer. The zoning administrator's report shall determine the legality of the nonconforming use,
628 provide a history of the site and outline the standards for determining an amortization period.

629 2. Notice To Nonconforming User: Upon receipt of the report of the zoning administrator
630 recommending the establishment of an amortization plan for a nonconforming use, the appeals hearing
631 officer shall mail the report and plan to the owner and occupant(s) of the nonconforming use, giving
632 notice of the appeals hearing officer's intent to hold a hearing to consider the request in accordance with
633 the standards and procedures set forth in chapter 21A.10 of this title.

634 3. Appeals Hearing Officer Review: The appeals hearing officer shall hold a noticed hearing within a
635 reasonable time, following the procedures established in chapter 21A.10 of this title, on the request for
636 amortization of the nonconforming use. Upon the conclusion of the hearing, the appeals hearing officer
637 shall determine whether the nonconforming use should be amortized within a definite period of time.

638 4. Standards For Determining Amortization Period: The appeals hearing officer shall determine the
639 appropriate amortization period upon the consideration of evidence presented by the zoning administrator
640 and the owner of the nonconformingly used property that is sufficient to make findings regarding the
641 following factors:

642 a. The general character of the area surrounding the nonconforming use;

643 b. The zoning classification and use(s) of nearby property;

644 c. The extent to which property values are adversely affected by the nonconforming use;

645 d. The owner's actual amount of investment in the property on the effective date of
646 nonconformance, less any investment required by other applicable laws and regulations;

647 e. The amount of financial loss, if any, that would be suffered by the owner upon termination of the
648 use; and

649 f. The extent to which the amortization period will further the public health, safety and welfare.

650 5. Appeal: Any person adversely affected by a final decision of the appeals hearing officer may file a
651 petition for review of the decision with the district court within thirty (30) days after the decision is
652 rendered.

653 **Amending section 21A.38.025**

654 **21A.38.025: PROCEDURES ADMINISTRATIVE DETERMINATION:**

655 A. Application: An application for an administrative ~~interpretation~~ determination relating to a
656 noncomplying lot, ~~or noncomplying structure or an application for determination of a nonconforming use~~
657 of this title shall be filed on a form provided by the zoning administrator and shall contain at least the
658 following information:

659 1. Provisions: The specific provision or provisions of this title for which ~~an interpretation or a~~
660 determination is sought;

661 2. Facts: The facts of the specific situation giving rise to the request for ~~an interpretation or a~~
662 determination;

663 3. ~~Interpretation~~ Determination: The precise ~~interpretation or~~ determination claimed by the applicant
664 to be correct;

665 4. Fees: The application shall be accompanied by the applicable fees shown on the Salt Lake City
666 consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for
667 providing the public notice required by chapter 21A.10 of this title.

668 ~~—5. Notification To Recognized Organizations: The city shall send notice by e-mail or other form
669 chosen by the planning director to any recognized community organization in which the subject property
670 is located notifying the recognized community organization that an administrative interpretation or
671 determination of nonconforming use has been made.~~

672 B. Burden Of Proof: The property owner shall have the burden of establishing that any noncomplying lot,
673 noncomplying structure or nonconforming use lawfully exists. Building permits, business licenses,
674 historical photographs and similar documentation may be considered as evidence establishing the status.

675 C. Determination: The Zoning Administrator shall determine the legal status of properties based upon the
676 evidence submitted and information available pursuant to the provisions of this chapter.

677 ~~—B. D. Action On Application: The Zoning Administrator shall send the Zoning Administrator's written
678 interpretation or determination to the applicant stating any specific precedent or other reasons, or analysis
679 upon which the interpretation or determination is based.~~

680 ~~—C. E. Records: A record of decisions on all applications for interpretations or determinations of this
681 title shall be kept on file in the Office of the Zoning Administrator.~~

682 ~~—D. F. Appeal: Any person adversely affected by a final decision made by the Zoning Administrator
683 interpreting or making a determination regarding a provision of this title may appeal to the Appeals
684 Hearing Officer in accordance with the provisions of chapter 21A.16 of this title.~~

685 **Deleting subsections 21A.38.040.E, F, G and renumbering**

686 ~~E.—Determination Of Nonconforming Use Status:~~

687 ~~—1. Burden Of Owner To Establish Legality Of Nonconforming Use: The burden of establishing that
688 any nonconforming use lawfully exists under the provisions of this title shall, in all cases, be the owner's
689 burden and not the City's. Building permits, business licenses and similar documentation may be
690 considered as evidence establishing the legality of use.~~

691 ~~—2. Determination Of Nonconforming Status: The Zoning Administrator shall determine the
692 nonconforming use status of properties based upon the evidence submitted and information available
693 pursuant to the provisions of this chapter.~~

694 ~~—F. Abandonment Of Nonconforming Use:~~

695 ~~—1. Termination Of Nonconforming Use: A nonconforming use of land or of a structure that is
696 abandoned shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of the
697 structure or site must conform with the regulations for the district in which it is located.~~

698 ~~—a. Presumption Of Abandonment: Abandonment may be presumed to have occurred if:~~

699 ~~—(1) A majority of the primary structure associated with the nonconforming use has been
700 voluntarily demolished without prior written agreement with the municipality regarding an extension of
701 the nonconforming use;~~

702 ~~—(2) The use has been discontinued for a minimum of one year; or~~

703 ——— (3) The primary structure associated with the nonconforming use remains vacant for a period of
704 one year.

705 ——— b. Calculation Of Period Of Discontinuance: Any period of such discontinuance caused by
706 government actions, without any contributing fault by the nonconforming user, shall not be considered in
707 calculating the length of discontinuance pursuant to this subsection F1.

708 ——— c. Termination Of Legal Nonconforming Status: A nonconforming use that has been abandoned
709 shall be terminated and will have lost legal nonconforming status.

710 ——— 2. Presumption Of Abandonment: Any party claiming that a nonconforming use has been abandoned
711 shall have the burden of establishing the abandonment.

712 ——— 3. Rebuttal Of Presumption Of Abandonment: A property owner may rebut the presumption of
713 abandonment under subsection F1a of this section, and shall have the burden of establishing that any
714 claimed abandonment under subsection F1a of this section has not in fact occurred.

715 —G. Termination Of A Nonconforming Use By Amortization: The appeals hearing officer may require
716 the termination of a nonconforming use, except billboards, under any plan providing a formula
717 establishing a reasonable time period during which the owner can recover or amortize the amount of the
718 owner's investment in the nonconforming use, if any, as determined by the zoning administrator. The
719 appeals hearing officer may initiate a review for amortization of nonconforming uses upon a petition filed
720 by the mayor or city council, in accordance with the following standards and procedures and consistent
721 with the municipal land use, development, and management act, title 10, chapter 9a, of the Utah code and
722 shall mail written notice to the owner and occupant of the property:

723 ——— 1. Initiation Of Termination Procedure: Appeals hearing officer review of a use determined to be
724 nonconforming pursuant to the provisions of this section, for the purpose of establishing an amortization
725 plan for termination of the use, shall first require a report from the zoning administrator to the appeals
726 hearing officer. The zoning administrator's report shall determine the legality of the nonconforming use;
727 provide a history of the site and outline the standards for determining an amortization period.

728 ——— 2. Notice To Nonconforming User: Upon receipt of the report of the zoning administrator
729 recommending the establishment of an amortization plan for a nonconforming use, the appeals hearing
730 officer shall mail the report and plan to the owner and occupant(s) of the nonconforming use, giving
731 notice of the appeals hearing officer's intent to hold a hearing to consider the request in accordance with
732 the standards and procedures set forth in chapter 21A.10 of this title.

733 ——— 3. Appeals Hearing Officer Review: The appeals hearing officer shall hold a noticed hearing within a
734 reasonable time, following the procedures established in chapter 21A.10 of this title, on the request for
735 amortization of the nonconforming use. Upon the conclusion of the hearing, the appeals hearing officer
736 shall determine whether the nonconforming use should be amortized within a definite period of time.

737 ——— 4. Standards For Determining Amortization Period: The appeals hearing officer shall determine the
738 appropriate amortization period upon the consideration of evidence presented by the zoning administrator
739 and the owner of the nonconformingly used property that is sufficient to make findings regarding the
740 following factors:

741 ——— a. The general character of the area surrounding the nonconforming use;

742 ——— b. The zoning classification and use(s) of nearby property;

- 743 — c. ~~The extent to which property values are adversely affected by the nonconforming use;~~
744 — d. ~~The owner's actual amount of investment in the property on the effective date of~~
745 ~~nonconformance, less any investment required by other applicable laws and regulations;~~
746 — e. ~~The amount of financial loss, if any, that would be suffered by the owner upon termination of the~~
747 ~~use; and~~
748 — f. ~~The extent to which the amortization period will further the public health, safety and welfare.~~
749 — 5. ~~Appeal: Any person adversely affected by a final decision of the appeals hearing officer may file a~~
750 ~~petition for review of the decision with the district court within thirty (30) days after the decision is~~
751 ~~rendered.~~
752 —H. ~~Modifications to Nonconforming Uses: Except as provided in this section, a nonconforming use~~
753 ~~may be extended within the existing building where the nonconforming use occupied only a part of the~~
754 ~~building, provided no structural alteration to the exterior walls or roofline of the building is proposed or~~
755 ~~made for the purpose of the extension. No nonconforming use may be changed to another nonconforming~~
756 ~~use, moved, enlarged or altered except as provided in this section.~~

757 **Amending section 21A.38.060**

758 21A.38.060: NONCOMPLYING LOTS:

759 A. Legally established lots: A lot that does not conform to the regulations of this title but was in legal
760 existence on the effective date of any amendment to this title shall be considered a noncomplying
761 lot.

762 B. Lots not approved by the city:

763 1. A lot that does not conform to the standards of this title and that was not approved by the city
764 may be considered a noncomplying lot if determined that the lot complied with the minimum
765 zoning requirements at the time it was created.

766 2. Lots that are not recognized as noncomplying lots shall be returned to their original legal
767 configuration or combined with other lots to create a conforming lot.

768 C. Modifications to noncomplying lots: Noncomplying lots may be modified or combined to other
769 lots when the resulting lot maintains or reduces its degree of noncompliance.

770 D. Creation of Noncomplying Lots:

771 1. Noncomplying lots may be created when expressly authorized by other sections of this title.

772 2. The Planning Director may approve through a subdivision the creation of a noncomplying lot
773 to Subdividing Lots Containing Two or More Separate Principal Buildings: Lots that contain
774 two or more separate two or more principal buildings on a single parcel may be subdivided
775 and to place each structure on a separate lot. Said subdivision is subject to the following
776 provisions:

777 —A. a. The properties shall be subdivided by recording of a plat.

778 —B. b. The proposed lots are exempt from the minimum lot area, lot width, lot coverage,
779 and street frontage requirements of the underlying zoning district;

- 780 ~~—C.~~ c. The proposed setbacks shall be reviewed and approved by the planning director after
781 consultation with applicable city departments;
- 782 ~~—D.~~ d. The proposed subdivision plat shall identify the front, corner side, interior side, and
783 rear yards for the purpose of future development.
- 784 ~~—E.~~ e. Parking may be located anywhere within the proposed subdivision except front yards
785 (unless already existing) and shall not be reduced below the existing off-street parking
- 786 ~~—F.~~ f. All lots that are part of the subdivision must include adequate access to a public
787 street. Adequate access shall include pedestrian walkways and when off-street parking is
788 required, vehicle access and parking.
- 789 ~~—G.~~ g. All necessary easements for access and utilities are shown on the plat. A note shall
790 be added to indicate responsibility for maintenance of shared access and utilities.
- 791 ~~—H.~~ h. All other applicable regulations of the Salt Lake City Code shall apply.

792 ~~A lot that is noncomplying as to lot area or lot frontage that was in legal existence on the effective date of~~
793 ~~any amendment to this title that makes the existing lot noncomplying shall be considered a legal~~
794 ~~complying lot and is subject to the regulations of this title. Any noncomplying lot not approved by the~~
795 ~~city that was created prior to January 13, 1950, may be approved as a legal noncomplying lot subject to~~
796 ~~the lot meeting minimum zoning requirements at the time the lot was created and documented through an~~
797 ~~updated zoning certificate for the property.~~

798 ~~Any noncomplying lot not approved by the city that was created on or between January 13, 1950 to April~~
799 ~~12, 1995, may be approved as a legal noncomplying lot subject to the lot meeting minimum zoning and~~
800 ~~subdivision requirements at the time the lot was created and documented through an updated zoning~~
801 ~~certificate for the property.~~

802 ~~Noncomplying lots may be combined to create a conforming lot or more conforming lot subject to any~~
803 ~~maximum lot size standards of the zoning district in which the lot is located.~~

804 **Amending subsection 21A.40.120.E.5.d**

- 805 d. Alternative Design Solutions. To provide adequate line of sight for driveways and alleys,
806 the zoning administrator, in consulting with the Transportation director ~~development~~
807 ~~review team~~, may require alternative design solutions, including, but not restricted to,
808 requiring increased fence setback and/or lower fence height, to mitigate safety concerns
809 created by the location of buildings, grade change or other preexisting conditions.

810 **Amending subsection 21A.42.060.F**

- 811 F. Revocation Of Permit: A temporary use permit may be revoked by the Zoning Administrator
812 pursuant to the procedures of section 21A.08.060 of this title, if any of the standards and
813 conditions imposed pursuant to such permit, are violated.

814 **Amending subsection 21A.51.030.B.1.a**

- 815 a. Parties Entitled to Submit Application: Any owner of property proposed for a landmark
816 site, the mayor or the city council, by majority vote, may initiate a petition to consider the
817 designation of a landmark site. When initiated by an owner, the application shall be
818 signed by all property owners representing interest in the lot or parcel.

819 **Amending subsection 21A.54.060.A.6**

820 6. Site plans, as required pursuant to section 21A.58.060 of this title;

821 **Amending subsection 21A.55.040.A.4**

822 4. Plans, as required pursuant to section 21A.58.060 of this title, ~~with the exception of the~~
823 ~~number of copies required;~~

824 **Amending subsection 21A.55.100.B**

825 B. Minor Modifications: The Planning Director may authorize minor modifications to the approved
826 development plan pursuant to the provisions for modifications to an approved site plan ~~as set~~
827 ~~forth in chapter 21A.58 of this title~~, when such modifications appear necessary in light of
828 technical or engineering considerations. Such minor modifications shall be limited to the
829 following elements:

830 1. Adjusting the distance as shown on the approved development plan between any one structure
831 or group of structures, and any other structure or group of structures, or any vehicular
832 circulation element or any boundary of the site;

833 2. Adjusting the location of any open space;

834 3. Adjusting any final grade;

835 4. Altering the types of landscaping elements and their arrangement within the required
836 landscaping buffer area;

837 5. Signs;

838 6. Relocation or construction of accessory structures; or

839 7. Additions and modifications which comply with the lot and bulk requirements development
840 and design standards of the underlying zone and do not impact the planned development
841 request, standards or decision.

842 **Amending chapter 21A.58**

843 CHAPTER 21A.58 ZONING SITE PLAN REVIEW AND APPROVAL

844 SECTION:

845 21A.58.010: ~~Purpose Statement~~ Applicability

846 21A.58.020: Authority

847 21A.58.030: ~~Scope Of Application~~ Zoning Approval

848 21A.58.040: ~~Scope Of Modifications Authorized~~ Zoning Review Submittal Requirements

849 21A.58.050: ~~Development Review Team (DRT)~~ Appeal

850 21A.58.060: ~~Application Requirements~~

851 21A.58.070: ~~Standards For Site Plan Review~~

852 21A.58.080: ~~Procedures For Site Plan Review~~

853 21A.58.090: Sketch Plan Review

854

855 21A.58.010: ~~PURPOSE STATEMENT:~~ APPLICABILITY:

856 Zoning review and approval is required to verify a development complies with the provisions of this title.

857 The following is required to receive zoning review and approval:

858 A. All new development.

859 B. Changes to an existing site plan.

860 C. Changes of land use type.

861 D. Any other modifications that affect a previously approved development plan.

862 The intent of these site plan review regulations is to promote the safe and efficient use of land, to
863 contribute to an orderly and harmonious appearance in the City and to further enhance the value of
864 property. This process is intended to supplement the review and administrative procedures which are
865 carried out under this title or other City ordinances and regulations. The site plan review process is
866 intended to help ensure that newly developed properties and redeveloped properties are compatible with
867 adjacent development and that traffic, public safety, overcrowding, and environmental problems are
868 minimized to the greatest extent possible. More specifically, the purpose of the site plan review process is
869 to provide for a review of:

870 —A. A project's compatibility with its environment and with other land uses and buildings existing in the
871 surrounding area;

872 —B. The quantity, quality, utility, size and type of a project's required open space area and proposed
873 landscaping improvements;

874 —C. The ability of a project's traffic circulation system to provide for the convenient and safe internal
875 and external movement of vehicles and pedestrians;

876 —D. The quantity, quality, utility and type of a project's required community facilities; and

877 —E. The location and adequacy of a project's provision for drainage and utilities.

878 21A.58.020: AUTHORITY:

879 Site plan review shall be required pursuant to the provisions of this chapter for uses as specified in section
880 21A.58.030 of this chapter before zoning certificates, building permits or certificates of occupancy may
881 be issued.

882 A. The Zoning Administrator shall perform the zoning review and issue zoning approvals. ~~approve~~
883 ~~site plans upon consideration of all~~ The Zoning Administrator may request or consider comments
884 received from City departments to complete the review. ~~The Zoning Administrator shall be~~
885 ~~assisted in administering the site plan review process by the development review team (DRT).~~

886 B. The Zoning Administrator may waive the requirements for zoning review and approval for
887 changes that do not substantially affect a site or development plan and ~~site plan review for~~
888 ~~additions to existing buildings, structures, or uses if, in the Zoning Administrator's opinion, such~~
889 ~~additions do not substantially impact adjacent properties.~~

890 21A.58.030: ~~SCOPE OF APPLICATION:~~ ZONING APPROVAL:

891 All land and structures shall be used, built and operated in conformity with this title. Zoning approval
892 may be granted as follows:

- 893 A. Permit or license: No permit or license involving the items listed in 21A.58.010 shall be issued
894 without zoning review and approval, unless otherwise exempt from such approval.
895 B. Zoning certificate: The zoning administrator may issue a zoning certificate to document a zoning
896 approval whenever a permit or license is not required, or when the certificate will facilitate the
897 record of actions taken with respect to the authorized use of a particular parcel or site.
898 C. Certificate of appropriateness or record of decision: A certificate of appropriateness or record of
899 Commission's decision shall also document a zoning approval whenever a permit or license is not
900 required.
901 D. An exemption from a permit, license or certificate shall not be construed as an exemption to the
902 standards of this title.

903 ~~—A. Permitted Uses: Site plan review approval shall be required for approval of all permitted uses other~~
904 ~~than detached single family and two family/twin home dwellings as a condition to receiving a zoning~~
905 ~~certificate if that permitted use involves the following:~~

906 ~~—1. Development of a new principal building;~~

907 ~~—2. Change of land use type;~~

908 ~~—3. An increased parking requirement;~~

909 ~~—4. An increased landscaping requirement; or~~

910 ~~—5. Development activities identified in various sections of this title that are specifically subject to site~~
911 ~~plan review.~~

912 ~~—B. Conditional Uses: Site plan review shall be required for all conditional uses in all zoning districts.~~

913 ~~—C. Accessory Uses: Site plan review shall not be required for accessory uses and structures (as defined~~
914 ~~in chapter 21A.40, "Accessory Uses, Buildings And Structures", of this title). Such uses shall be reviewed~~
915 ~~in conjunction with the review of principal buildings when such accessory structures are proposed to be~~
916 ~~approved at the same time as the principal building.~~

917 21A.58.040: SCOPE OF MODIFICATIONS AUTHORIZED: ZONING REVIEW SUBMITTAL
918 REQUIREMENTS:

919 A. Plans submitted for zoning review and approval shall contain enough information to demonstrate
920 compliance with the requirements of this title.

921 B. Upon receipt of a zoning review request, the Zoning Administrator shall make a determination of
922 the necessary documentation. The list of missing documentation shall be submitted to the
923 applicant in writing.

924 C. The zoning administrator shall require a site plan for any development proposing or requiring
925 changes to the site. The site plan shall contain the following information:

926 1. The street address and tax parcel number;

927 2. Indication of the present use of the subject property;

- 928 3. A vicinity map with north arrow and scale;
- 929 4. The boundaries of the subject property, all existing property lines, setback lines, existing
930 streets, buildings, watercourses, waterways or lakes, wetlands, and other existing physical
931 features in or adjoining the project;
- 932 5. Topographic survey, showing the elevation of streets, alleys, buildings, structures,
933 watercourses and their names. The topography shall be shown by adequate spot elevations.
934 Elevations of the top of bank and toe of slope, slope ratio of fill, and limits of fill, including
935 access, shall be indicated;
- 936 6. Significant topographical or physical features of the site, including existing trees;
- 937 7. The location and dimensions of existing and proposed streets, alleys, parking and loading
938 areas, outdoor lighting systems, sidewalks, curbs and gutters and all curb cuts;
- 939 8. The location and dimensions of existing and proposed buildings and structures, accessory and
940 principal. The number of stories and height, use and the total square footage of the floor area
941 by proposed use shall be indicated for all buildings;
- 942 9. The location, height, type and material of all fences and walls;
- 943 10. The location, character, size, height and orientation of proposed signs.
- 944 11. The proposed nature and manner of grading of the site, including proposed treatment of
945 slopes in excess of ten percent (10%) to prevent soil erosion and excessive runoff;
- 946 12. The location of dumpsters or other outdoor trash receptacles;
- 947 13. The location and dimensions of proposed recreation areas, open spaces and other required
948 amenities and improvements;
- 949 14. A tabulation of the total number of acres in the project and the percentage and acreage thereof
950 proposed to be allocated to off street parking, open space, parks and other reservations;
- 951 15. A tabulation of the total number of dwelling units in the project and the overall project
952 density in dwelling units per gross acre (for residential projects);
- 953 16. The proposed and required off street parking and loading areas, including parking and access
954 for persons with disabilities; and
- 955 17. Proposed landscaping.
- 956 D. The zoning administrator may require additional plans necessary to show compliance with
957 standards. Required plans may include other architectural drawings, such as floor and roof plans,
958 elevations, sections, details.
- 959 E. Plans shall identify that the proposed development complies with the subdivision standards found
960 in Chapter 20.26 of the city code, unless otherwise exempt by other titles of this code.
- 961 F. The Zoning Administrator may waive any of the above listed requirements upon making a
962 determination that such requirements are unnecessary due to the scope and nature of the proposed
963 development.

964 The authority of the zoning administrator through the site plan review process to require modification of a
965 proposed site plan shall be limited to the following elements in order to achieve the objectives set forth
966 below:

967 —A. ~~Traffic And Parking:~~

968 — 1. ~~Minimizing dangerous traffic movements.~~

969 — 2. ~~Promoting the smooth and efficient flow of traffic in accordance with standards in the "Institute
970 Of Traffic Engineers' Transportation And Traffic Engineering Handbook", and other local sources of
971 authority as adopted by resolution.~~

972 — 3. ~~Optimizing the efficient use of parking facilities through provisions for adequate interior
973 circulation, parking stalls and travel aisles.~~

974 —B. ~~Site Layout:~~

975 — 1. ~~Promoting compatibility with adjacent and nearby properties.~~

976 — 2. ~~Preserving and protecting valuable natural features and amenities to the greatest extent practical.~~

977 — 3. ~~Promoting the efficient provision of public services.~~

978 —C. ~~Environmental Protection:~~

979 — 1. ~~Preserving existing healthy and long lived trees wherever economically feasible.~~

980 — 2. ~~Designing drainage facilities to promote the use and preservation of natural watercourse and
981 patterns of drainage.~~

982 — 3. ~~Minimizing alterations to existing topography.~~

983 — 4. ~~Protecting important views and vistas as identified in adopted plans.~~

984 —D. ~~Landscaping:~~

985 — 1. ~~Promoting the use of plant material compatible with the climate of the region and microclimate
986 conditions on the site.~~

987 — 2. ~~Ensuring that plant material can be maintained for long term health and continued growth.~~

988 — 3. ~~Maximizing water and energy conservation through the appropriate use of plant materials.~~

989 — 4. ~~Ensuring that the arrangement of required landscaping produces the optimal visual effect.~~

990 —E. ~~Signage:~~

991 — 1. ~~Ensuring that the location, size and orientation of signage do not impair the visibility of or distract
992 motorists.~~

993 — 2. ~~Ensuring that the location, size and orientation of signage minimize obstructions and hazards to
994 pedestrians.~~

995 ~~21A.58.050: DEVELOPMENT REVIEW TEAM (DRT): APPEAL:~~

996 Any person adversely affected by a final decision of the zoning administrator may appeal to the appeals
997 hearing officer in accordance with the provisions of chapter 21A.16 of this title.

998 The zoning administrator shall be assisted in conducting site plan review by the development review team
999 (DRT).

1000 —A. Membership: The development review team shall consist of a designated representative from each
1001 of the city departments or department divisions, as necessary, including, but not limited to, the following:

1002 — 1. Department of community and neighborhoods;

1003 — 2. Department of public services;

1004 — 3. Police department;

1005 — 4. Fire department;

1006 — 5. Department of public utilities.

1007 —B. Coordination Of Review: The zoning administrator, or the zoning administrator's designee, shall
1008 serve as the chair of the development review team and shall coordinate its review of proposals.

1009 21A.58.060: APPLICATION REQUIREMENTS:

1010 Each application for site plan review shall include six (6) copies of a site plan, drawn to a scale of twenty
1011 feet (20') to the inch or such other scale as the zoning administrator shall deem appropriate. Plans shall be
1012 submitted with every application for site plan approval and shall contain the following information:

1013 —A. The applicant's name, address, telephone number and interest in the property;

1014 —B. The owner's name, address and telephone number, if different than the applicant, and the owner's
1015 signed consent to the filing of the application;

1016 —C. The street address, tax parcel number and legal description of the subject property;

1017 —D. The zoning classification, zoning district boundaries and present use of the subject property;

1018 —E. A vicinity map with north arrow, scale and date, indicating the zoning classifications and current
1019 uses of properties within eighty five feet (85') of the subject property (exclusive of intervening streets and
1020 alleys);

1021 —F. The proposed title of the project and the names, addresses and telephone numbers of the architect,
1022 landscape architect, planner or engineer on the project, and a signature panel for zoning administrator
1023 approval;

1024 —G. The boundaries of the subject property, all existing property lines, setback lines, existing streets,
1025 buildings, watercourses, waterways or lakes, wetlands, and other existing physical features in or adjoining
1026 the project;

1027 —H. Topographic survey, showing the elevation of streets, alleys, buildings, structures, watercourses and
1028 their names. The topography shall be shown by adequate spot elevations. The finished grade for the entire
1029 site shall be shown as well as the first floor elevation of all buildings. Additionally, on all site plans the
1030 following information must be provided:

1031 — 1. Significant topographical or physical features of the site, including existing trees;

1032 — 2. The elevation of the curb (if existing or proposed) in front of each lot shall be indicated; and

1033 — 3. Elevations of the top of bank and toe of slope, slope ratio of fill, and limits of fill, including
1034 access, shall be indicated;

1035 — I. The location and size of sanitary and storm sewers, water, gas, telephone, electric and other utility
1036 lines, culverts and other underground structures in or affecting the project, including existing and
1037 proposed facilities and easements for these facilities. In the case of city owned utilities, such information
1038 shall be provided to the applicant by the department of community and neighborhoods and/or department
1039 of public utilities;

1040 — J. The location, dimensions and character of construction of proposed streets, alleys, loading areas
1041 (including numbers of parking and loading spaces), outdoor lighting systems, storm drainage and sanitary
1042 facilities, sidewalks, curbs and gutters and all curb cuts. Where necessary to meet the purposes and intent
1043 of this chapter, such information shall be provided for the site. Additional area may also be required to be
1044 shown to indicate connections or proposed connections to major utilities;

1045 — K. The location of all proposed buildings and structures, accessory and principal, showing the number
1046 of stories and height, dwelling type, if applicable, major elevations and the total square footage of the
1047 floor area by proposed use;

1048 — L. The location, height, type and material of all fences and walls;

1049 — M. The location, character, size, height and orientation of proposed signs, as proposed to be erected in
1050 accordance with chapter 21A.46 of this title, and elevations of buildings showing signs to be placed on
1051 exterior walls. Signs which are approved in accordance with this chapter shall be considered a part of the
1052 approved site plan;

1053 — N. The proposed nature and manner of grading of the site, including proposed treatment of slopes in
1054 excess of ten percent (10%) to prevent soil erosion and excessive runoff;

1055 — O. The location of dumpsters or other outdoor trash receptacles;

1056 — P. The location and dimensions of proposed recreation areas, open spaces and other required amenities
1057 and improvements;

1058 — Q. A tabulation of the total number of acres in the project and the percentage and acreage thereof
1059 proposed to be allocated to off street parking, open space, parks and other reservations;

1060 — R. A tabulation of the total number of dwelling units in the project and the overall project density in
1061 dwelling units per gross acre (for residential projects);

1062 — S. The proposed and required off street parking and loading areas, including parking and access for
1063 persons with disabilities, as specified in the Utah Adopted Building Code; and

1064 — T. Landscape plans subject to the standards contained in chapter 21A.48 of this title.

1065 The Zoning Administrator may waive any of the above listed requirements upon making a determination
1066 that such requirements are unnecessary due to the scope and nature of the proposed development.

1067 21A.58.070: STANDARDS FOR SITE PLAN REVIEW:

1068 In addition to standards provided in other sections of this title for specific types of approval, the following
1069 standards shall be applied to all applications for site plan review:

1070 —A.— Lighting: All developments shall provide adequate lighting so as to assure safety and security.
1071 Lighting installations shall not have an adverse impact on traffic safety or on the surrounding area. Light
1072 sources shall be shielded, and shall not shine onto adjacent properties.

1073 —B.— Stormwater Drainage: Provisions for storm surface drainage shall be in accordance with the design
1074 standards of the Department of Public Utilities indicating location, size, types and grades of sewers,
1075 drainage structures, ditches, and connection to existing drainage system. Disposition of storm or natural
1076 waters both on and off the site shall be provided in such a manner as not to have a detrimental effect on
1077 the property of others or the public right of way.

1078 —C.— Utilities: Provision of hookups to public utilities shall be the responsibility of the applicant and
1079 connections shall be installed in accordance with the standards of the Department of Public Utilities. All
1080 connections shall be shown on the site plan.

1081 —D.— Public Safety: The Salt Lake Valley Health Department shall be invited to review all site plans for
1082 treatment of bulk trash disposal. The Police Department and the Fire Department shall review all site
1083 plans to determine adequacy of access and other aspects of public safety.

1084 —E.— General Plan Conformity: The Planning Division shall review site plans for all applications for
1085 conditional uses (including planned developments) and design reviews with reference to adopted plans
1086 and the conformity of the site plans with the objectives and policies of the adopted plans.

1087 ~~21A.58.080: PROCEDURES FOR SITE PLAN REVIEW:~~

1088 —A.— Preapplication Conference: Before filing an application for approval of a site plan, landscape plan
1089 and other applicable plans, the applicant is encouraged to confer with the DRT regarding the general
1090 proposal. Such action does not require formal application fees, or filing of a site plan, or landscape plan
1091 and is not to be construed as an application for formal approval. No representation made by the Zoning
1092 Administrator, the DRT or other City departments during such conference shall be binding upon the City
1093 with respect to an application subsequently submitted.

1094 —B.— Fees: Every site plan application shall be accompanied by the fee shown on the Salt Lake City
1095 consolidated fee schedule.

1096 —C.— Submission Of Final Site Plan, Landscape Plan And Other Plans; Review And Approval:

1097 — 1.— DRT Review: After the site plan, landscape plan, other applicable plans and related materials and
1098 fees have been submitted pursuant to section 21A.58.060 of this chapter, and the application has been
1099 determined by the Zoning Administrator to be complete pursuant to section 21A.10.010 of this title, the
1100 application shall be reviewed and processed through the development review team (DRT) in coordination
1101 with the appropriate city departments. If the plan is approved, the zoning administrator shall certify
1102 approval on the site plan and state the conditions of such approval, if any. If the plan is disapproved, the
1103 zoning administrator shall indicate reasons in writing to the applicant.

1104 — 2.— Appeal Of Zoning Administrator Decision: Any person adversely affected by a final decision of
1105 the zoning administrator on a site plan may appeal to the appeals hearing officer in accordance with the
1106 provisions of chapter 21A.16 of this title.

1107 — 3.— Certification By Zoning Administrator: The decisions of the zoning administrator approving the
1108 application shall be noted on all copies of the site plan, landscape plan and other applicable plans to be
1109 retained in the record, including any changes or conditions required as part of the site plan approval. One

1110 such copy shall be returned to the applicant, and others retained as required for records or further action
1111 by the zoning administrator or other affected agencies of the city.

1112 — 4. ~~Building Permits: Building permits shall be issued in accordance with approved plans. A copy of~~
1113 ~~the approved site plan shall be retained in the records of the office of the division of building services and~~
1114 ~~licensing and all building and occupancy permits shall conform to the provisions of the approved site~~
1115 ~~plans.~~

1116 — 5. ~~Amendments Or Modifications To Approved Site Plans: Amendments or modifications to~~
1117 ~~approved site plans and/or landscape plans must be submitted to the zoning administrator. Such~~
1118 ~~modifications shall be submitted in accordance with the procedures and requirements of this chapter and~~
1119 ~~shall be distributed to the appropriate departments for review. The zoning administrator may waive this~~
1120 ~~requirement if the zoning administrator determines that such modification of the original site plan and/or~~
1121 ~~landscape plan has no significant impact upon the original proposal and still remains in conformance with~~
1122 ~~zoning standards and regulations.~~

1123 — 6. ~~Time Limit On Approval: Approval of the site plan, landscape plan and other applicable plans~~
1124 ~~shall be void unless a building permit has been issued or complete building plans have been submitted to~~
1125 ~~the division of building services and licensing one year from the date of approval. The planning director~~
1126 ~~may grant an extension of a site plan approval for up to one additional year when the applicant is able to~~
1127 ~~demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests~~
1128 ~~must be submitted to the planning director in writing prior to the expiration of the site plan approval.~~

1129 — 7. ~~Stop Work Order: A stop work order may be put on the project if any improvements required are~~
1130 ~~not consistent with the approved site plan, landscape plan or other applicable plans.~~

1131 — 8. ~~Maintenance Guarantee: When any improvement is to be accepted for dedication, maintenance or~~
1132 ~~operation by the city, the applicant shall be required to provide financial security (acceptable to the city~~
1133 ~~attorney) in the amount of ten percent (10%) of the total construction costs of the project to cover the~~
1134 ~~costs of any defects which may occur in such improvements within two (2) years after the date of~~
1135 ~~acceptance by the city. The director of community and neighborhoods or director of public utilities or~~
1136 ~~other city official shall be responsible for determining when such financial security shall be required.~~

1137 **21A.58.090: SKETCH PLAN REVIEW:**

1138 The development review administrator or designee may accept a sketch plan and other documentation
1139 prior to the formal submittal of plans for building permit review to determine the required standard for
1140 front or corner side yard; building height and wall height for a principal structure, width and placement of
1141 attached garages; and the location, building height and footprint of accessory structures. The sketch plan
1142 review process may be utilized for properties located in the FR, R-1, R-2 and SR districts. The submittal
1143 shall incorporate sufficient documentation for the development review administrator or designee to
1144 determine the zoning standards that will be applicable to developing the specific site. This preliminary
1145 zoning review intends to provide information and guidance to the project designer and is not to be
1146 construed as an application or approval of site or building plans. Subsequent building permit applications
1147 must comply with all applicable Salt Lake City development requirements.

1148 **Amending subsection 21A.59.030.B.1**

- 1149 1. All of the application information required for ~~site plan~~ review as identified in Chapter
1150 21A.58 of this title.

1151 **Amending the following definitions in section 21A.62.040**

1152 NONCOMPLYING LOT: A parcel of land ~~which was legally established on the effective date of any~~
1153 ~~amendment to this title that made the lot noncomplying that has less lot area, frontage or dimensions than~~
1154 ~~required in the district in which it is located. that does not conform to the regulations of this title but was~~
1155 legally established prior to an amendment of this title or is recognized to be in legal existence according
1156 to the provisions of Chapter 21A.38.

1157 NONCOMPLYING STRUCTURE: Buildings, ~~and structures or property improvements that serve~~
1158 ~~complying land uses~~ which were legally established on the effective date of any amendment to this title
1159 ~~that makes the structure not comply with the applicable yard area, height and/or bulk regulations of this~~
1160 title or is recognized to be in legal existence according to the provisions of Chapter 21A.38.

1161 SKETCH PLAN REVIEW: A preliminary review process administered by the development review
1162 administrator or designee for the purpose of determining the required standard for front or corner side
1163 yard; building height and wall height, width and placement of attached garages; and the location, building
1164 height and footprint of accessory structures prior to the formal submittal of plans to obtain a building
1165 permit.

1166
1167

[end]