



PLANNING PROCESS //

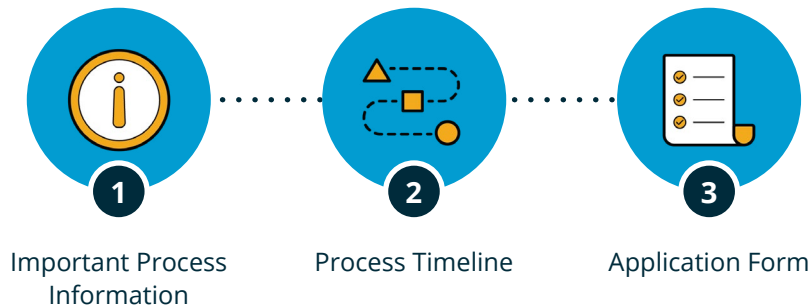
DETERMINATION OF

NONCONFORMING USE

ABOUT THE APPLICATION

Thank you for your interest in submitting a Determination of Nonconforming Use application. The following packet will provide general information to get started on your project and guide you through the application process from start to finish. The package is broken down into three sections: Information about the application, a visual diagram of the application process, and the application form.

We highly encourage you to work with our Planning staff prior to submitting an application. For questions regarding any of the information listed in this packet or to set up a pre-submittal meeting please contact us at zoning@slcgov.com or give us a call at 801.535.7757.



PLANNING DIVISION
451 SOUTH STATE STREET ROOM 406
PO BOX 145480
SALT LAKE CITY, UT 84114-5480

SLC.GOV/PLANNING
ZONING@SLCGOV.COM
TEL 801-535-7757



NONCONFORMING USE

A nonconforming use refers to a building or land occupied by a use that is not permitted in the zoning district which was legally approved by the city and established prior to the passage of the ordinance or of an ordinance amendment. Nonconforming Uses include principal and accessory uses.



PURPOSE & INTENT OF THE PROCESS

The intent of the status as nonconforming use is to allow the continued legal use of a property but limit its expansion. A nonconforming use may be recognized by city records or by a determination of nonconforming use when those records are insufficient. The purpose of the determination is to examine evidence submitted and information available and formally determine whether the use was legally created and therefore, allowed to continue. The burden of establishing that any nonconforming use lawfully exists is, in all cases, the owner's and not the City's. A determination of nonconforming use is also the process to allow a change of nonconforming use to another nonconforming use in the cases outlined in [21A.38.040.H.1](#).



ADMINISTRATIVE DETERMINATION VS APPEALS HEARING DETERMINATION

The Administrative Determination examines evidence to determine whether a Nonconforming Use is legally established and allowed to continue. The decision is made by Planning staff in conjunction with the Zoning Administrator and follows the timeline shown in [page 3](#).

The Appeals Hearing Determination determines whether a change from one nonconforming use to another nonconforming use is allowed. The decision is made by the appeals hearing officer and follows the timeline shown in [page 4](#).



ABANDONMENT

A use cannot be considered nonconforming if it has been deemed abandoned. Abandonment may be presumed to have occurred if the structure associated with the nonconforming use has been voluntarily demolished or the use has been voluntarily discontinued for more than one year. Any subsequent use must follow the regulations for the district in which it locates, unless a change to another nonconforming use is expressly permitted.



CONSULTATION

If you have questions regarding the Determination of Nonconforming Use regulations or process, please contact the Salt Lake City Planning Counter staff at zoning@slcgov.com or give us a call at 801-535-7757. If you would like to discuss your development plan in more detail, you can request a pre-submittal meeting with Planning staff by contacting the Planning Counter.

Pre-submittal meetings are held on Thursdays in 30 minute slots between 1:30 and 3:30 pm.

PROCESS TIMELINE - ADMINISTRATIVE DETERMINATION

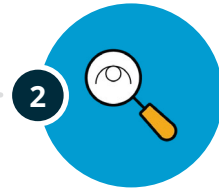
TIME FRAME
🕒 3 - 4 WEEKS

- APPLICANT
- STAFF



APPLICATION RECEIVED

Application submitted and pre-screened to ensure submittal requirements are met and fees are paid.



PLANNER ASSIGNED

Application reviewed by Planner to ensure complete documentation (if incomplete, the applicant will be provided a list of missing info to submit).

🕒 14 days



RESEARCH

Planner reviews the request, studies the issue and consults with Zoning Administrator.

🕒 12 days



DECISION LETTER

Letter is issued with Zoning Administrator's decision and findings.



APPEAL PERIOD

Any person adversely affected may file an appeal within 10 days of the decision.

🕒 10 days

DISCLAIMER: APPLICATION TIME FRAMES MAY VARY DEPENDING ON CURRENT WORKLOAD AND COMPLEXITY OF APPLICATIONS. INCOMPLETE OR MISSING INFORMATION ON DRAWINGS AND APPLICATION FORMS WILL DELAY THE PROCESS.

PROCESS TIMELINE - APPEALS HEARING DETERMINATION

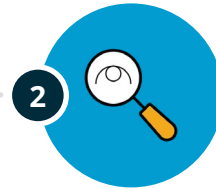
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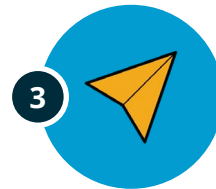
🕒 14 days



APPEAL HEARING

Public hearing scheduled, notices sent and staff report produced. Hearing officer takes matter under advisement.

🕒 12 days



PUBLIC NOTICE

Public notices sent to nearby neighbors, property owners and Community Councils (when required by ordinance).



APPEAL HEARING OFFICER DECISION

Typically rendered 1 - 3 weeks after the appeal hearing is held. Further appeals must be filed to the Third District Court within 30 days of the decision being made.

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DETERMINATION OF NONCONFORMING USE

IMPORTANT INFORMATION



CONSULTATION

Available prior to submitting an application. For questions regarding the requirements, email us at zoning@slcgov.com.



SUBMISSION

Submit your application online through the [Citizen Access Portal](#). Learn how to submit online by following the [step-by-step guide](#).



REQUIRED FEES

\$237 filing fee.

APPLICANT INFORMATION

PROJECT NAME (OPTIONAL)

ADDRESS OF SUBJECT PROPERTY

EXISTING PROPERTY USE

PROPOSED PROPERTY USE

NAME OF APPLICANT

PHONE

MAILING ADDRESS

EMAIL

APPLICANT'S INTEREST IN PROPERTY *(*owner's consent required)*

Owner Architect* Contractor* Other*

IF OTHER, PLEASE LIST

NAME OF PROPERTY OWNER *(if different from applicant)*

PHONE

MAILING ADDRESS

EMAIL

OFFICE USE

CASE NUMBER

RECEIVED BY

DATE RECEIVED

DISCLAIMER: PLEASE NOTE THAT ADDITIONAL INFORMATION MAY BE REQUIRED BY THE PROJECT PLANNER TO ENSURE ADEQUATE INFORMATION IS PROVIDED FOR STAFF ANALYSIS. ALL INFORMATION REQUIRED FOR STAFF ANALYSIS WILL BE COPIED AND MADE PUBLIC, INCLUDING PROFESSIONAL ARCHITECTURAL OR ENGINEERING DRAWINGS, FOR THE PURPOSES OF PUBLIC REVIEW BY ANY INTERESTED PARTY.

ACKNOWLEDGMENT OF RESPONSIBILITY

1. This is to certify that I am making an application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application will be processed under the name provided below.
2. By signing the application, I am acknowledging that I have read and understood the instructions provided for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I understand that the documents provided are considered public records and may be made available to the public.
3. I understand that my application will not be processed until the application is deemed complete by the assigned planner from the Planning Division. I acknowledge that a complete application includes all of the required submittal requirements and provided documents comply with all applicable requirements for the specific applications. I understand that the Planning Division will provide, in writing, a list of deficiencies that must be satisfied for this application to be complete and it is the responsibility of the applicant to provide the missing or corrected information. I will keep myself informed of the deadlines for submission of material and the progress of this application.
4. I understand that a staff report will be made available for my review prior to any public hearings or public meetings. This report will be on file and available at the Planning Division and posted on the Division website when it has been finalized.

NAME OF APPLICANT

EMAIL

MAILING ADDRESS

PHONE

APPLICATION TYPE

SIGNATURE

DATE

LEGAL PROPERTY OWNER CONSENT

If the applicant is not the legal owner of the property, a consent from property owner must be provided. Properties with a single fee title owner may show consent by filling out the information below or by providing an affidavit.

Affirmation of sufficient interest: I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

LEGAL DESCRIPTION OF SUBJECT PROPERTY

NAME OF OWNER

EMAIL

MAILING ADDRESS

SIGNATURE

DATE

-
1. If a corporation is fee titleholder, attach copy of the resolution of the Board of Directors authorizing the action.
 2. If a joint venture or partnership is the fee owner, attach copy of agreement authorizing action on behalf of the joint venture or partnership.
 3. If a Home Owner's Association is the applicant then the representative/president must attach a notarized letter stating they have notified the owners of the proposed application. A vote should be taken prior to the submittal and a statement of the outcome provided to the City along with the statement that the vote meets the requirements set forth in the CC&Rs.

DISCLAIMER: BE ADVISED THAT KNOWINGLY MAKING A FALSE, WRITTEN STATEMENT TO A GOVERNMENT ENTITY IS A CRIME UNDER UTAH CODE CHAPTER 76-8, PART 5. SALT LAKE CITY WILL REFER FOR PROSECUTION ANY KNOWINGLY FALSE REPRESENTATIONS MADE PERTAINING TO THE APPLICANT'S INTEREST IN THE PROPERTY THAT IS THE SUBJECT OF THIS APPLICATION.

Please provide the following information with your application. Confirm that you have included each of the requirements listed below by adding a check mark for each item.

CHECK

STAFF

REQUIREMENTS ([21A.38.025.A](#))

Project Description:

- The sections of the zoning ordinance for which a determination is sought.
- The facts of the specific situation giving rise to the request for a determination.
- The determination the applicant believes to be correct.

RECOMMENDED

Supporting Evidence:

- Evidence to support a continuation of the existing use, including but not limited to building permits, business licenses, photos, bills, and invoices.
- A chronology of all uses on the subject property from the time the existing use began to this date.

For requests for changes to nonconforming uses ([21A.38.040.H.1](#)):

- Documentation as required above to determine the legality of the existing nonconforming use.
- Description of the proposed use and how it is similar to the existing nonconforming use.
- Site plan showing existing and proposed parking areas.

INCOMPLETE INFORMATION WILL NOT BE ACCEPTED

INITIALS

DISCLAIMER: I ACKNOWLEDGE THAT SALT LAKE CITY REQUIRES THE ITEMS ABOVE TO BE SUBMITTED BEFORE MY APPLICATION CAN BE PROCESSED. I UNDERSTAND THAT PLANNING WILL NOT ACCEPT MY APPLICATION UNLESS ALL OF THE FOLLOWING ITEMS ARE INCLUDED IN THE SUBMITTAL PACKAGE.