

PLANNING COMMISSION STAFF REPORT

Salt Lake City Code Maintenance Zoning Text Amendment Petition PLNPCM2008-00640 – City-wide Part II – September 2008 November 12, 2008



Planning Division
Department of Community and
Economic Development

Applicant: Salt Lake City Mayor

Staff: Everett Joyce 535-7930
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Master Plan Designation:
City-wide

Council District: City-wide

Applicable Land Use Regulations:

Review Standards: 21A.50.050
Standards for General Amendments

Affected Text:

21A.08.030, Zoning Certificates
21A.22 Zoning Districts, Map And
Boundaries
21A.24 Residential Districts
21A.32 Special Purpose Districts
21A.46 Signs
21A.52 Special Exceptions

Notification

- Notice mailed on October 28,
2008

Attachments:

- Proposed Text Amendments
- Department Comments

REQUEST

Salt Lake City Mayor Ralph Becker is requesting the Planning Commission analyze and adjust the City Code including the Subdivision and Zoning Ordinances to provide for clarity and efficiency of use as part of an ongoing process of code maintenance. This petition is Part II – September 2008, of an ongoing code maintenance program. Nine minor Fine Tuning text amendments being processed with this petition address the following issues.

1. Chapter 21A.46.110 Signs. Clarify the extension limits for projecting signs in the Downtown D-1 and D-4 Zoning Districts.
2. 21A.46 Yard Sale Signs. Provide consistent display period requirements between sign and business license ordinances.
3. 21A.52.090A. Special Exceptions. Provide an extension of time requirement consistent with the General Applications and Procedures section of the Zoning Ordinance.
4. 21A.32 Special Purpose Districts. Clean up remnant floor area ratio text references for the RP, BP Institutional Districts text.
5. 21A.24 Interior Side Yard and Corner Yard setbacks. Provide setback requirements for nonresidential uses in multifamily zoning districts.
6. 21A.24 RMF-30 and RMF-35 Maximum building coverage. Define the building coverage area for nonresidential uses in multifamily zones.
7. 21A.08.030, Zoning Certificates. Clarify that zoning certificates are required for principal use and not accessory uses.
8. 21A.22 Zoning Districts, Map And Boundaries. Clarify how lots of record that are split by multiple zoning districts affect Zoning District boundaries.
9. 21A.52.030G Special Exceptions. Circular driveways that meet the zoning standards should be allowed as a permitted use.

STAFF RECOMMENDATION:

Based on the comments, analysis and findings of fact listed in the staff report, Planning Staff recommends the Planning Commission transmit a favorable recommendation to the City Council to adopt the proposed text amendments for code maintenance purposes.

Background/ Project Description

The City adopted a comprehensive Zoning Ordinance in April 1995. At that time, it was understood that adjustments to the Zoning Ordinance would be necessary once it had been implemented, and people had an opportunity to work with it. Salt Lake City intermittently processes Fine Tuning ordinance adjustments to provide code maintenance for the City's ordinances. Previous ordinance adjustments have been processed by the Administration in 1995, 1999 and in 2004.

Overall, the framework and structure of Salt Lake City's zoning regulations and development standards are sound and do not require wholesale restructuring of the code. However, at times significant code changes are processed due to land use policy changes adopted by the City or because of State enabling regulation changes. It would be beneficial for Salt Lake City to make minor code revisions that lead to a greater ease of use and understanding.

Amendments to the City Code selected for Fine Tuning processing meet the following objectives:

- Improves the clarity and usability of the Zoning Code without changing the intent behind the specific regulation in question, and clarifies wording that may be open to interpretation;
- Addresses ongoing problems with administration of the existing Code language, and may result in a minor policy change of low significance;
- Implement the City's Comprehensive Plan: and
- Provide ordinance consistency with existing policies and objectives.

The type of code amendments processed through the fine tuning, include the consistency, clarification and correction. Consistency amendments are intended to eliminate conflicts or ambiguities within existing language. Clarification amendments are intended to clarify existing language to facilitate daily use and improve readability of the code. Correction amendments identify typographical errors within the text of the code or incorrect placement of lines on maps within the Zoning District Maps.

Summary of Proposed Code Changes. The Salt Lake Planning Division is processing Fine Tuning code adjustments to the Salt Lake City code. A summary of the proposed text changes proposed are discussed below. Exhibit A – Proposed Ordinance Amendments includes a more detailed report on the specific code changes.

1. Chapter 21A.46 Signs 21A.46.110.3

Within the sign standards of the Downtown D-1 and D-4 Zoning Districts clarify the extension limits for projecting signs. Other Zoning District sign standard tables contain text stating how far projecting signs may extend. Proposed text changes are to treat the Downtown Zoning District sign standards similar to other Zoning District sign standards. Within Section 21A.46.110.3.a Sign, Type, Size And Height Standards for the D-1 And D-4 District, provide specific text that identifies how far projecting signs may extend.

2. Chapter 21A.46.070.Q.2 Yard Sale Signs

The Zoning Ordinance identifies that the display period for garage and yard sale signs is three days. The City's Business License Ordinance standards contain text defining the display period for such signs as limited to seven days. The City's Zoning enforcement Division uses the seven day limit for enforcement purposes since the business license obtained permits a seven day display period. To provide consistency within the City's text the proposed text change will match the requirement of the Business License Ordinance by amending the display period for garage and yard sale signs to seven days sign ordinance.

3. Chapter 21A.52.090A Extension of time granted for Special Exceptions

The General Applications and Procedures Section 21A.10.10 of the Zoning Ordinance identifies that extensions of time for granted approvals *may* be extended. Within section 21A.52.090 General Conditions To Be Applied To All Special Exceptions the text identifies the zoning administrator *shall* rather than *may* grant extensions of time. The proposed text change is to replace shall with may to provide consistency within the Zoning Ordinance related to time extensions of granted approvals.

4. Floor Area Ratio - 21A.32 Special Purpose Districts, 21A.34 Overlay Districts, 21A.62 Definitions

The zoning ordinance text adopted in 1995 contained Floor Area Ratios (FAR) for the Research Park, Business Park and Institutional Zoning Districts. The floor area ratio concept was eliminated from the applicable zoning districts through previous zoning code text amendments. However, remnants of zoning ordinance text still contain references to floor area ratios. The proposed text changes are clean up these remnant parts of the floor area ratio references. Delete all FAR references within the Special Purpose Districts, Summary Tables, SSCC Overlay, and Definitions.

5. 21A.24 Interior Side Yard and Corner Yard setback requirements in RMF - Residential Multifamily zones for uses other than residential

The Zoning Ordinance provides standards for minimum yard requirements. Within the RMF-30, RMF-35 and RMF-45 Zoning Districts yard requirements are provided for single-family, twin home and multi-family uses. However, there is not specific interior side yard or corner side requirement distances for other permitted or conditional uses allowed within these districts. These uses are typically nonresidential support uses allowed within the residential zoning districts. There needs to be clarification of minimum yard requirements for the nonresidential uses, the staff recommends that they should be similar to the multifamily requirements.

6. 21A.24.120 RMF-30 Low Density Multi-Family Residential District: G. Maximum Building Coverage and 21A.24.130 RMF-35 Moderate Density Multi-Family Residential District: G. Maximum Building Coverage for Nonresidential Uses.

There are no maximum building coverage standards for nonresidential land uses in the RMF-30 and RMF-35 Zoning Districts. Maximum building coverage allowance in 21A.24.120.G (RMF-30) and 21A.24.130.G (RMF-35) Zones for nonresidential uses need clarity for surface coverage of all principal and accessory buildings. Staff recommends that the surface coverage of all principal and accessory buildings shall not exceed the highest percentage of lot area presently allowed within the specific zoning district.

7. 21A.08.030, Zoning Certificates would be required only for principle buildings or a change in status of an existing building or site. Accessory buildings or structures will not be required to have a Zoning Certificate

There is conflicting text regarding when a zoning certificate is required. Section 21A.08.030, Zoning Certificates requires zoning certificates for principal buildings or a change in use status of an existing building or site. Section 21A.40.030 requires a zoning certificate for accessory uses. Accessory buildings or structures will not be required to have a Zoning Certificate.

The existing code for Section 21A.42 Temporary Uses relies upon the zoning certificate for documenting and tracking temporary uses. On a functional basis, these uses are documented and tracked through the Temporary Use Permit system. The zoning code is being modified to use the temporary use permit rather than the zoning certificate program.

8. Chapter 21A.22 Zoning Districts, Map And Boundaries - 21A.22.030 Boundaries

In mapping the new zoning district for the 1995 citywide zoning rewrite project certain lots were intentionally split zoned. The zoning district boundaries on these lots were established by using a typical boundary depth from the right of way. The boundary depth was intended to be adjusted to catch entire parcels when the boundary line was near a property line. However, sometimes the boundary line was drawn without recognizing small remnant portions of properties were not being placed within one entire zoning district. When a parcel is split zoned in a manner that creates a small portion of the lot with a different zoning district the boundary line should coincide with the nearest property line. Staff recommends that the ordinance be amended to recognize that split zoned lots with a remnant portion depth of less than 30 feet should be considered to be zoned with the zoning district classification that pertains to the majority of the lot.

9. Chapter 21A.52.030G Special Exceptions

The zoning ordinance contains a special exception for circular driveways. The specific standards for circular driveways are provided in Section 21A.44.020.f.7d. This special exception is approved whenever abutting property owner signatures are obtained and the circular driveway design meets the standards in Chapter 44. Since circular driveways are not approved unless they meet the specific standards, then the special exception process does not provide any discretionary design aspects to the circular driveway standards. Therefore, the need for a special exception process is not necessary, since any allowed circular driveway must meet the standards set forth in Section 21A.44.020.f.7d. Staff recommends the deletion of the special exception and that the City allows circular driveways that meet the standards of the Zoning Ordinance.

Section 21A.44.020.f.7d Circular Driveways: Circular driveways that connect to a driveway extending to a legal parking location shall be permitted in the front yard area as a special exception. Circular driveways shall be concrete, brick pavers, block or other hard surface material, other than asphalt, with the street front edge set back at least fifteen feet (15') from the property line; not be wider than twelve feet (12') in width, and shall not be used for overnight parking.

Comments

Public Comments

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

City Department Comments:

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

Analysis and Findings

21A.50.050 Standards for general amendments.

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the city council should consider the following factors:

A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City;

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

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

Finding: The proposed text amendments provide additional refinement of the zoning regulations of the City's code by providing corrections, clarification and consistency within existing regulations. The proposed fine tuning regulations are consistent with the City's land use policies.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property;

Analysis: The proposed amendments are not site specific. Therefore, they will not interfere with the character of specific properties. The proposed amendments reflect minor code maintenance issues and do not modify any intent or purposes of the exiting City code.

Finding: The proposed amendments are part of a citywide code maintenance approach and do not impact the overall character of existing development.

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

Analysis: The technical standards of the subdivision and zoning ordinances generally will not change their functions. The amendments are minor and they will improve the consistency and clarity of existing City code sections. This standard is site specific and does not relate to the general amendments proposed for the text of the ordinance.

Finding: The proposed text changes will not adversely affect adjacent properties.

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

Analysis: The proposed text amendments do not specifically relate, nor impact provisions of any adopted overlay zone.

Finding: The proposed text amendments are consistent with the provisions of all applicable overlay zoning districts that may impose additional standards.

E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse collection.

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

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

Exhibit A
Proposed Ordinance Amendments
Part II - September 2008 Salt Lake City Code Maintenance

Code Maintenance – Zoning Ordinance Fine Tuning Projects

Part II - September 2008

Code Maintenance or Fine Tuning

The City adopted a comprehensive Zoning Ordinance in April 1995. At that time, it was understood that adjustments to the Zoning Ordinance would be necessary once it had been implemented, and people had an opportunity to work with it. At times minor adjustments are required. They include corrections to text, tables, clarification of definitions or intent, maintenance of consistency from one section to another and boundary corrections to the zoning district maps. Typically, “Fine Tuning” zoning ordinance amendments do not include major policy decisions or impact existing policies.

Item 1. Chapter 21A.46 Signs 21A.46.110

Commentary

Within the sign standards of the Downtown D-1 and D-4 Zoning Districts clarify the extension limits for projecting signs. Other Zoning District sign standard tables contain text stating how far projecting signs may extend. Proposed text changes are to treat the Downtown Zoning District sign standards similar to other Zoning District sign standards. Within Section 21A.46.110.3.a Sign, Type, Size And Height Standards for the D-1 And D-4 District, provide specific text that identifies how far projecting signs may extend.

Recommended Code Language

Language to be **added** is underlined.

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

21A.46. 110 Sign Regulations For Downtown Districts:

3. a. Sign Type, Size And Height Standards For The D-1 And D-4 Districts:

STANDARDS FOR THE D-1 AND D-4 DISTRICTS

Types Of Signs Permitted	Minimum Setback ²
Projecting building sign	<u>May extend</u> 6 ft. from face of building but not within 2 ft. of the back of curb ⁶
Projecting business storefront sign	<u>May extend</u> 4 ft. from face of building but not within 2 ft. of the back of curb ⁶
Projecting parking entry sign	<u>May extend</u> 4 ft. from face of building but not within 2 ft. of the back of curb ⁶

Item 2. Chapter 21A.46 Yard Sale Signs

Commentary

The Zoning Ordinance identifies that the display period for garage and yard sale signs is three days. The City's Business License Ordinance standards contain text defining the display period for such signs as limited to seven days. The City's Zoning Enforcement Division uses the seven day limit for enforcement purposes since the business license obtained permits a seven day display period. To provide consistency within the City's text the proposed text change will match the requirement of the Business License Ordinance by amending the display period for garage and yard sale signs to seven days sign ordinance.

Recommended Code Language

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Q. Temporary Signs: Temporary signs shall comply with the following standards:

2. Display Period And Removal: Temporary signs shall be permitted in accordance with the standards set forth below for display period and removal, unless specified otherwise in this title:

Sign Type ¹	Display Period	Removal Required Three Days After
Garage/yard sale sign	2 sales per year (<u>3</u> <u>7</u> days maximum per sale)	End of sale

Item 3. 21A.52.090A Extension of time granted for Special Exceptions

Commentary

The General Applications and Procedures Section 21A.10.10 of the Zoning Ordinance identifies that extensions of time for granted approvals may be extended. Within section 21A.52.090 General Conditions To Be Applied To All Special Exceptions the text identifies the zoning administrator *shall* rather than *may* grant extensions of time. The proposed text change is to replace shall with may to provide consistency within the Zoning Ordinance related to time extensions of granted approvals.

Business License Text

5.14.020 License - Required For Residential Dwellings:

A. **Three Or More Dwellings:** It is unlawful for any person, as owner, lessee or agent thereof to keep, conduct, operate or maintain any building containing three (3) or more rental dwellings within the limits of Salt Lake City, or cause or permit the same to be done, unless such person holds a current, unrevoked operating regulatory business license under this Chapter.

B. **Business License - Inspection Permit:** An owner of a building or buildings containing three (3) or more rental dwellings is required to obtain only one regulatory business license for the operation and maintenance of all of such buildings regardless of their number or location within the City. In addition to the regulatory business license, an inspection permit shall be required for each building containing three (3) or more rental dwellings, regardless of whether it is part of a complex located upon the same parcel or upon separate parcels of property owned by the same property owner. Licenses and permits shall be issued as provided in Section 5.02.120 of this Title or its successor.

Recommended Code Language

Language to be **added** is underlined.

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

21A.52.090 General Conditions To Be Applied To All Special Exceptions:

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

Item 4. Floor Area Ratio - 21A.32 Special Purpose Districts, 21A.34 Overlay Districts, 21A.62 Definitions

Commentary

The zoning ordinance text adopted in 1995 contained Floor Area Ratios (FAR) for the Research Park, Business Park and Institutional Zoning Districts. Floor area ratio was eliminated from the applicable zoning districts through previous zoning text amendments. However, remnants of zoning ordinance text still contain references to floor area ratios. The proposed text changes are clean up these remnant references to floor area ratio. Delete all

FAR references within the Special Purpose Districts, Summary Tables, SSSC Overlay, and Definitions.

Recommended Code Language

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21A.32.150 Summary Table Of Yard And Bulk Requirements-Special Purpose Districts:

District Name	YARD AND BULK REGULATIONS
	Maximum FAR
RP - Research park	<u>0.35</u>
BP - Business park	<u>0.40</u>
AG-2	80% of buildable area for residential units
AG-5	50% of buildable area for residential units
I - Institutional	<u>1.0</u>

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

- A. **Purpose:** The purpose of the SSSC South State Street corridor overlay district is to acknowledge and reinforce the historical land development patterns along South State Street between 900 South and 2100 South.
- B. **Maximum Building Height Exemption:** Buildings located within the BP business park base zoning district within the SSSC South State Street corridor overlay district may exceed the height of the base zoning district to a height not to exceed six (6) stories or ninety feet (90'), whichever is less.
- ~~C. **Maximum Floor Area Ratio Exemption:** Buildings located within the BP business park zoning district within the SSSC South State Street corridor overlay district are exempted from the maximum floor area ratio requirements.~~
- ~~D. **Minimum Yard Requirement Exemption:**~~
- E D. **District Location:** The South State Street corridor overlay district is the area generally aligned with the State/Main Street corridor from 900 South to 2100 South, within the following approximate boundaries referenced on the zoning map:
- F E. **Entrance And Visual Access:**

G F. Parking Lot/Structure Lighting: If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for the parking lot/structure security lighting are limited to sixteen feet (16') in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties. (Ord. 3-05 § 8, 2005; Ord. 26-95 § 2(17-8), 1995)

21A.62.040 Definitions:

~~"Floor area ratio" means the number obtained by dividing the gross floor area of a building or other structure by the area of the lot on which the building or structure is located. When more than one building or structure is located on a lot, the floor area ratio is determined by dividing the total floor area of all the buildings or structures by the area of the site.~~

Item 5. 21A.24 Interior Side Yard and Corner Yard setback requirements in RMF - Residential Multifamily zones for uses other than residential

Commentary

The Zoning Ordinance provides standards for minimum yard requirements. Within the RMF-30, RMF-35 and RMF-45 Zoning Districts yard requirements are provided for single-family, twin home and multi-family uses. However, there is not specific interior side yard or corner side requirement distances for other permitted or conditional uses allowed within these districts. These uses are typically nonresidential support uses allowed within the residential zoning districts. There needs to be clarification of minimum yard requirements for the nonresidential uses, the staff recommends that they should be similar to the multifamily requirements.

Recommended Code Language

Language to be **added** is underlined.
Language to be **deleted** is ~~strikethrough~~

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

E. Minimum Yard Requirements:

1. **Front Yard:** Twenty feet (20').
2. **Corner Side Yard:** Ten feet (10').
3. **Interior Side Yard:**

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

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

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

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

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

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

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

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

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

E. Minimum Yard Requirements:

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

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

3. **Interior Side Yard:**

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

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

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

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

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

d. **Multi-Family Dwellings:**

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

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

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

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

E. Minimum Yard Requirements:

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

2. **Corner Side Yard:**

- a. **Single-Family Attached Dwellings:** Ten feet (10').
- b. **Multi-Family Dwellings:** Twenty feet (20').
- c. **All Other Permitted And Conditional Uses:** Twenty feet (20').

3. **Interior Side Yard:**

- a. **Single-Family Attached Dwelling:** No yard is required, however if one is provided it shall not be less than four feet (4').
- b. **Multi-Family Dwellings:** The minimum yard shall be eight feet (8'); provided, that no principal building is erected within ten feet (10') of a building on an adjacent lot.
- e. **All Other Permitted And Conditional Uses:** Ten feet (10') on each side.

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

Item 6. 21A.24.120 RMF-30 Low Density Multi-Family Residential District: G. Maximum Building Coverage and 21A.24.130 RMF-35 Moderate Density Multi-Family Residential District: G. Maximum Building Coverage for Nonresidential Uses.

Commentary

There are no maximum building coverage standards for nonresidential land uses in the RMF-30 and RMF-35 Zoning Districts. Maximum building coverage allowance in 21A.24.120.G (RMF-30) and 21A.24.130.G (RMF-35) Zones for nonresidential uses need clarity for surface coverage of all principal and accessory buildings. Staff recommends that the surface

coverage of all principal and accessory buildings shall not exceed the highest percentage of lot area presently allowed within the specific zoning district.

Recommended Code Language

Language to be **added** is underlined.

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

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

G. Maximum Building Coverage:

1. **Single-Family Detached:** The surface coverage of all principal and accessory buildings shall not exceed forty five percent (45%) of the lot area.
2. **Single-Family Attached Dwellings:** The surface coverage of all principal and accessory buildings shall not exceed fifty percent (50%) of the lot area.
3. **Two-Family And Twin Home Dwellings:** The surface coverage of all principal and accessory buildings shall not exceed fifty percent (50%) of the lot area.
4. **Multi-Family Dwellings:** The surface coverage of all principal and accessory buildings shall not exceed forty percent (40%) of the lot area.
5. **Existing Dwellings:** For dwellings existing on April 12, 1995, the coverage of such existing buildings shall be considered legally conforming.
6. **Nonresidential Land Uses:** The surface coverage of all principal and accessory buildings shall not exceed fifty percent (50%) of the lot area.

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

G. Maximum Building Coverage:

1. **Single-Family Detached:** The surface coverage of all principal and accessory buildings shall not exceed forty five percent (45%) of the lot area.
2. **Single-Family Attached Dwellings:** The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.
3. **Two-Family And Twin Home Dwellings:** The surface coverage of all principal and accessory buildings shall not exceed fifty percent (50%) of the lot area.
4. **Multi-Family Dwellings:** The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.

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

6. **Nonresidential Land Uses:** The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.

Item 7. 21A.08.030, Zoning Certificates would be required only for principle buildings or a change in status of an existing building or site. Accessory buildings or structures will not be required to have a Zoning Certificate.

Commentary

There is conflicting text regarding when a zoning certificate is required. Section 21A.08.030, Zoning Certificates requires zoning certificates for principle buildings or a change in status of an existing building or site. Section 21A.40.030 requires a zoning certificate for accessory uses. Staff recommends that accessory buildings or structures will not be required to have a Zoning Certificate.

The existing code for Section 21A.42 Temporary Uses relies upon the zoning certificate for documenting and tracking temporary uses. On a functional basis, these uses are documented and tracked through the Temporary Use Permit system. The zoning code is being modified to use the temporary use permit program rather than the zoning certificate program for tracking temporary uses permits.

Recommended Code Language

Language to be **added** is underlined.
Language to be **deleted** is ~~strikethrough~~

Chapter 21A.08 ZONING CERTIFICATE

21A.08.010 Purpose Statement:

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

21A.08.020 Authority To Issue Zoning Certificate:

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

21A.08.030 Zoning Certificate Requirement:

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

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

21A.08.040 Application For Zoning Certificate:

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

- A. **Application Requirements For Building Permits Or Change In Land Use Type That Require Increased Parking:** Each application for a zoning certificate for any new principal building permit, an increased parking requirement, an increased landscaping requirement or change of land use type ~~that requires additional parking~~ shall be accompanied by the following:
 - 1. A statement describing:
 - a. The type of structure containing the use, if any,
 - b. The exact nature of the most recent use of such structure or lot,

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

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

~~A statement describing:~~

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

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

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

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

21A.40.030 Zoning Compliance Required:

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

21A.42.050 Process For Constitutionally Protected Temporary Uses:

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

Chapter 21A.42 TEMPORARY USES

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

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

- A. Application: An application shall be submitted to the zoning administrator. Every application for a temporary use shall include a site plan, traffic plan, including the date, time, location and anticipated attendance of a temporary event or use, anticipated access routes, ingress and egress for emergency vehicles, and available parking in the vicinity, and the application shall be submitted to the zoning administrator at least thirty (30) calendar days before the scheduled date that the temporary event or use is to take place unless the zoning administrator approves a shorter application deadline.
- B. Fees: The application for a temporary use shall be accompanied by a fee established on the fee schedule.
- C. Approval: A ~~zoning certificate~~ temporary use permit for a temporary use may be issued by the zoning administrator; provided, that the applicant meets all applicable requirements of this chapter and any other requirements deemed necessary by the zoning administrator to ensure that the temporary use will not have a detrimental impact upon other properties.
- D. Basis For ~~Certificate~~ Permit Denial: A ~~zoning certificate~~ temporary use permit shall be denied if the zoning administrator determines that the public health, safety or welfare

would be impaired, or if the applicant has not adequately addressed traffic and parking issues associated with the proposed use.

- E. ~~Certificate Permit~~: A ~~zoning certificate~~ temporary use permit for a temporary use may be conditioned upon such special requirements as the zoning administrator may determine are necessary to achieve the purposes of this title and to protect the public health, safety and welfare.
- F. ~~Revocation Of Certificate Permit~~: A ~~zoning certificate~~ temporary use permit shall be revoked by the zoning administrator pursuant to the procedures of section 21A.08.060 of this title, if any of the standards and conditions imposed pursuant to such ~~certificate permit~~, are violated.
- G. Appeal: Any person adversely affected by the decision of the zoning administrator, may appeal the decision to the board of adjustment pursuant to the provisions of part II, chapter 21A.16 of this title.

21A.42.090 Use Limitations:

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

**Item 8. Chapter 21A.22 ZONING DISTRICTS, MAP AND BOUNDARIES -
21A.22.030 Boundaries**

Commentary

In mapping the new zoning district for the 1995 citywide zoning rewrite project certain lots were intentionally split zoned. The zoning district boundaries on these lots were established by using a typical boundary depth from the right of way. The boundary depth was intended to be adjusted to catch entire parcels when the boundary line was near a property line. However, sometimes the boundary line was drawn without recognizing small remnant portions of properties were not being placed within one entire zoning district. When a parcel is split zoned in a manner that creates a small portion of the lot with a different zoning district the boundary line should coincide with the nearest property line. Staff recommends that the ordinance be amended to recognize that split zoned lots with a remnant portion depth of less than 30 feet should be considered to be zoned with the zoning district classification that pertains to the majority of the lot.

Recommended Code Language

Language to be **added** is underlined.

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

21A.22.030 Boundaries:

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

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

shall have the authority only to interpret boundary lines, not to change the location of district boundary lines or to rezone property.

Item 9. 21A.52.030G Special Exceptions

Commentary

The zoning ordinance contains a special exception for circular driveways. The specific standards for circular driveways are provided in Section 21A.44.020.f.7d. This special exception is approved whenever abutting property owner signatures are obtained and the circular driveway design meets the standards in Chapter 44. Since circular driveways are not approved unless they meet the specific standards, then the special exception process does not provide any discretionary design aspects to the circular driveway standards. Therefore, the need for a special exception process is not necessary, since any allowed circular driveway must meet the standards set forth in Section 21A.44.020.f.7d. Staff recommends the deletion of the special exception and that the City allows circular driveways that meet the standards of the Zoning Ordinance.

21A.44.020 General Off Street Parking Requirements:

7. Driveway Standards:

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

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

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

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

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

Recommended Code Language

Language to be **added** is underlined.

Language to be **deleted** is ~~striketrough~~

21A.52.030 Special Exceptions Authorized:

In addition to any other special exceptions authorized elsewhere in this title, the following special exceptions are authorized under the provisions of this title:

- A. Additional fence height (subsection 21A.52.100A of this chapter).
- B. Additional height in commercial districts (subsection 21A.52.100G of this chapter).
- C. Additional building height in foothills districts (subsection 21A.24.010P2 of this title).
- D. Alternative parking (section 21A.44.030 of this title).
- E. Amusement devices (section 21A.40.110 of this title).
- F. Barbed wire fences (subsection 21A.40.120I of this title).
- G. Intentionally left blank. ~~Circular driveways (subsection 21A.44.020F7d of this title).~~
- H. Conditional home occupations (subsection 21A.36.030D of this title).
- I. Access for persons with disabilities (subsection 21A.52.100C of this chapter).
- J. Amateur ("ham") radio antennas (subsection 21A.40.090D of this title).
- K. Hobby shops, studios and other noncommercial uses in accessory structures (subsection 21A.52.100D of this chapter).
- L. Legalization of excess dwelling units (subsection 21A.52.100E of this chapter).
- M. Modifications to maximum height in commercial districts (subsection 21A.26.010J of this title).
- N. Operation of registered home daycare or registered home preschool facility in residential districts (subsection 21A.36.130B of this title).
- O. Outdoor dining in required yard areas (subsection 21A.52.100F of this chapter).
- P. Razor wire (subsection 21A.40.120J of this title).

- Q. Reconstruction and reestablishment of nonresidential nonconforming uses and noncomplying structures with nonconforming uses damaged or destroyed greater than fifty percent (50%) (subsections 21A.38.080E2b and 21A.38.090C2b of this title).
- R. Front yard parking (subsection 21A.44.050B of this title).
- S. Routine and uncontested matters (part II, chapter 21A.14 of this title).
- T. Window mounted refrigerated air conditioners and evaporative "swamp" coolers located less than two feet (2') from a lot line (table 21A.36.020B, "Obstructions In Required Yards", of this title and subsection 21A.52.100H of this chapter).
- U. Ground mounted central air conditioning compressors or systems, heating, ventilating, pool and filtering equipment located less than four feet (4') from a lot line (table 21A.36.020B, "Obstructions In Required Yards", of this title and subsection 21A.52.100I of this chapter).
- V. Additional building height in the R-1 districts, R-2 districts and SR districts (subsections 21A.24.050D6, 21A.24.060D6, 21A.24.070D6, 21A.24.080D6, 21A.24.100D6, and 21A.24.110D6 of this title).
- W. Alternate location for accessory structures in the R-1 districts, R-2 districts and the SR districts (subsection 21A.40.050A3diii of this title).

Joyce, Everett*Transportation*

From: Walsh, Barry
Sent: Wednesday, October 15, 2008 9:45 AM
To: Joyce, Everett; Smith, Craig; Garcia, Peggy; Itchon, Edward; Butcher, Larry; Brede, Richard
Cc: Harpst, Tim; Peterson, Max; Niermeyer, Jeff; Goff, Orion; Burbank, Chris
Subject: RE: Request for review and comments on Zoning Ordinance text changes - Fine Tuning - Round 2 - Sep 2008
Categories: Program/Policy

October 15, 2008

Everett Joyce, Planning

Re: Zoning Ordinance text changes - Fine Tuning

The division of transportation review comments and recommendations are as follows:

The nine issues presented:

- 1 Chapter 21A.46 Signs Add further clarification how far a sign may project by defining the extent of sign projection within the Downtown Zoning Districts similar to other zoning districts.
 - The 6' and 8' projection not to exceed 2' from back of curb needs to address conflicts with power & light poles as well as minimum height clearances.
- 2 21A.46 Yard Sale Signs Provide consistent display period between sign ordinance and business license.
 - The uniform time period is N/A to transportation issues.
- 3 21A.52.090A Extension of time for granted Special Exceptions Provide an extension of time for special exceptions consistent with the General Applications and Procedures section of the Zoning Ordinance.
 - N/A.
- 4 21A.32 Special Purpose Districts Clean up remnant text of the floor area ratio references from when FAR requirements were previously deleted from the RP, BP Inst District text.
 - N/A.
- 5 Provide setback requirements in multifamily zoning districts for nonresidential uses. Define the Interior Side Yard and Corner Yards setback requirements in Residential Multifamily zones for nonresidential uses.
 - N/A.
- 6 Maximum building coverage allowance in multifamily zones for nonresidential uses Define the building coverage area for nonresidential uses in multifamily zones The surface coverage of all principal and accessory buildings shall not exceed forty percent of the lot area.
 - N/A.
- 7 Zoning Certificates Clarify that zoning certificates are required for principal use and not accessory uses.
 - N/A.
- 8 Zoning District Boundaries Clarify how lots of record that are split by multiple zoning districts affect Zoning District boundaries.
 - N/A.
- 9 Special Exception Circular Drives Specific standards are already provided in Section 21A.44.020.f.7d of the Zoning Ordinance and circular driveways that meet the standards should be allowed.
 - This section does not clarify or guide the issue of circular drives for drop off pick up areas for hotels etc. It seems to be directed to residential use only. Please let me know if this is applicable.

21A.44.020 General Off Street Parking Requirements:

F. Design And Maintenance: Parking lots shall be designed to ensure safe and easy ingress, egress and movement through the interior of the lot. The number of curb cuts onto major roads should be minimized. Shared access driveways between adjacent sites are encouraged. Parking lot islands should be provided on the interior of the parking lot to help direct traffic flow and to provide landscaped areas within such lots.

11/5/2008

7. Driveway Standards:

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

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Craig Smith, engineering
Ted Itchon, Fire
File.

From: Joyce, Everett

Sent: Tuesday, October 14, 2008 7:05 PM

To: Walsh, Barry; Smith, Craig; Garcia, Peggy; Itchon, Edward; Butcher, Larry; Brede, Richard

Cc: Harpst, Tim; Peterson, Max; Niermeyer, Jeff; Goff, Orion; Burbank, Chris

Subject: Request for review and comments on Zoning Ordinance text changes - Fine Tuning - Round 2 - Sep 2008

All,

Attached is a request for review and comments on proposed zoning ordinance text changes. Also attached is the specific text changes proposed.

Thank you for your assistance on this matter.

Everett L. Joyce, AICP
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