

Planning Commission Staff Report

CODE MAINTENANCE –AMENDING NOTICING REQUIREMENTS

PLNPCM2010-00784

Hearing date: June 22, 2011



Planning Division
Department of Community
& Economic Development

Applicant

SLC Corp., Mayor Ralph Becker

Staff

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Current zone

N/A

Current master plan designation

City-wide

Council District

City-wide

Community Council

City-wide

Affected Ordinance Sections

- 21A.10 General Application and Public Hearing Procedures
- 21A.12 Administrative Interpretations
- 21A.14 Routine and Uncontested Matters
- 21A.16 Appeals of Admin Decisions
- 21A.18 Variances
- 21A.26 Commercial Districts
- 21A.34 Overlay Districts
- 21A.36 General Provisions
- 21A.50 Amendments
- 21A.52 Special Exceptions
- 21A.54 Conditional Uses
- 21A.56 Condominium Approval Procedures

Notification

- Notice mailed June 10, 2011
- Published in newspapers June 23, 2011
- Posted to Planning Dept and Utah State Public Meeting websites June 23, 2011.

Attachments

- A. Comparison Table for proposed amendments
- B. Proposed Notification of Application Process
- C. DRAFT Ordinance

Request

On November 16, 2010 Mayor Ralph Becker, represented by Wilf Sommerkorn, Planning Director, initiated a request to amend the Salt Lake City Zoning Ordinance to require all public hearings to be noticed in a similar manner, including appeal period dates to be consistent for boards and commissions. The proposal also includes removal of the signature gathering requirements for routine and uncontested special exceptions and replaces it with an official notice of application process. The purpose is to provide further clarity and efficiency.

Recommendation

PLNPCM2010-00784 – Code Maintenance - Amending Noticing Requirements
Based on the findings in the staff report, it is the Planning Staff's opinion that the Planning Commission transmits a favorable recommendation to the City Council to adopt the proposed ordinance text amendments related to noticing requirements, processes and appeals.

Background

Planning staff occasionally encounters issues with the Zoning Ordinance that require clarification or modification. The proposed revisions are generally intended to clarify the intent of the ordinance but not to substantially alter it and to improve the effectiveness of noticing processes.

Petition Description

In November 2010, Mayor Becker initiated a petition for the purpose of amending the Salt Lake City Zoning Ordinance to amend the noticing requirements in two ways:

Standardize Public Hearing Requirements (See Attachment A for TABLE illustrating changes)

First, that all public hearings are noticed in the same manner:

- Official notice to all property and tenants 12 days prior to hearing
- Increase notification to 300 foot radius from project property
- Ensure sign posting 10 days prior to public hearing
- Notice to Recognized and Registered organizations 12 days prior to hearing
- Change Appeal of Decisions from 30 days to 10 days for the Board of Adjustment

The goal is to standardize and reduce the Noticing Chapter Section 21A.10.020 by making the requirements the same for all types of processes requiring a public hearing. This will avoid errors when carrying out official notification and eliminate the need to amend the noticing chapter when a new type of process is created. It will also ensure that information is distributed to property owners and tenants in an official, correct and predictable manner. It will utilize the most stringent of the noticing requirements which is notification of property owners 300 feet from the subject property. Other current requirements include an 85 foot radius. The proposed standard 300 foot radius will ensure an appropriate property neighbor notification in the city.

Part of the consistency effort of this proposed amendment is to also make the appeal period for the Board of Adjustment the same as for the Historic Landmark Commission and Planning Commission, which have a ten day appeal period. State Law does not require more than a ten day review. In a 2009 text amendment, the appeal period for Historic Landmark Commission and Planning Commission decisions was changed from thirty days to ten days. It is the goal and intent of this amendment to provide further consistency in carrying out the planning processes by providing predictable appeal periods for each board and commission making planning related decisions.

Remove signature gathering requirements for Routine and Uncontested Special Exceptions

Secondly, the petition calls to remove the signature gathering requirement for Routine and Uncontested Special Exceptions and replace it with a new administrative process (Notice of Application for a Special Exceptions) by which abutting property owners and resident (tenant) if different receive an official notification from the city.

Currently, a Routine and Uncontested Matter is a type of Special Exception which may be administratively approved if it meets the standards for special exceptions, and if signatures of abutting property owners are collected. Currently the signatures from abutting property owners signify that they are aware of the project and do not request a public hearing to offer evidence to contest the matter. It should be noted that a Routine and Uncontested matter must meet the standards for special exceptions to be approved administratively, regardless of completion of the signature gathering requirement.

Previous Discussions / Issues relating to current signature gathering

On March 16, 2009, Planning Staff met with a Zoning Text Amendment Task Force (ZAP) to review issues, new policies and procedures to meet transparency initiatives of the city, streamlining processes and

strengthening predictability relating to special exceptions. Routine and Uncontested Matters were addressed and consensus was reached to remove the signature requirement and move towards creating a new notification and appeals process.

The basic reasons for removing the signature gathering requirement are:

- Often times an applicant's project has been held up by a neighbor who will not sign simply because they do not want to.
- In many cases there have been not real objections to proposals and some have used the signature requirement improperly by extorting something from an applicant.
- City cannot delegate its approval authority to a private property owner, it has created an improper expectation that your neighbor must sign in order for you project to be approved by the city.
- The City has had no way of verifying signatures submitted as authentic.
- Many times neighboring property owners are located out of state or out of the area and have been difficult to find.
- The signature collection process has also gives the applicant a false sense of "approval."

The Zoning Amendment Task Force (ZAP) that was convened in 2009 to review various zoning amendments discussed the issues relating to the signature gathering requirement and proposed a new "Notification of Application for Special Exceptions." The Notice of Application process would apply to those Special Exceptions which are designated as Routine and Uncontested Matters.

The goal is to create a "Notice of Application for Special Exceptions" that would operate in the following manner:

1. An application for a Routine and Uncontested Special Exception is submitted.
2. Staff reviews application for completeness.
3. After application is deemed complete, abutting neighbors are officially notified.
4. Notification includes project information, future date of decision, where to inspect the application, and appeal information.
5. Neighbors would be given 12 days to contact staff with input which staff would use to utilize as part of the application analysis.
6. After 12 days, Staff would make a decision to approve, approve with conditions or deny the application.
7. The determination would be posted on the City website.
8. All parties reserve the right to appeal an Administrative Decision to the Board of Adjustment.

Public Participation

Community and Recognized Organizations

An Open House was held on May 19, 2011. Notice of the Open House was sent to Community Council chairs, business groups and those whose names are on the Planning Divisions List serve. Notice was also posted on the City and State website. There was no public comment received.

Public Comments

Staff has received no public comment.

City Department Comments

Staff sent information regarding the proposed text changes to numerous City Departments and no comments were received.

Analysis

The proposed text amendments focus on *Chapter 21A.10 General Application and Public Hearing Procedures*, and *21A.14 Routine and Uncontested Matters*. A reorganization of the Noticing Chapter is intended to provide a clearer, more consistent and concise list of noticing procedures, along with the addition of a Notice of Application for Special Exceptions procedure.

For ease of analysis, the most substantial amendments are presented relating to 21A.10 General Application and Public Hearing Requirements, while the other amendments are corrected to refer to the proper section.

STANDARDS FOR GENERAL AMENDMENTS

A decision to amend the text of the Zoning Ordinance 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. In making its decision concerning a proposed text amendment, the city council should consider the following factors:

1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;

Analysis: The community master plans and their land use policies generally outline neighborhood, community and regional uses of land and their characteristics. The purpose is to guide land use but not specifically address the level of detail as the zoning ordinance.

Finding: The proposed text amendments provide additional refinement of the zoning regulations of the City's code by providing clarification of existing regulations and enhancement of processes. The proposed amendments will help insure compatibility and consistency with goals, objectives and policies of the adopted master plans of the City. Maintenance and updating of the code is often necessary to increase consistency with goals, objectives and policies of Salt Lake City. The proposed text changes are consistent with adopted policy documents.

2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;

Analysis: In Salt Lake City, the Zoning Ordinance has been the main tool 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.

Finding: The proposed text amendments are consistent with current planning practices and further the specific purpose statements found throughout the Zoning Ordinance.

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

Analysis: The proposed text amendments are neither site nor overlay zoning district specific. Therefore they will not interfere with the character of specific properties. The proposed amendments reflect code

maintenance issues intended to improve noticing effectiveness and processes and do not specifically relate to, 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 and do not modify any intent or purpose of the existing City code.

4. **The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.**

Analysis: The proposed text amendments reflect current practices in urban planning and State law by enhancing processes that both create and ensure proper notification methods. These amendments will both update and enhance City's planning practices.

Finding: The proposed text amendments are consistent with the purpose of the Zoning Ordinance and implement best current and professional practices of urban planning and design and are consistent with State law. They provide increased noticing for public hearings, and procedures that ensure more consistency and provide a correct official notification to members of the community.

Attachment A
Comparison Table: Existing and Proposed Text Changes

Attachment B
Proposed Notification of Application Process

Attachment C
Draft Ordinance

Public Hearing Noticing Requirements (June 22, 2011)

(Proposed new **additions** and **deletions** PLNPCM2010-00784)

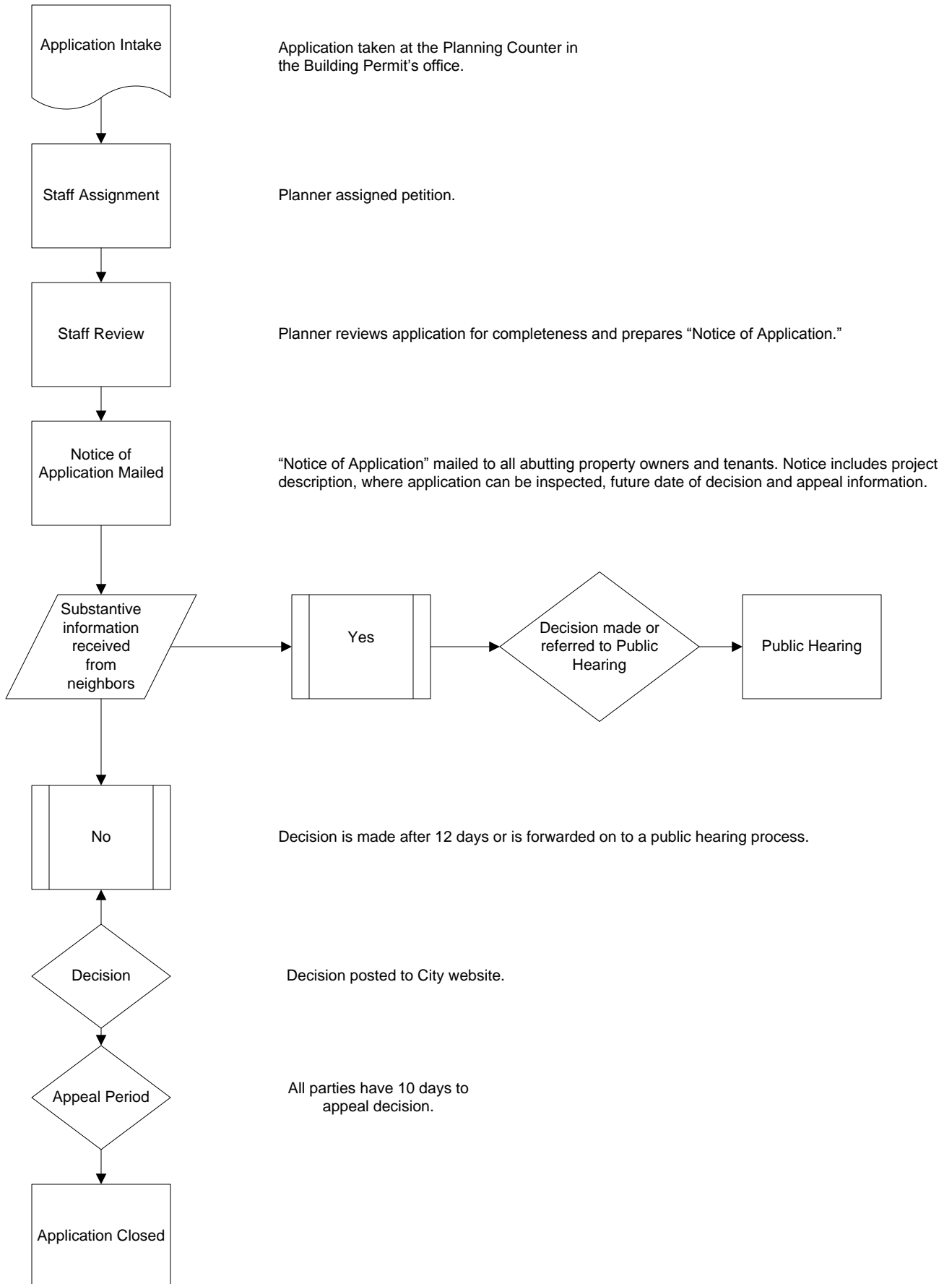
PROCESS	<u>FIRST CLASS</u> MAILING RADIUS	POSTING	OTHER <u>EMAIL</u> NOTICING
Board of Adjustment/Admin Hearing			
Special Exceptions Variances Appeals of Administrative Decisions	12 calendar days prior public hearing Every property owner & tenant (including owners & tenants if held in condo ownership): • within 85 feet • within 300 feet if it involves the construction of a new principal building	10 calendar days prior public hearing	12 calendar days prior public hearing: • Include all recognized and registered organizations
Planning Commission/Admin Hearing			
Conditional Uses	12 calendar days prior public hearing Every property owner and tenant (including owners & tenants if held in condo ownership): • within 300 feet	10 calendar days prior public hearing	12 calendar days prior public hearing: • Include all recognized and registered organizations

PROCESS	<u>FIRST CLASS MAILING RADIUS</u>	POSTING	OTHER <u>EMAIL</u> NOTICING
Conditional Building and Site Design <ul style="list-style-type: none"> • General applications 	12 calendar days prior public hearing Every property owner and tenant (<u>including owners & tenants if held in condo ownership</u>): <ul style="list-style-type: none"> • <u>adjacent and contiguous 300 feet</u> 	10 calendar days prior public hearing	12 calendar days prior public hearing: <ul style="list-style-type: none"> • Include all recognized and registered organizations • <u>Members of the Planning Commission</u>
Conditional Site Plan Review <ul style="list-style-type: none"> • Sexually Oriented Businesses 	14 <u>12</u> calendar days prior public hearing Every property owner and tenant (including owners if held in condo ownership): <ul style="list-style-type: none"> • Within 1,000 feet 	None.	14 <u>12</u> calendar days prior public hearing: <ul style="list-style-type: none"> • Include all recognized and registered organizations • <u>Members of the Planning Commission</u>
Zoning Map Amendment	12 calendar days prior public hearing Every property owner and tenants (including owners & tenants if held in condo ownership): <ul style="list-style-type: none"> • within 300 feet 	10 calendar days prior public hearing	12 calendar days prior public hearing: <ul style="list-style-type: none"> • Include all recognized and registered organizations • <u>Newspaper Notice</u>
Zoning Text Amendment	No mailing.	No posting.	12 calendar days prior public hearing: <ul style="list-style-type: none"> • <u>Newspaper Notice</u>

PROCESS	<u>FIRST CLASS MAILING RADIUS</u>	POSTING	OTHER <u>EMAIL</u> NOTICING
Historic Landmark Commission			
Certificates of Appropriateness for landmark sites or contributing structures	12 calendar days prior public hearing Every property owner and tenant (including owners if held in condo ownership): <ul style="list-style-type: none"> • within 85 feet for COAs for alterations • within 300 feet if it involves new building, relocation, demolition 	10 calendar days prior public hearing	12 calendar days prior public hearing: <ul style="list-style-type: none"> • Include all recognized and registered organizations
Administrative Procedures			
Conditional Building and Site Design	12 calendar days prior to admin decision Every property owner and tenant: <ul style="list-style-type: none"> • adjacent and contiguous 		Include all recognized and registered organizations Members of the Planning Commission
Determination of noncontributing status within and H overlay district in regards to demolition	12 calendar days prior to admin decision for COA Every property owner and tenant (including owners if held in condo ownership): <ul style="list-style-type: none"> • within 85 feet 		Include recognized and registered organizations Members of Historic Landmark Commission
<u>Notice of Application for Special Exceptions</u>	<u>12 calendar days prior to admin decision</u> <u>Every property owner and tenant (including owners if held in condo ownership):</u> <ul style="list-style-type: none"> • <u>adjacent and contiguous to property</u> 		



Notice of Application for Special Exceptions Workflow & Process



DRAFT-PLNPCM2010-00784-Amending Noticing Requirements

Chapter 21A.10

GENERAL APPLICATION AND PUBLIC HEARING PROCEDURES

21A.10.020: PUBLIC HEARING NOTICE REQUIREMENTS:

~~A. Special Exception Permits, Variances And Appeals Of Zoning Administrator Decisions: The board of adjustment shall hold at least one public hearing to review, consider and approve, approve with conditions, or deny an application for a special exception or for a variance, or to consider an appeal from a decision of the zoning administrator. Public Hearing Required: Projects requiring a public hearing as required by this title, Such hearing shall be held after the following public notification:~~

1. Mailing For Public Hearing: Notice by first class mail shall be provided:

~~a. a minimum of twelve (12) calendar days in advance of the public hearing; Mailing: Notice by first class mail shall be provided a minimum of fourteen (14) calendar days in advance of the planning commission's public hearing to all owners of the land, as shown on the latest published property tax records of the county assessor, included in the application requiring conditional site plan review, as well as to all owners of land, as shown on the latest published property tax records of the county assessor, within one thousand feet (1,000') (exclusive of intervening streets), of the periphery of the land subject to the application requiring conditional site plan review. Notice shall be given to each individual property owner if an affected property is held in condominium ownership.~~

~~b. to all owners and tenants of the land as shown on the Salt Lake City geographic information system records, labels are generated by the city at the time of application submittal and created using the -Salt Lake City geographic information system records unless as stated otherwise in this title, an applicant shall provide information that cannot be accessed through the city's GIS records. Notice shall be given to each individual property owner and tenant if an affected property is held in condominium ownership. included in the application; and for a special exception, variance, or an appeal of a decision by the zoning administrator, as well as to all owners of land and tenants, as shown on the Salt Lake City geographic information system records, within eighty five feet (85') or~~

~~c. within three hundred feet (300') from the periphery of land subject to the application ,inclusive of streets and right-of-ways, or one thousand feet (1,000') of the periphery of the~~

~~land subject to application for Sexually Oriented Businesses requiring Conditional Site Plan Review pursuant to 21A.36 if the proposal involves construction of a new principal building of the periphery of the land subject to the application for a special exception for a variance, or an appeal of a decision by the zoning administrator. Notice shall be given to each individual property owner and tenant if an affected property is held in condominium ownership.~~

23. Notification To Recognized And Registered Organizations: The city shall give electronic email notification, or other form of notification chosen by the planning director, notification a minimum of twelve (12) calendar days in advance of the public hearing to any organization which is entitled to receive notice pursuant to title 2, chapter 2.62 of this code.

~~3. G. Contents Of Mailing Notice For Mailing Public Hearing: The first class mailing notice for mailing for any public hearing required pursuant to subsections A through E of this section title shall generally state describe the substance subject matter of the application and the date, time and place of the public hearing, and the place where such application may be inspected by the public. The notice shall also advise that interested parties may appear at the public hearing and be heard with respect to the application. (Ord. 69-09 § 4, 2009)~~

24. Posting for Public Hearing: The land subject to an application for a public hearing shall be posted by the city with a sign giving notice of the public hearing, providing the date of the hearing including contact information for more information, at least ten (10) calendar days in advance of the public hearing.

a. Location: One notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty five feet (25') from the front property line and shall be visible from the street. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right of way with an attached notation indicating generally the direction and distance to the land subject to the application.

b. Removal: If the sign is removed through no fault of the applicant before the hearing, such removal shall not be deemed a failure to comply with the standards, or be grounds to challenge the validity of any decision made on the application.

c. Exemption: This posting requirement shall not apply to applications for amendments involving an H historic preservation overlay district, applications for an administrative certificate of appropriateness or applications for comprehensive rezonings of areas involving multiple parcels of land, including boundaries of a Historic District, or for text amendments to this ordinance.

~~3. Notification To Recognized And Registered Organizations: The city shall give notification a minimum of twelve (12) calendar days in advance of the public hearing to any organization which is entitled to receive notice pursuant to title 2, chapter 2.62 of this code.~~

B. Special Noticing Requirements for Administrative Approvals:

~~1. C-~~ Conditional Building ~~a~~ And Site Design Review: The planning commission shall consider requests for conditional building and site design review at a public hearing if there is an expression of interest after providing notice as follows:

a. Notification: The city shall provide written notice by first class mail a minimum of twelve (12) calendar days in advance of the requested action to all owners of the land and tenants subject to the application, as shown on the Salt Lake City geographic information system records, adjacent to and contiguous with the land subject to the application. ~~included in the application, as well as to t~~The planning commission and to all owners of land and tenants as shown on the Salt Lake City geographic information system records adjacent to and contiguous with the land subject to the application. Recognized and Registered Organizations are also entitled to receive notice pursuant to title 2, chapter 2.62 of this code by electronic email or other form chosen by the Planning Department~~planning~~ director.

At the end of the twelve (12) calendar day notice period, if there are requests for a public hearing, the planning commission will schedule a public hearing and consider the issue; if there are no requests for a public hearing, ~~the planning commission may authorize~~ the planning director may ~~to~~ decide the issue administratively.

2. F- Determination Of Noncontributing Status Within An H Historic Preservation Overlay District:

a. Prior to the approval of an administrative decision for a certificate of appropriateness for demolition of a noncontributing structure, the planning director~~city shall provide written notice~~ by first class mail a minimum of twelve (12) calendar days of the determination of noncontributing status of the property to all owners of the land and tenants, within eighty five feet (85') of the land subject to the application as shown on the Salt Lake City geographic information system records, ~~included in the application for determination of noncontributing status, as well as to t~~The historic landmark commission and to all owners of land and tenants as shown on the Salt Lake City geographic information system records within eighty five feet (85') of the land subject to the application. At the end of the twelve (12) day notice period, the planning director shall either issue a certificate of appropriateness for demolition or refer the application to the historic landmark commission.

~~3. Notice of Application for Special Exceptions: Prior to the approval of an administrative decision for special exceptions as authorized in 21A.522-020, the planning director shall provide written notice by first class mail a minimum of twelve (12) days in advance of the requested action to all abutting property owners and tenants of the land subject to the application, as shown on the Salt Lake City geographic information system records.~~

~~a. Contents of the Mailing Notice of Application: The notice for mailing shall generally describe the subject matter of the application, the place where such application may be inspected by the public, the date when the planning director will authorize a final administrative decision, and include the procedures to Appeal an Administrative Decision set forth in 21A.16.~~

~~2. Notification To Recognized And Registered Organizations: The city shall also provide notification to any organization which is entitled to receive notice pursuant to title 2, chapter 2.62 of this code.~~

~~3. Posting: The land subject to the application shall be posted by the city with a sign giving notice of the pending action at least ten (10) calendar days in advance of the public hearing.~~

~~a. Location: One notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty five feet (25') from the front property line and shall be visible from the street. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right of way with an attached notation indicating generally the direction and distance to the land subject to the application.~~

~~b. Removal: If the sign is removed through no fault of the applicant before the hearing, such removal shall not be deemed a failure to comply with the standards, or be grounds to challenge the validity of any decision made on the application.~~

~~4. Public Hearing: If the planning commission holds a public hearing, the city shall provide written notice a minimum of twelve (12) calendar days in advance of the public hearing to all owners of the land and tenants subject to the application, as shown on the Salt Lake City geographic information system records, included in the application, as well as to the planning commission and to all owners of land and tenants as shown on the Salt Lake City geographic information system records adjacent to and contiguous with the land subject to the application. The city shall also provide notification to any organization which is entitled to receive notice pursuant to title 2, chapter 2.62 of this code. The land subject to the application shall be posted by the city with a sign giving notice of the pending action at least ten (10) calendar days in advance of the public hearing.~~

~~In the event that the city and applicant are aware of advanced interest in the project, the applicant may request to forgo the time frame for determining interest and request a public hearing with the planning commission.~~

~~D. Amendments To The Zoning Map Or The Text Of This Title: The planning commission, the city council and the historic landmark commission where applicable, shall each hold at least one public hearing on an application for an amendment to the text of this title or the zoning map. At its public hearing, the planning commission, and the historic landmark commission where applicable, shall review, consider and recommend to the city council that the council adopt, modify or reject the proposed amendment. At its public hearing, the city council shall adopt, modify or reject the proposed amendment. Public notification shall be provided as follows:~~

- ~~1. Publication (First Public Hearing): At least twelve (12) calendar days in advance of the first public hearing on an application for an amendment to the text of this title or the zoning map, the city shall publish a notice of such public hearing in a newspaper of general circulation in Salt Lake City.~~
- ~~2. Mailing: Notice by first class mail shall be provided a minimum of twelve (12) calendar days in advance of the public hearing(s) before the planning commission, city council and the historic landmark commission, where applicable, to all owners of the land and tenants as shown on the Salt Lake City geographic information system records, included in the application for a zoning map amendment as well as to all owners of land and tenants, as shown on the Salt Lake City geographic information system records, within three hundred feet (300') of the periphery of the land subject to the application for an amendment to the zoning map. Notice for amendments to the text of this title shall not require a mailing of notice to property owners. Required notice for a zoning map amendment shall be given to each individual property owner and tenants if an affected property is held in condominium ownership.~~
- ~~3. Posting: The property(ies) subject to an application for an amendment to the zoning map shall be posted by the city with a notice on a sign of the planning commission or historic landmark commission at least ten (10) calendar days in advance of the public hearings.~~
- ~~a. Location: One notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty five feet (25') from the front property line and shall be visible from the street. If the owner of the property is not the applicant and the owner objects to the petition, then the sign may be placed on the public right of way in front of the property. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right of way with an attached notation indicating generally the direction and distance to the land subject to the application.~~

~~b. Removal: If the sign is removed through no fault of the applicant before the hearing, such removal shall not be deemed a failure to comply with the standards, or be grounds to challenge the validity of any decision made on the application.~~

~~c. Exemption: This posting requirement shall not apply to applications for amendments involving an H historic preservation overlay district, applications for a certificate of appropriateness or applications for comprehensive rezonings of areas involving multiple parcels of land.~~

~~4. Notification To Recognized And Registered Organizations: The city shall give notification a minimum of twelve (12) calendar days in advance of the public hearing to any organization which is entitled to receive notice pursuant to title 2, chapter 2.62 of this code.~~

~~E. Certificates Of Appropriateness For Landmark Sites Or Contributing Structures Located Within An H Historic Preservation Overlay District: The historic landmark commission shall hold at least one public hearing to review, consider and approve, approve with conditions, or deny an application for a certificate of appropriateness for alteration, new construction, relocation or demolition of a landmark site or contributing structure(s) located in the H historic preservation overlay district. No such public hearing shall be required in the event the application is to be administratively approved subject to subsection 21A.34.020F1 of this title. Where a public hearing is required, such hearing shall be held after the following public notification:~~

~~1. Mailing: Notice by first class mail shall be provided a minimum of twelve (12) calendar days in advance of the public hearing, or determination of noncontributing status involving demolition, to all owners of the land and tenants, as shown on the Salt Lake City geographic information system records, included in the application for certificates of appropriateness for new construction, relocation and demolition, as well as to all owners of land and tenants, as shown on the Salt Lake City geographic information system records, within eighty five feet (85') for certificates of appropriateness for alterations and three hundred feet (300') for certificates of appropriateness for new construction, relocation and demolition of the periphery of the land subject to the application of a landmark site or contributing structure(s) in the H historic preservation overlay district. Notice shall be given to each individual property owner and tenants if an affected property is held in condominium ownership.~~

~~2. Posting: The land subject to an application for demolition, or relocation of a landmark site or contributing structure(s) located in the H historic preservation overlay district shall be posted by the city with a notice on a sign of the public hearing at least ten (10) calendar days in advance of the public hearing.~~

~~a. Location: One notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one sign shall be posted on each public street. The sign(s)~~

~~shall be located on the property subject to the request or petition and shall be set back no more than twenty five feet (25') from the front property line and shall be visible from the street. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right of way with an attached notation indicating generally the direction and distance to the land subject to the application.~~

~~b. Removal: If the sign is removed through no fault of the applicant before the hearing, such removal shall not be deemed a failure to comply with the standards, or be grounds to challenge the validity of any decision made on the application.~~

~~3. Notification To Recognized And Registered Organizations: The city shall give notification a minimum of twelve (12) calendar days in advance of the public hearing by first class mail to any organization which is entitled to receive notice pursuant to title 2, chapter 2.62 of this code.~~

~~F. Determination Of Noncontributing Status Within An H Historic Preservation Overlay District: Prior to the approval of an administrative decision for a certificate of appropriateness for demolition of a noncontributing structure, the planning director shall provide written notice of the determination of noncontributing status of the property to all owners of the land and tenants, as shown on the Salt Lake City geographic information system records, included in the application for determination of noncontributing status, as well as to the historic landmark commission and to all owners of land and tenants as shown on the Salt Lake City geographic information system records within eighty five feet (85') of the land subject to the application. At the end of the twelve (12) day notice period, the planning director shall either issue a certificate of appropriateness for demolition or refer the application to the historic landmark commission.~~

Chapter 21A.12

ADMINISTRATIVE INTERPRETATIONS

21A.12.040: PROCEDURES

A. 7. Notification To Recognized And Registered Organizations: The city shall give notification, by ~~first class mail~~ electronic email or other form chosen by the planning director to any organization which is entitled to receive notice pursuant to title 2, chapter 2.62 of this code, that a use interpretation has been determined.

Chapter 21A.14

ROUTINE AND UNCONTESTED MATTERS

21A.14.060: PROCEDURE FOR REVIEW AND DECISION:

B. Notification of Application for Special Exceptions shall be required pursuant to 21A.10. Abutting Property Owners' Signatures: Application must include signatures of approval of all abutting property owners on a form provided by the zoning administrator. If the zoning

~~administrator determines it to be appropriate, due to the nature of the application, signatures of approval of property owners across the street(s) may also be required.~~

- ~~1. If all of the required signatures cannot be obtained, the zoning administrator shall refer the application to the administrative hearing officer to be considered as a special exception pursuant to chapter 21A.52 of this title.~~
- ~~2. If all required signatures are obtained, the zoning administrator will approve, approve with conditions, deny or refer the application to the administrative hearing officer to be considered as a special exception pursuant to chapter 21A.52 of this title.~~

Chapter 21A.16

APPEALS OF ADMINISTRATIVE DECISIONS

21A.16.030: PROCEDURE:

Appeals of administrative decisions to the board of adjustment shall be taken in accordance with the following procedures:

- A. Notice Of Appeal: Notice of appeal shall be filed within ~~thirty~~ten (~~30~~10) days of the administrative decision. The appeal shall be filed with the zoning administrator and shall specify the decision appealed and the reasons the appellant claims the decision to be in error.

Chapter 21A.18

VARIANCES

21A.18.040: PROCEDURES:

- A. f. Noticing and Posting Requirements shall be met as specified in 21A.10. ~~Gummed mailing labels for all owners of property, as shown on the latest published property tax records of the Salt Lake County assessor, located within eighty five feet (85'), or three hundred feet (300') if the proposal involves construction of a new principal building, in each direction of the subject property (exclusive of intervening streets and alleys).~~

Chapter 21A.26

COMMERCIAL DISTRICTS

21A.26.078: TSA TRANSIT STATION AREA DISTRICT:

- C 3.b. (1) Notice And Posting Requirements: Notice of the administrative hearing shall be done in accordance with ~~subsection section~~ 21A.10. ~~020BC, "Conditional Building And Site Design Review",~~ of this title.

Chapter 21A.34 OVERLAY DISTRICTS

21A.34.020: H HISTORIC PRESERVATION OVERLAY DISTRICT:

F. 1. d. Notice For Application For Demolition Of A Noncontributing Structure: An application for demolition of a noncontributing structure shall require notice for determination of noncontributing sites pursuant to ~~sub~~section ~~21A.10.020F~~ of this title.

F.2. d. Notice: Applications for a certificate of appropriateness shall require notice pursuant to ~~sub~~section ~~21A.10.020E~~ of this title.

K. 3. a. Review Of Evidence: All of the evidence and documentation presented to the historic landmark commission shall be made available to and reviewed by the economic review panel. The economic review panel shall convene a meeting complying with the open meetings act to review the evidence of economic hardship in relation to the standards set forth in subsection K.2 of this section. The economic review panel may, at its discretion, convene a public hearing to receive testimony by any interested party; provided, that notice for such public hearing shall be in accordance with chapter 21A.10, "General Application And Public Hearing Procedures" ~~sub~~section ~~21A.10.020E~~ and section ~~21A.10.030~~ of this title.

Chapter 21A.36 GENERAL PROVISIONS

21A.36.030: HOME OCCUPATIONS:

E.-5. For conditional home occupations, ~~names, signatures and addresses of all abutting property owners, including property owners across the street(s). A~~approval of the apartment management or property owner if the business is conducted on a leased property is required. Notice to neighboring property owners is subject to the provisions of ~~sub~~sections ~~21A.14.060B1~~ and ~~B2 21A.10~~ of this title.

21A.36.140: SEXUALLY ORIENTED BUSINESSES:

~~H. Public Notice: The applicant shall obtain the names and addresses of all property owners within one thousand feet (1,000') of the property lines of the property being considered and names and mailing addresses of chairs of all affected community councils as outlined in title 2, chapter 2.62 of this code.~~

I. Public Hearing Notice Requirements: The planning commission shall hold at least one public hearing to review, consider and approve, approve with conditions, or deny a conditional site plan review application after ~~the following~~ public notification pursuant to 21A.10:

~~1. Mailing: Notice by first class mail shall be provided a minimum of fourteen (14) calendar days in advance of the planning commission's public hearing to all owners of the land, as shown on the latest published property tax records of the county assessor, included in the application requiring conditional site plan review, as well as to all owners of land, as shown on the latest published property tax records of the county assessor, within one thousand feet (1,000') (exclusive of intervening streets), of the periphery of the land subject to the application requiring conditional site plan review. Notice shall be given to each individual property owner if an affected property is held in condominium ownership.~~

~~2. Notification To Recognized And Registered Organizations: The city shall give notification a minimum of fourteen (14) calendar days in advance of the planning commission's meeting by first class mail to any organization which is entitled to receive notice pursuant to title 2, chapter 2.62 of this code.~~

Chapter 21A.50

AMENDMENTS

21A.50.040: PROCEDURE:

~~A.6. Names, addresses and mailing labels of property owners within three hundred feet (300') of the periphery of the property where the map amendment is being proposed; and~~

~~A. 7. Written confirmation by the applicant that any organization which is entitled to receive notice pursuant to title 2, chapter 2.62 of this code has been notified of the proposed amendment.~~

~~C. Determination Of Completeness: Upon receipt of an application for an amendment, the zoning administrator shall make a determination of completeness pursuant to section 21A.10.010, "General Application Procedures", of this title, and that the applicant has submitted all of the information necessary to satisfy the notification requirements of subsection 21A.10.020D of this title.~~

Chapter 21A.52

SPECIAL EXCEPTIONS

21A.52.040: PROCEDURE:

B. Determination Of Completeness: Upon receipt of an application for a special exception, the zoning administrator shall make a determination of completeness pursuant to section 21A.10.010 of this title, and that the applicant has submitted all of the information necessary to satisfy the notification requirements of subsection 21A.10.020A of this title.

Chapter 21A.54

CONDITIONAL USES

21A.54.060: PROCEDURES:

A.10. ~~Noticing and Posting Requirements shall be met as specified in 21A.10 Mailing labels and first class postage for all persons required to be notified of the public hearing on the proposed conditional use pursuant to chapter 21A.10 of this title;~~

21A.54.155: ADMINISTRATIVE CONSIDERATION OF CONDITIONAL USES:

B. Administrative Hearing:

1. Noticing And Posting Requirements ~~shall be met as specified in 21A.10; Notice of the proposed conditional use shall be mailed to all applicable property owners and the property shall be posted pursuant to subsection 21A.10.020B of this title.~~

Chapter 21A.56

CONDOMINIUM APPROVAL PROCEDURE

21A.56.040: PROPOSED PROJECT; APPLICATION; FEES:

~~A. 3. A printed list on gummed mailing labels of owners of all real property within three hundred feet (300'), excluding streets, of the proposed condominium. Noticing requirements shall be met as specified in 21A.10. Where conversion of an existing building is proposed, the mailing list shall include current tenants of the building.~~

21A.56.080: APPEAL OF PLANNING COMMISSION DECISIONS:

Any person adversely affected by the decision of the planning commission may, within ~~thirty~~ ten (~~1030~~) days after such decision, file an appeal to the land use appeals board. (Ord. 77-03 § 10, 2003; Ord. 25-98 § 1, 1998)

21A.56.050: NEW CONSTRUCTION PROCESS:

D. Preliminary Approval Procedures:

1. Public Hearing Required: No condominium project shall be approved without a public hearing. The planning official shall schedule the time for, and hold an administrative public hearing to consider the condominium application. Noticing requirements shall be met as specified in sections 21A.10 e shall be mailed to all property owners, as specified in subsection

~~21A.56.040A3 of this chapter at least fourteen (14) days in advance. The notice shall inform the notified party of the date and time of the public hearing.~~

21A.56.060: CONDOMINIUM CONVERSION PROCESS:

C. Preliminary Approval Procedures:

1. Public Hearing Required: No condominium conversion project shall be approved without a public hearing. The planning ~~official~~ [director](#) shall schedule the time for an administrative public hearing to consider the condominium conversion application. Notice [for the public hearing shall be pursuant to sections 21A.10.020](#) ~~shall be mailed to all property owners and current tenants of the building, and to the chair of the appropriate community council, as specified in subsection 21A.56.040A3 of this chapter at least fourteen (14) days in advance of the scheduled hearing. The notice shall inform the notified party of the date and time of the public hearing.~~

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