



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission

From: Wayne Mills, Senior Planner
801-535-7282

Date: July 29, 2015

Re: PLNPCM2015-00151, Breweries and Brewpubs Zoning Text Amendments

Zoning Text Amendment

PROPERTY ADDRESS: Not Applicable

PARCEL ID: Not Applicable

MASTER PLAN: Not Applicable

ZONING DISTRICT: Various zoning districts are affected. See report for details.

REQUEST: Mayor Ralph Becker initiated a petition to review zoning regulations related to establishments that manufacture and sell beer. There have been a number of inquiries within recent years for craft breweries who also sell their product on-site. The Planning Division evaluated zoning regulations related to these uses and has developed proposed amendments to the Zoning Ordinance related to how these uses are defined and where they may be located.

RECOMMENDATION: Based on the findings in the staff report, Planning Staff finds the proposal adequately meets the standards for general text amendments. Planning Staff recommends the Planning Commission transmit a positive recommendation for PLNPCM2015-00151 to the City Council to adopt the proposed zoning ordinance text amendments.

MOTION: Based on the findings in the staff report and the discussion heard, I move that the Planning Commission transmit a positive recommendation for PLNPCM2015-00151 to the City Council to adopt the proposed zoning ordinance text amendments.

ATTACHMENTS:

- A. Petition Initiation
- B. Summary of Proposed Zoning Changes
- C. Zoning Ordinance Amendments – Strike and Underline
- D. Analysis of Standards
- E. Public Process and Comments
- F. City Department Comments
- G. Motions

PROJECT DESCRIPTION:

The proposed zoning amendments are in response to the nationwide growth of craft beer breweries and brewpubs. Salt Lake City is following this growth trend, which is evident in the number inquiries for new locations in the City and the number of interpretations of the Zoning Ordinance to determine where they may be located.

Existing zoning regulations provide three land use classifications related to beer manufacturing:

- Breweries are beer manufacturing facilities;
- Brewpubs manufacture beer but must have an associated restaurant; and
- Microbreweries manufacture more beer than brewpubs and also must have an associated restaurant.

Currently, the City Zoning Ordinance does not distinguish between small craft breweries and large industrial breweries. The Zoning Ordinance refers only to “breweries” as one land use type and they are allowed only in the manufacturing districts. The ordinance does not address smaller scale breweries that have less impact due to their smaller production rates.

The Zoning Ordinance defines brewpubs and microbreweries according to complicated formulas based on the amount of beer produced for specific purposes. These definitions are confusing and lead to misinterpretations of how the business should be classified from a zoning perspective. The current definitions also state that a business is considered a brewpub or microbrewery if it produces at least seven barrels of beer. If a business produces less than seven barrels of beer, it is not considered a brewpub or microbrewery. This has created difficulty in determining how these businesses are defined in the Zoning Ordinance and where they can be located.

The purpose of the proposed zoning changes are intended to address:

- The difference between large industrial breweries and smaller scale craft breweries;
- The definition of brewpub;
- Where breweries and brewpubs may be located in the City;
- Inconsistencies in zoning interpretations related to breweries and brewpubs; and
- Consistency with State Code.

The following provides a summary of the proposed amendments:

- The proposed amendments create two separate classifications for breweries according to the scale of the facilities. Large scale breweries would be allowed in the manufacturing districts and heavy commercial district. Smaller scale breweries would be allowed in additional zoning districts that allow low intensity industrial uses or have strict design criteria.
- Simplify the definition of brewpub and eliminate the microbrewery land use classification. Any use that is a restaurant type facility that makes beer would fall under the brewpub classification.
- Allow brewpubs as permitted uses in all of the Downtown, Form Based, Manufacturing, and Business Park zoning districts.

Attachment A provides specific details on the proposed changes to the Zoning Ordinance.

KEY ISSUES:

The key issues listed below have been identified through the analysis of the project, neighbor and community input and department review comments.

1. Economic benefits.
2. Request to allow Small Breweries in the D1 and MU zoning districts.
3. Can you drink in Breweries?
4. How to calculate the floor area for Brewpubs less than 2,500 square feet in floor area.
5. Implementing the Purpose and Intent of the Zoning Ordinance
6. Master Plan Policies

Issue 1: Economic Benefits

A positive benefit of allowing more small craft breweries is the economic benefit to the region. According to the Brewers Association (www.brewersassociation.org), “Small and independent

American craft brewers contributed \$33.9 billion to the U.S. economy in 2012. The industry also provided more than 360,000 jobs, with 108,440 jobs directly at breweries and brewpubs, including serving staff at brewpubs.”

The Breweries Association also states that there were 16 craft breweries in Utah in 2012 and the number has grown to 20 in 2014. In 2012, craft breweries had a \$255.2 million impact in the State of Utah.

Issue 2: Request to allow Small Breweries in the D1 and MU zoning districts

During the public engagement period of this project, a request was made to allow Small Breweries in the D1 Central Business and MU Mixed Use zoning districts. Planning Staff recommends that small breweries not be permitted in these districts.

The following are the purpose statements for the D1 and MU zoning districts:

*The purpose of the **D-1 central business district** is to provide for commercial and economic development within Salt Lake City's most urban and intense areas. A broad range of uses, including very high density housing, are intended to foster a twenty four (24) hour activity environment consistent with the area's function as the business, office, retail, entertainment, cultural and tourist center of the region. Development is intended to be very intense with high lot coverage and large buildings that are placed close together while being oriented toward the pedestrian with a strong emphasis on a safe and attractive streetscape and preserving the urban nature of the downtown area. This district is appropriate in areas where supported by applicable master plans. The standards are intended to achieve established objectives for urban design, pedestrian amenities and land use control.*

*The purpose of the **MU mixed use district** is to encourage the development of areas as a mix of compatible residential and commercial uses. The district is to provide for limited commercial use opportunities within existing mixed use areas while preserving the attractiveness of the area for residential use. The district is intended to provide a higher level of control over nonresidential uses to ensure that the use and enjoyment of residential properties is not substantially diminished by nonresidential redevelopment. The intent of this district shall be achieved by designating certain nonresidential uses as conditional uses within the mixed use district and requiring future development and redevelopment to comply with established standards for compatibility and buffering as set forth in this section. The design standards are intended to facilitate walkable communities that are pedestrian and mass transit oriented while still ensuring adequate automobile access to the site.*

A small brewery is an industrial use where the main function of the facility is to manufacture beer. Planning Staff is of the opinion that the manufacturing uses are not appropriate in the D1 and MU zones.

The purpose of the D1 district is to support very high density development and uses that support this density. Brewpubs, which are beer manufacturing facilities are allowed in the D1 district; however, brewpubs must have an associated restaurant. The associated restaurant contributes to the active environment of the Central Business District. Although manufacturing uses are vital to the City, they are not currently allowed in the D1 district due to their potential impacts on the urban, mixed-use environment.

The MU district purpose statement states that the focus of this district is create a residential environment, with a high level of control over limited commercial uses. The commercial uses that are allowed in the MU are generally limited to retail, restaurant and other service type uses. Industrial and manufacturing uses are not allowed in the MU zone due to the potential impacts they may have on residential uses.

Issue 3: Can you drink in Breweries?

Questions have come up in the past regarding whether or not a brewery can have an associated “tap room” or place where patrons can purchase and drink their product. The answer is yes, if the associated use is also allowed in the zoning district. For example, in zoning districts where a brewery and a tavern are allowed, a facility can obtain both a brewery and a tavern license as long as the facility meets all necessary building code and zoning regulations for each use.

Issue 4: How to calculate the floor area for Brewpubs less than 2,500 square feet in floor area.

During the project review phase, a representative from the Building Services Division stated that there has been confusion in interpreting how to calculate the size of alcohol establishments that have a 2,500 square foot floor area limitation.

The land use tables in the Zoning Ordinance provide two different categories for Brewpubs, and other alcohol related establishments; those that are 2,500 square feet or less in floor area, and those that are more than 2,500 square feet in floor area.

The Zoning Ordinance provides the following definition for determining the size of an establishment:

FLOOR AREA, GROSS: "Gross floor area" (for determining size of establishment) means the sum of the gross horizontal area of all floors of the building measured from the exterior face of the exterior walls or from the centerline of walls separating two (2) buildings. The floor area of a building shall include basement floor area, penthouses, attic space having headroom of seven feet (7') or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses. Space devoted to open air off street parking or loading shall not be included in floor area.

The definition of floor area states that the size of an establishment is measured according to the size of the building it is located in. This definition has created confusion where an establishment only occupies a portion of a building, not the entire building. In these instances, the Zoning Administrator has made an interpretation stating that the size of the establishment is measured as the leasable area of that particular use.

There are many instances of the Zoning Ordinance where a regulation is based on the gross floor area of a use. The floor area definition may need to be changed; however, that is outside of the scope of this project. The Planning Division has noted that the definition should be reviewed and will do so as part of another project. In the meantime, the Zoning Administrator’s interpretation of how the size of an establishment is measured stands.

Issue 5: Implementing the Purpose and Intent of the Zoning Ordinance

All zoning amendments should be made for the purpose of implementing the purpose and intent of the Zoning Ordinance stated as follows:

The purpose of this title is to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the city, and to carry out the purposes of the municipal land use development and management act, title 10, chapter 9, of the Utah Code Annotated or its successor, and other relevant statutes. This title is, in addition, intended to:

- A. Lessen congestion in the streets or roads;*
- B. Secure safety from fire and other dangers;*
- C. Provide adequate light and air;*
- D. Classify land uses and distribute land development and utilization;*
- E. Protect the tax base;*
- F. Secure economy in governmental expenditures;*
- G. Foster the city's industrial, business and residential development; and*
- H. Protect the environment.*

The purpose of the amendments is to align land use regulations with the modern craft beer industry. As stated above, the craft beer industry provides a positive contribution to the local economy; therefore, the proposed amendments would help foster the city's industrial and business development (see item G above).

Issue 6: Master Plan Policies

The proposed zoning amendments are not site specific; therefore, there are no specific community master plan policies that are applicable to the proposal. The Salt Lake City Vision and Strategic Plan (adopted in 1993) provides an overall vision statement for the City:

We envision Salt Lake City as a prominent sustainable city: the international crossroads of western America, blending family life styles, vibrant artistic and cultural resources, and a strong sense of environmental stewardship with robust economic activity to create a superb place for people to live, work, grow, invest and visit.

The amendments provide the opportunity for smaller, locally owned craft breweries to locate in more areas of the City. These facilities contribute to the local economy and to the vibrancy of mixed-use neighborhoods, which is consistent with Salt Lake City's vision of developing a "robust economic activity to create a superb place for people to live, work, grow, invest and visit."

DISCUSSION:

The proposal complies with the standards for zoning text amendments. After analyzing the proposal and the applicable standards, Planning Staff is of the opinion that a positive recommendation should be forwarded to the City Council for this request.

NEXT STEPS:

The City Council has the final authority to make changes to the text of the Zoning Ordinance. The recommendation of the Planning Commission for this request will be forwarded to the City Council for their review and decision.

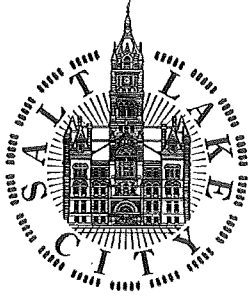
ATTACHMENT A: Petition Initiation

See following page.

RECEIVED

FEB 27 2015

Nick



Petition Initiation Request

SCANNED TO: Mayor
SCANNED BY: Nick
DATE: 2/27/15

Planning Division
Community & Economic Development Department

To: Mayor Becker
From: Nora Shepard, Planning Director *NLS*
Date: February 26, 2015
CC: David Everitt, Chief of Staff; Jill Love, Deputy Chief of Staff, Mary DeLaMare-Schaefer, Community and Economic Development Acting Director; file
Re: Initiate Petition to address amendments to Alcohol Regulations.

This memo is to request that you initiate a petition directing the Planning Division to analyze the appropriateness of amending the Zoning Ordinance to address changes to the Alcohol Regulations.

Over the past few years, the State has made changes to the regulations relating to manufacturing of alcohol that has lead to more people seeking approvals for alcohol establishments in the City. However, there are regulations within the Zoning Ordinance which make it difficult for entrepreneurs to start such businesses in the City. For example, the City definition of a brewpub requires that the minimum amount of beer brewed is seven barrels. If an establishment brews fewer than seven barrels it does not meet the definition but there is not another classification for it.

As part of the process, the Planning Division will follow the City adoption process for zoning text amendments which includes citizen input and public hearings with the Planning Commission and City Council.

If you have any questions, please contact me.

Thank you.

Concurrence to initiate the zoning text amendment petition as noted above.

Ralph Becker, Mayor

3/3/15

Date

ATTACHMENT B: Summary of Proposed Zoning Changes

See following pages.



Breweries and Brewpubs

Proposed Changes to the Salt Lake City Zoning Ordinance

Background

- There is a nationwide increase in small craft brewers.
- Salt Lake City Zoning regulations do not adequately address these establishments.

What we are Trying to Address

- Where breweries can be located in Salt Lake City?
- The zoning definition of Brewpub.
- Clarify and simplify zoning definitions.
- Consistency with State Code.

Summary of Proposed Zoning Changes

- Create two separate classifications for breweries according to the scale of the facilities. Large scale breweries would be allowed in the manufacturing districts and heavy commercial district. Smaller scale breweries would be allowed in additional zoning districts that allow low intensity industrial uses.
- Simplify the definition of brewpub and eliminate the microbrewery land use classification. Any use that is a restaurant type facility that makes beer would fall under the brewpub classification.

Document Content

The following pages provide details on the proposed changes to the Salt Lake City Zoning Ordinance. Each section provides the current zoning definition of the establishment type, the proposed definition change, and the reason for the change.

Each section also contains a table showing the zoning districts where the establishment type is currently allowed and where it is proposed to be allowed. The (p) following the zoning district classification represents a "Permitted Use" and the (c) represents a "Conditional Use". Permitted Uses are allowed by-right and Conditional Uses require approval from the Salt Lake City Planning Commission. A map is included in each section showing the zoning districts where each establishment would be allowed under the proposed zoning changes.

Project Staff Contact:

Wayne Mills, Senior Planner
Phone: 801-535-7282
Email: wayne.mills@slcgov.com

BREWERY

Current Definition

A business establishment that manufactures beer, heavy beer, or malt liquor for off premises consumption, not to include those alcoholic beverages produced in a distillery or winery.

Proposed Definition

A business establishment that manufactures beer, heavy beer, or malt liquor as defined and regulated in Title 32B, Utah Code, as amended.

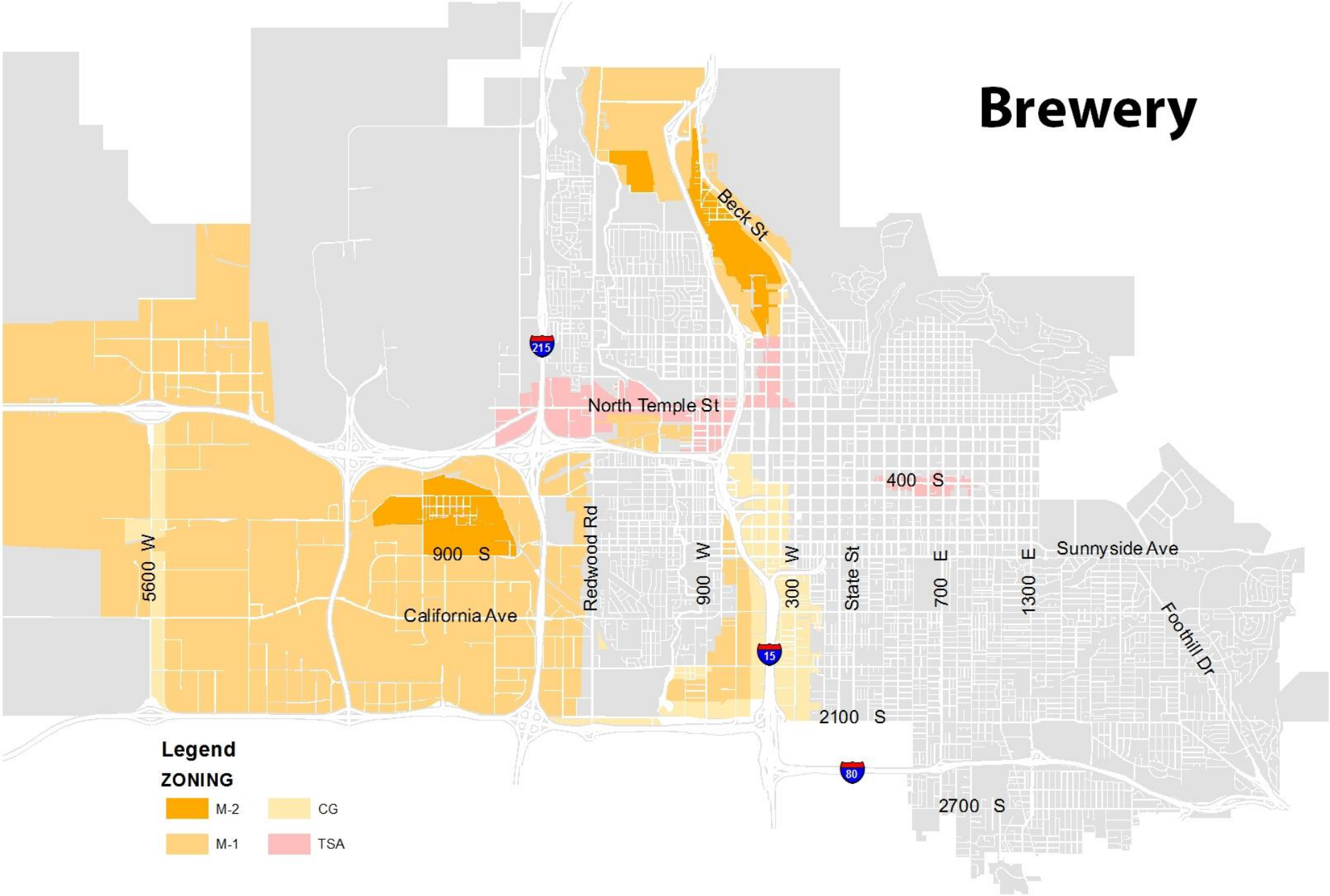
Proposed Zoning Districts

Currently allowed in:	M-1(p)	M-2(p)	TSA (p)	
Proposed:	M-1(p)	M-2(p)	TSA (p)	CG(p)

Reason for Change

- Consistency with State Code
- Purpose of the CG district is to allow for heavy commercial and low intensity manufacturing uses. Distilleries are allowed in the CG district, which is a similar land use.

Brewery



Legend

- ZONING**
- M-2
 - M-1

- CG
- TSA

SMALL BREWERY

Current Definition

Not currently defined in the Zoning Ordinance.

Proposed Definition

A brewery that produces less than 15,000 barrels of beer, heavy beer, or malt liquor annually and occupies less than 10,000 square feet in gross floor area.

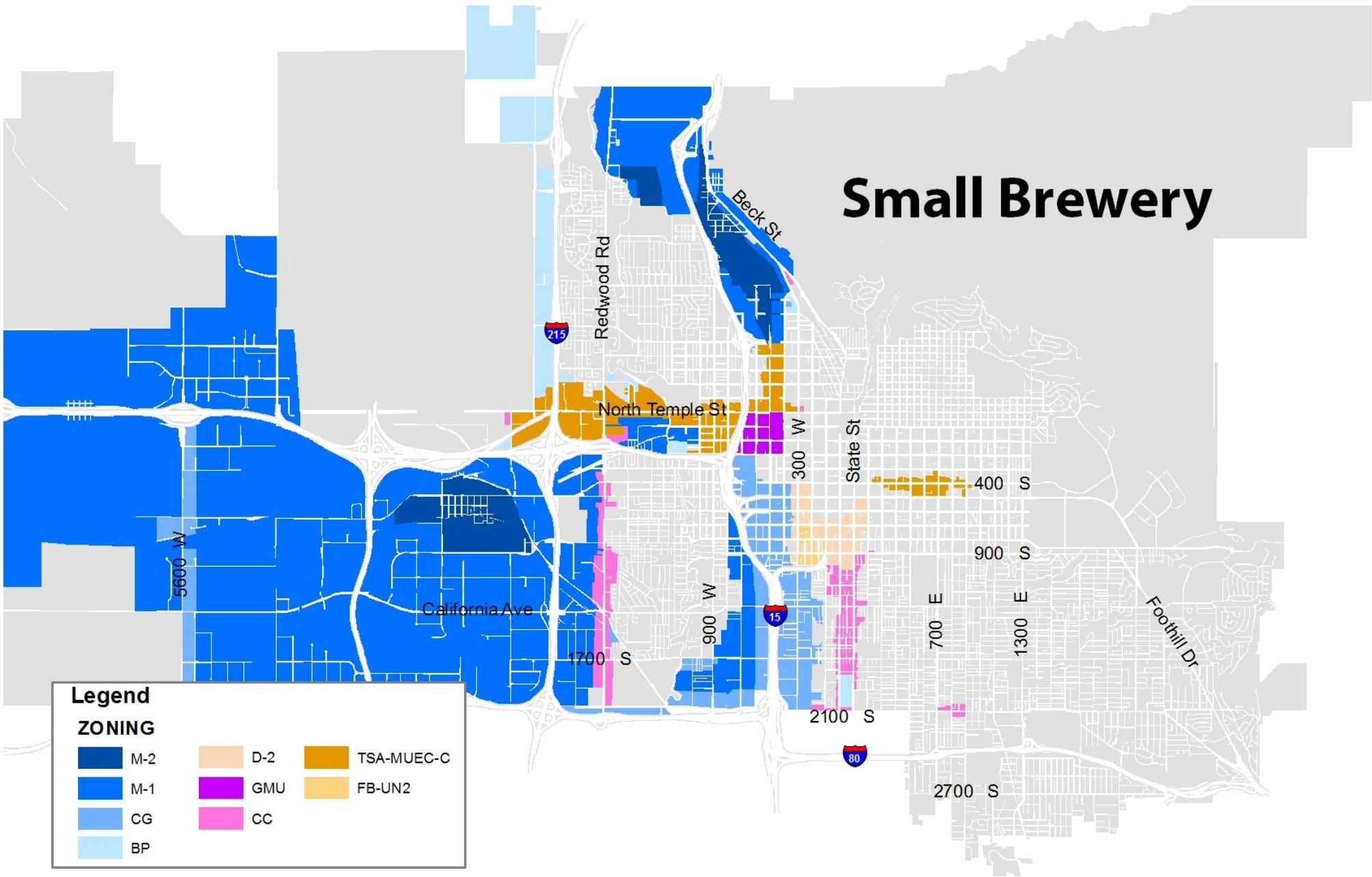
Proposed Zoning Districts










Currently allowed in:	Not currently a use in the Zoning Ordinance								
Proposed:	M-2(p)	M-1(p)	TSA (p)	CG(p)	CC(c)	FB-UN2(p)	D2(c)	G-MU(c)	BP(c)

Reason for Change

There has been a nationwide emergence of smaller, craft beer breweries. The Zoning Ordinance currently does not distinguish between smaller scale breweries and large industrial type breweries; therefore, breweries are currently allowed only in the heavier manufacturing type districts.

Small Brewery



Legend					
ZONING					
	M-2		D-2		TSA-MUEC-C
	M-1		GMU		FB-UN2
	CG		CC		
	BP				

BREW PUB

Current Definition

A restaurant type establishment that also has a beer brewery, producing beer in batch sizes not less than seven (7) U.S. barrels (31 gallons), on the same property which produces only enough beer for sale and consumption on site or for retail carryout sale in containers holding less than two liters (2 l) or for wholesale as outlined in subsections D and E of this definition. Automated bottle or canning production is prohibited. At least fifty percent (50%) of the beer sold shall be brewed on the premises. Revenue from food sales shall constitute at least fifty percent (50%) of the total business revenues, excluding retail carryout sales of beer. Brewpubs are limited to a total brewing capacity of two thousand five hundred (2,500) barrels per year or one hundred twenty (120) barrels of fermentation at any one time, whichever is less. Brewpubs may sell beer in keg (larger than 2 liters) containers for the following purposes and in the following amounts:

- A. An unlimited number of kegs (not to exceed 2,500 barrel capacity) for "brew fests" which, for the purpose of this definition, means events, the primary purpose of which is the exposition of beers brewed by brewpubs and microbreweries, which include the participation of at least three (3) such brewers;
- B. No more than one hundred (100) kegs per year (not to exceed 2,500 barrel capacity) to events sponsored by charitable organizations exempt from federal income tax pursuant to 26 USC section 501(c)(3) or its successor; and
- C. No more than one hundred (100) kegs per year (not to exceed 2,500 barrel capacity) to events operating under a single event license from the state and the city where the purpose of the event is not for commercial profit and where the beer is not wholesaled to the event sponsor but is, instead, dispensed by employees of the brewpub;
- D. Unlimited distribution to other restaurants of same ownership or control (not to exceed 2,500 barrel capacity). "Ownership or control" means more than fifty percent (50%) ownership in the actual business or controlling interest in any management partnership; and
- E. No more than five hundred (500) barrels for wholesale distribution (not to exceed 2,500 barrel capacity).

[The land use tables in the Zoning Ordinance provide two different categories for Brewpubs; those that are 2,500 square feet or less in floor area, and those that are more than 2,500 square feet in floor area.]

Proposed Definitions

A restaurant type establishment that also contains a brewery, where the product is brewed primarily for sale in the associated restaurant. Bottling and canning is allowed for on-site distribution only and not for wholesale distribution. Brewpubs may sell their product in kegs for wholesale distribution. At least 50% of the total business revenue must be from food, excluding wholesale and retail carryout sales of beer.

Proposed Zoning Districts

2,500 Square Feet or Less in Floor Area

Currently allowed in:	RMU-35 (c)	RMU-45(c)	RMU(c)	CB(c)	CS(p)	CC(p)	CSHBD(p)	CG(p)
Proposed:	RMU-35 (c)	RMU-45(c)	RMU(c)	CB(c)	CS(p)	CC(p)	CSHBD(p)	CG(p)

(2,500 Square Feet or Less in Floor Area)

Currently allowed in:	TSA(p)	FBUN2(p)	GMU(p)	MU(c)	GMU(p)	D1(p)	D2(c)	D3(c)	D4(p)
Proposed:	TSA(p)	FBUN2(p)	GMU(p)	MU(c)	GMU(p)	D1(p)	D2(p)	D3(p)	D4(p)

(2,500 Square Feet or Less Cont.)

Currently allowed in:	TC75(p)	M1(c)	M2(c)			
Proposed:	TC75(p)	M1(p)	M2(p)	BP(p)	FB-SC	FB-SE

No Maximum Floor Area Limitation

Currently allowed in:	CS(p)	CC(c)	CSHBD(p)	CG(p)	TC-75(p)	TSA(p)	D1(p)	D2(c)	D3(c)	D4(p)
Proposed:	CS(p)	CC(c)	CSHBD(p)	CG(p)	TC-75(p)	TSA(p)	D1(p)	D2(p)	D3(p)	D4(p)

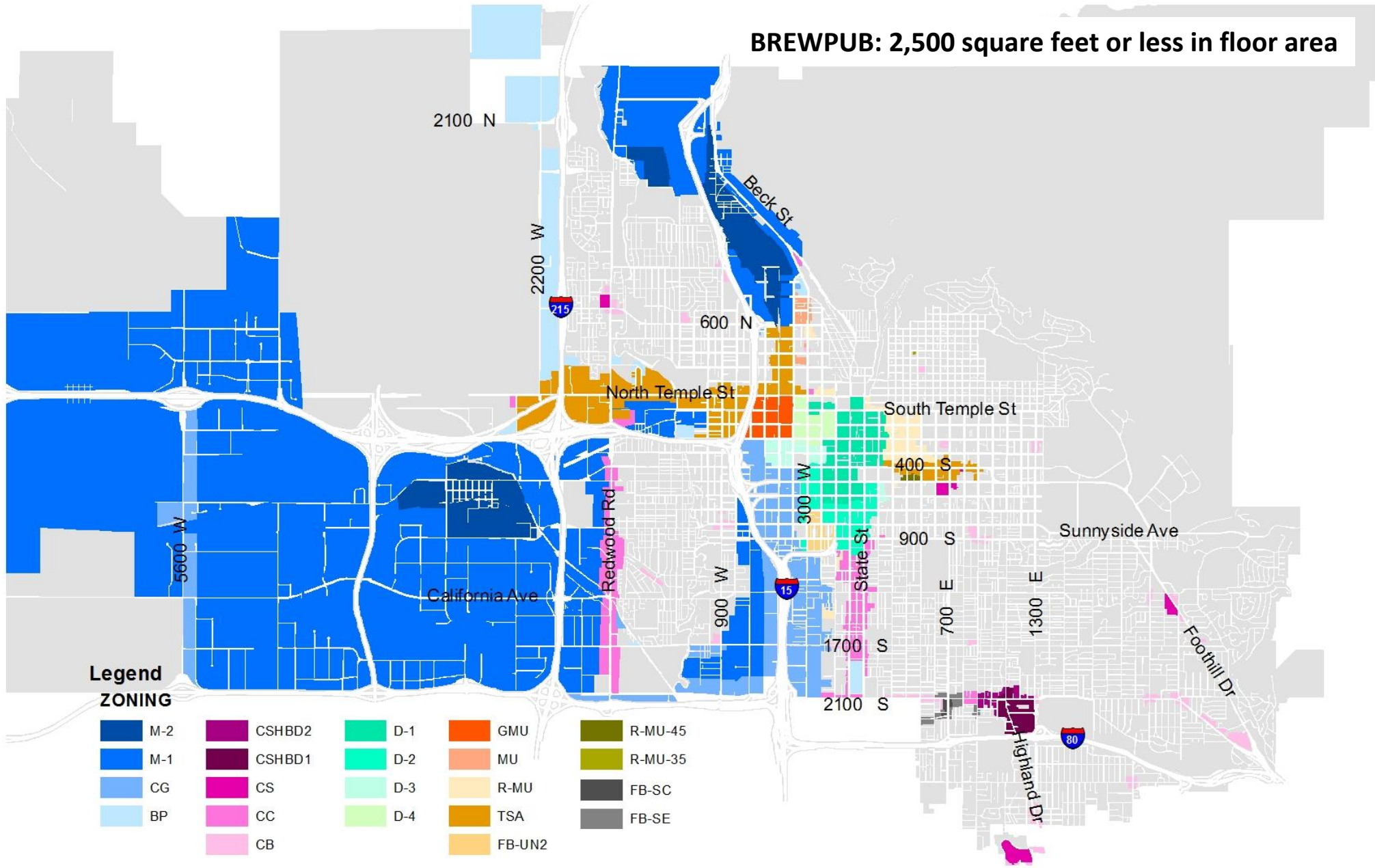
(No Maximum Floor Area Limitation Cont.)

Currently allowed in:	GMU(p)	M1(c)	M2(c)				
Proposed:	GMU(p)	M1(p)	M2(p)	BP(p)	FB-SC	FB-SE	FBUN2(p)

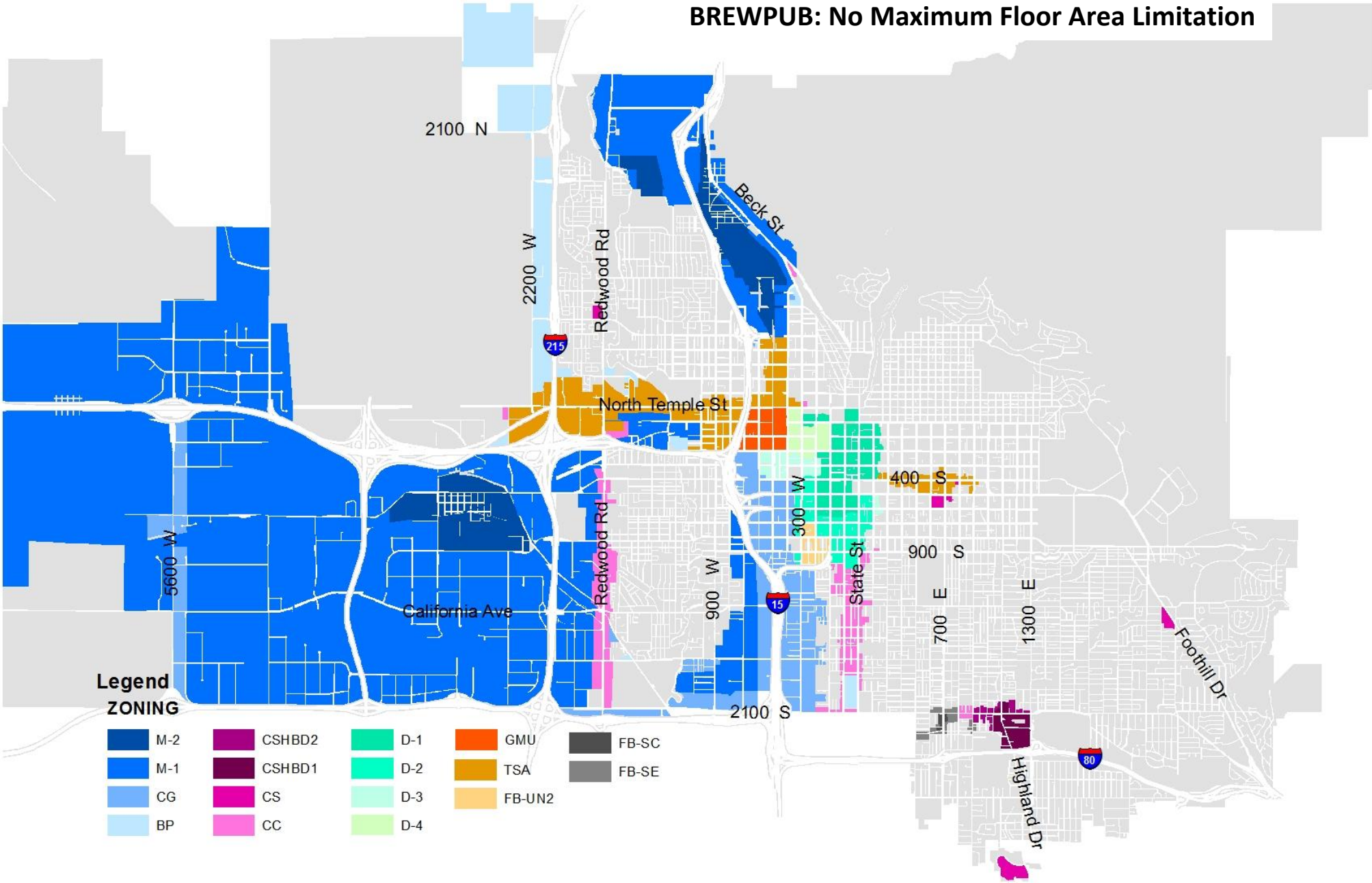
Reason for Change

- Brewpub definition is overly complicated and not related to land use.
- According to the current definition, to be considered a brewpub or microbrewery, a facility must brew at least 7 barrels. There is no classification for facilities that brew less than 7 barrels.
- The “microbrewery” classification would be eliminated with this proposal and what are now considered microbreweries, would be classified as brewpubs.









BREW PUB: 2,500 square feet or less in floor area



BREW PUB: No Maximum Floor Area Limitation



Legend ZONING

- | | | | | |
|---|--|---|--|---|
|  M-2 |  CSHBD2 |  D-1 |  GMU |  FB-SC |
|  M-1 |  CSHBD1 |  D-2 |  TSA |  FB-SE |
|  CG |  CS |  D-3 |  FB-UN2 | |
|  BP |  CC |  D-4 | | |

MICROBREWERY

Current Definition

A brewpub which, in addition to retail sale and consumption on site, markets beer wholesale in an amount not to exceed sixty thousand (60,000) barrels (31 gallons) per year. Revenue from food sales must constitute at least fifty percent (50%) of the total business revenues, excluding wholesale and retail carryout sales of beer.

Proposed Definition

None. Proposal is to eliminate Microbrewery as a land use classification.

Proposed Zoning Districts

Currently allowed in:	M-1(c)	M-2(c)	TSA (p)	CG(p)	FBUN2(p)	D1(c)	D2(c)	D3(c)	D4(c)
Proposed:	None								

Reason for Change

- Do not need a separate land use classification for microbreweries. Any facility that brews beer and is a restaurant should be classified as a brewpub, and should be regulated according to the size of the establishment.
- Simplify the Zoning Ordinance by eliminating a land use type.

ATTACHMENT C: Zoning Ordinance Amendments – Strike and Underline

See following pages.

21A.27.050: FB-UN1 AND FB-UN2 FORM BASED URBAN NEIGHBORHOOD DISTRICT:

TABLE 21A.27.050N
PERMITTED USES

Use		FB-UN1	FB-UN2
Accessory use, except those that are specifically regulated in this chapter, or elsewhere in this title		P	P
Alcohol:			
	Brewpub		P
	Liquor store		P
-	Microbrewery	-	P
	Social club		P
	Tavern or brewpub, 2,500 square feet or less in floor area		P
Animal, veterinary office			P
Antenna, communication tower			P
Art gallery			P
Bed and breakfast		P	P
Bed and breakfast inn		P	P
Bed and breakfast manor		P	P
Clinic (medical, dental)			P
Community garden		P	P
Community recreation center			P
Daycare center, adult			P
Daycare center, child			P
Dwelling:			
	Assisted living facility (large)		P
	Assisted living facility (small)	P	P
	Group home (large)		P
	Group home (small) when located above or below first story office, retail, or commercial use, or on the first story where the unit is not located adjacent to street frontage		P

	Multi-family		P
	Residential substance abuse treatment home (large)		P
	Residential substance abuse treatment home (small)		P
	Rooming (boarding) house		P
	Single-family attached	P	P
	Single-family detached	P	P (If part of cottage development)
	Single room occupancy		P
	Transitional victim home (large)		P
	Transitional victim home (small)		P
	Two-family	P	
	Eleemosynary facility		P
	Farmers' market		P
	Financial institution		P
	Food processing		P
	Funeral home		P
	Health and fitness facility		P
	Hotel/motel		P
	House museum in landmark site	P	P
	Laboratory (medical, dental, optical)		P
	Library		P
	Mixed use developments including residential and other uses allowed in the zoning district		P
	Museum		P
	Nursing care facility		P
	Office		P
	Office and/or reception center in landmark site		P
	Open space	P	P

Park	P	P
Parking, off site	p ¹	p ¹
Place of worship		P
Plazas	P	P
Recreation (indoor)		P
Research and development facility		P
Research facility (medical/dental)		P
Restaurant		P
Retail goods establishment		P
Retail goods establishment, plant and garden shop with outdoor retail sales area		P
Retail service establishment		P
Sales and display (outdoor)		P
School:		
College or university		P
Music conservatory		P
Professional and vocational		P
Seminary and religious institute		P
Seasonal farm stand		P
Small Brewery		P
Solar array		P
Store, specialty		P
Studio, art		P
Theater, movie		P
Urban farm	P	P
Utility, building or structure	P	P
Utility, transmission wire, line, pipe, or pole	P	P
Vending cart, private property		P
Wireless telecommunications facility (see section 21A.40.090 , table 21A.40.090E of this title)		P

21A.33.030:TABLE OF PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS:

Legend:	C =	Conditional	P =	Permitted
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Use	Permitted And Conditional Uses By District							
	CN	CB	CS ¹	CC	CSHBD ¹	CG	TC-75	SNB
Accessory use, except those that are specifically regulated elsewhere in this title	P	P	P	P	P	P	P	P
Adaptive reuse of a landmark site	P	P	P	P	P	P	P ⁸	
Alcohol:								
Brewpub (2,500 square feet or less in floor area)		C ^{12,13}	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	
Brewpub (more than 2,500 square feet in floor area)			P ¹²	C ¹²	P ¹²	P ¹²	P ¹²	
Dining club (2,500 square feet or less in floor area)	C ^{12,13}	C ^{12,13}	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	
Dining club (more than 2,500 square feet in floor area)			P ¹²	C ¹²	P ¹²	P ¹²	P ¹²	
Distillery						P ¹⁹		
- Microbrewery-	-	-	-	-	-	P-	-	-
Social club (2,500 square feet or less in floor area)		C ^{12,13}	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	
Social club (more than 2,500 square feet in floor area)			P ¹²	C ¹²	P ¹²	P ¹²	P ¹²	
Tavern (2,500 square feet or less in floor area)		C ^{12,13}	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	
Tavern (more than 2,500 square feet in floor area)			P ¹²	C ¹²	P ¹²	P ¹²	P ¹²	
Ambulance service (indoor)			P	P	P	P	P	
Ambulance service (outdoor)			P ⁷	P ⁷	P ⁷	P		
Amusement park			P			P		

Animal:								
Cremation service				P		P		
Kennel						P		
Pet cemetery						p ⁴		
Veterinary office	C	P	P	P	P	P	C	
Antenna, communication tower		P	P	P	P	P	P	
Antenna, communication tower, exceeding the maximum building height in the zone		C	C	C	C	C	C	
Art gallery	P	P	P	P	P	P	P	P
Auction (outdoor)				P		P		
Auditorium			P	P	P	P	P	
Bakery, commercial						P		
Bed and breakfast	P	P	P	P	P	P	P	p ¹⁷
Bed and breakfast inn	P	P	P	P	P	P	P	
Bed and breakfast manor	C ³	C ³		P	P	P	P	
Blacksmith shop						P		
Blood donation center				C		P		
Brewery						p		
Bus line station/terminal				P		P	C	
Bus line yard and repair facility						P		
Car wash			P	P		P	C	
Car wash as accessory use to gas station or convenience store that sells gas			P	P	P	P	C	
Check cashing/payday loan business				p ¹⁰		p ¹⁰		
Clinic (medical, dental)	P	P	P	P	P	P	P	
Community correctional facility, large								
Community correctional facility, small						C ^{9,14}		
Community garden	P	P	P	P	P	P	P	P

Contractor's yard/office				C		P		
Crematorium			C	C	C	C	C	
Daycare center, adult	P	P	P	P	P	P	P	
Daycare center, child	P	P	P	P	P	P	P	
Daycare, registered home daycare or preschool								P
Dwelling:								
Assisted living facility (large)		P		P	P	P	P	
Assisted living facility (small)		P		P	P	P	P	P
Group home (large)		P		C		C	P	
Group home (small) when located above or below first story office, retail, or commercial use, or on the first story where the unit is not located adjacent to street frontage	P	P	P	P	P	P	P	P
Living quarter for caretaker or security guard	P	P	P	P	P	P	P	
Manufactured home								P
Multi-family		P	P	P	P	P	P	P
Residential substance abuse treatment home (large)				C		C	C	
Residential substance abuse treatment home (small)				C		C	C	
Rooming (boarding) house		P	P	P	P	P	P	
Single-family attached								P
Single-family detached								P
Single room occupancy							p ⁶	
Transitional victim home (large)				C		C	C	
Transitional victim home (small)				C		C	C	
Twin home								P
Two-family								P
Eleemosynary facility		P					P	
Equipment rental (indoor and/or outdoor)				P		P		
Farmers' market			C	C	P	P	C	

Financial institution	P	P	P	P	P	P	P	
Financial institution with drive-through facility		p ¹¹	p ¹¹	p ¹¹	p ¹¹	p ¹¹	p ¹¹	
Flea market (indoor)			P	P	P	P	C	
Flea market (outdoor)						P		
Funeral home			P	P	P	P	C	
Gas station		C	P	P	P	P		
Government facility		C	C	C	C	C	C	C
Government facility requiring special design features for security purposes	P	P	P	P	P	P	P	
Homeless shelter						C		
Hotel/motel		C		P	P	P	C	
House museum in landmark sites (see subsection 21A.24.010T of this title)								C
Impound lot						C ¹⁴		
Industrial assembly						P		
Intermodal transit passenger hub						P		
Laboratory (medical, dental, optical)			P	P		P		
Laboratory, testing			P	P		P	P	
Large wind energy system		P		P		P	P	
Laundry, commercial						P		
Library	P	P	P	P	P	P	P	C
Limousine service (large)						P		
Limousine service (small)		C		C		P		
Manufactured/mobile home sales and service						P		
Mixed use development	P	P	P	P	P	P	P	p ¹⁵
Mobile food business (operation on private property)	P	P	P	P	P	P	P	
Municipal service uses, including city utility uses and police and fire stations		C	C	C	C	C	C	C
Museum	P	P	P	P	P	P	P	P

Nursing care facility		P		P		P	P	
Office	P	P	P	P	P	P	P	P ¹⁸
Offices and reception centers in landmark sites (see subsection 21A.24.010T of this title)								C
Open space	P	P	P	P	P	P	P	
Open space on lots less than 4 acres in size								P
Park	P	P	P	P	P	P	P	
Parking:								
Commercial				C	P	P	C	
Off site	C	P	P	P	P	P	C	
Park and ride lot		C	C	P		P	C	
Park and ride lot shared with existing use		P	P	P	P	P	P	
Place of worship on lot less than 4 acres in size	P	P	P	P	P	P	P	C
Radio, television station			P	P	P	P	P	
Reception center		P	P	P	P	P		
Recreation (indoor)	P	P	P	P	P	P	P	P
Recreation (outdoor)			C	C		P	C	
Recreational vehicle park (minimum 1 acre)				C				
Recycling collection station	P	P	P	P	P	P		
Research and development facility							P	
Restaurant	P	P	P	P	P	P	P	
Restaurant with drive-through facility		p ¹¹	p ¹¹	p ¹¹	p ¹¹	p ¹¹	p ¹¹	
Retail goods establishment	P	P	P	P	P	P	P	P ¹⁶
Plant and garden shop with outdoor retail sales area	P	P	P	P	P	P	P	P
With drive-through facility		p ¹¹	p ¹¹	p ¹¹	p ¹¹	p ¹¹	p ¹¹	
Retail service establishment	P	P	P	P	P	P	P	P ¹⁶
Furniture repair shop	C	P	P	P	P	P	P	

	With drive-through facility		p ¹¹	p ¹¹	p ¹¹	p ¹¹	p ¹¹	p ¹¹	
	Reverse vending machine	P	P	P	P	P	P	P	
	Sales and display (outdoor)	P	P	P	P	P	P	C	
	School:								
	College or university		P	P	P	P	P	P	
	Music conservatory		P	P	P	P	P	P	
	Professional and vocational		P	P	P	P	P	P	
	Seminary and religious institute		P	P	P	P	P	P	C
	Seasonal farm stand	P	P	P	P	P	P	P	
	Sexually oriented business						p ⁵		
	Sign painting/fabrication						P		
	Small Brewery				<u>C</u>		<u>P</u>		
	Solar array						P		
	Storage (outdoor)				C		P		
	Storage, public (outdoor)				C		P		
	Storage, self				P		P	C	
	Store:								
	Department			P		P			
	Mass merchandising			P		P	P		
	Pawnshop						P		
	Specialty			P	P	P	P		
	Superstore and hypermarket			P			P		
	Warehouse club						P		
	Studio, art	P	P	P	P	P	P	P	P
	Studio, motion picture						P		
	Taxicab facility						P		
	Theater, live performance		p ¹⁴	p ¹⁴	p ¹⁴	p ¹⁴	p ¹⁴	p ¹⁴	
	Theater, movie		C	P	P	P	P	P	

Urban farm	P	P	P	P	P	P	P	
Utility, building or structure	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²
Utility, transmission wire, line, pipe, or pole	p ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²
Vehicle:								
Auction						P		
Automobile repair (major)				P		P	C	
Automobile repair (minor)	C	P	P	P	P	P	P	
Automobile sales/rental and service				P		P		
Automobile salvage and recycling (indoor)						P		
Boat/recreational vehicle sales and service				P		P		
Truck repair (large)						P		
Truck sales and rental (large)				P		P		
Vending cart, private property					P			
Warehouse				P		P		
Welding shop						P		
Wholesale distribution				P		P		
Wireless telecommunications facility (see section 21A.40.090 , table 21A.40.090E of this title)								C
Woodworking mill						P		

Qualifying provisions:

1. Development in the CS district shall be subject to planned development approval pursuant to the provisions of chapter 21A.55 of this title. Certain developments in the CSHBD zone shall be subject to the conditional building and site design review process pursuant to the provisions of subsection [21A.26.060D](#) and chapter 21A.59 of this title.
2. Subject to conformance to the provisions in subsection [21A.02.050B](#) of this title for utility regulations.
3. When located in a building listed on the Salt Lake City register of cultural resources (see subsections [21A.24.010T](#) and [21A.26.010K](#) of this title).
4. Subject to Salt Lake Valley health department approval.
5. Pursuant to the requirements set forth in section [21A.36.140](#) of this title.
6. Subject to location restrictions as per section [21A.36.190](#) of this title.
7. Greater than 3 ambulances at location require a conditional use.
8. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of

the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.

9. A community correctional facility is considered an institutional use and any such facility located within an airport noise overlay zone is subject to the land use and sound attenuation standards for institutional uses of the applicable airport overlay zone within chapter 21A.34 of this title.

10. No check cashing/payday loan business shall be located closer than 1/2 mile of other check cashing/payday loan businesses.

11. Subject to conformance to the provisions in section [21A.40.060](#) of this title for drive-through use regulations.

12. Subject to conformance with the provisions in section [21A.36.300](#), "Alcohol Related Establishments", of this title.

13. In CN and CB zoning districts, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.

14. Prohibited within 1,000 feet of a single- or two-family zoning district.

15. Residential units may be located above or below first floor retail/office.

16. Construction for a nonresidential use shall be subject to all provisions of subsections [21A.24.160](#) and J of this title.

17. In the SNB zoning district, bed and breakfast use is only allowed in a landmark site.

18. Medical and dental offices are not allowed in the SNB zoning district.

19. Permitted in the CG zoning district only when associated with an on site food service establishment.

21A.33.040: TABLE OF PERMITTED AND CONDITIONAL USES FOR MANUFACTURING DISTRICTS:

Legend:	C =	Conditional	P =	Permitted
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Use	Permitted And Conditional Uses By District	
	M-1	M-2
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P	P
Adaptive reuse of a landmark site	C	C ⁷
Agricultural use	P	P
Alcohol:		
- Brewery	P	P
Brewpub	C ^{6,10}	C ^{6,10}
Distillery	P	P

-	Microbrewery	€ ^{6,10} ₋	€ ^{6,10} ₋
	Social club	C ^{6,10}	C ^{6,10}
	Tavern	C ^{6,10}	C ^{6,10}
	Winery	P	P
Ambulance services (indoor and/or outdoor)		P	P
Animal:			
	Cremation service	P	P
	Kennel	P	P
	Pet cemetery	p ²	p ²
	Pound	p ¹²	p ¹²
	Raising of furbearing animals	C	P
	Stockyard	C ¹²	p ¹²
	Veterinary office	P	P
Antenna, communication tower		P	P
Antenna, communication tower, exceeding the maximum building height		C	C
Bakery, commercial		P	P
Blacksmith shop		P	P
Bottling plant		P	P
Brewery		P	P
Building materials distribution		P	P
Bus line station/terminal		P	P
Bus line yard and repair facility			P
Check cashing/payday loan business		p ⁹	
Chemical manufacturing and/or storage			C
Community correctional facility, large (see section 21A.36.110 of this title)		C ^{8,12}	
Community correctional facility, small (see section 21A.36.110 of this title)		C ^{8,12}	
Community garden		P	
Concrete and/or asphalt manufacturing		C ¹²	p ¹²
Contractor's yard/office		P	P

Crematorium	P	P
Daycare center, adult	P	
Daycare center, child	P	
Drop forge industry		P
Dwelling, living quarters for caretaker or security guard, limited to uses on lots 1 acre in size or larger and is accessory to a principal use allowed by the zoning district	P	P
Equipment, heavy (rental, sales, service)	P	P
Equipment rental (indoor and/or outdoor)	P	P
Explosive manufacturing and storage		C ¹²
Financial institution with or without drive-through facility	p ¹¹	
Flammable liquids or gases, heating fuel distribution and storage		p ¹²
Food processing	P	P
Gas station	P	P
Government facility	P	P
Government facility requiring special design features for security purposes	P	P
Grain elevator		P
Greenhouse	P	
Heavy manufacturing		p ¹²
Hotel/motel	P	
Impound lot	p ¹²	p ¹²
Incinerator, medical waste/hazardous waste		C ¹²
Industrial assembly	P	P
Laboratory (medical, dental, optical)	P	
Laboratory, testing	P	P
Large wind energy system	P	P
Laundry, commercial	P	P
Light manufacturing	P	P
Limousine service	P	P
Mobile food business (operation in the public right of way)	P	P

Mobile food business (operation on private property)	P	P
Mobile food court	P	P
Office	P	
Office, publishing company	P	
Open space	P	P
Package delivery facility	P	P
Paint manufacturing		P
Parking:		
Off site	P	P
Park and ride lot	P	P
Park and ride lot shared with existing use	P	P
Photo finishing lab	P	P
Poultry farm or processing plant		p ¹²
Printing plant	P	
Radio, television station	P	
Railroad, freight terminal facility	C ^{4,12}	C ^{4,12}
Railroad, repair shop		P
Recreation (indoor)	P	
Recreation (outdoor)	P	
Recycling:		
Collection station	P	P
Processing center (indoor)	P	P
Processing center (outdoor)	C ¹²	p ¹²
Refinery, petroleum products		C ¹²
Restaurant with or without drive-through facilities	p ¹¹	
Retail goods establishment with or without drive-through facility	p ¹¹	
Retail service establishment:		
Electronic repair shop	P	
Furniture repair shop	P	P

	Upholstery shop	P	
	Rock, sand and gravel storage and distribution	C	P
	School:		
	Professional and vocational (with outdoor activities)	P	
	Professional and vocational (without outdoor activities)	P	
	Seminary and religious institute	P	
	Seasonal farm stand	P	P
	Sexually oriented business	p ⁵	
	Sign painting/fabrication	P	P
	Slaughterhouse		p ¹²
	Small Brewery	<u>P</u>	<u>P</u>
	Solar array	P	P
	Storage and display (outdoor)	P	P
	Storage, public (outdoor)	P	P
	Store, convenience	P	P
	Studio, motion picture	P	
	Taxicab facility	P	P
	Tire distribution retail/wholesale	P	P
	Truck freight terminal	p ¹²	p ¹²
	Urban farm	P	P
	Utility:		
	Building or structure	P	P
	Electric generation facility	C ^{3,12}	C ^{3,12}
	Sewage treatment plant	C	P
	Solid waste transfer station	C ¹²	p ¹²
	Transmission wire, line, pipe or pole	p ¹	p ¹
	Vehicle:		
	Auction	P	P
	Automobile and truck repair	P	P

	Automobile and truck sales and rental (including large truck)	P	P
	Automobile part sales	P	P
	Automobile salvage and recycling (indoor)	P	P
	Automobile salvage and recycling (outdoor)	C ¹²	P ¹²
	Recreational vehicle (RV) sales and service	P	P
	Truck repair (large)	P	P
	Vending cart, private property	P	P
	Warehouse	P	P
	Welding shop	P	P
	Wholesale distribution	P	P
	Wireless telecommunications facility (see section 21A.40.090 , table 21A.40.090E of this title)		
	Woodworking mill	P	P

Qualifying provisions:

1. See subsection [21A.02.050B](#) of this title for utility regulations.
2. Subject to Salt Lake Valley health department approval.
3. Electric generating facilities shall be located within 2,640 feet of an existing 138 kV or larger electric power transmission line.
4. No railroad freight terminal facility may be located within a 5 mile radius of any other existing railroad freight terminal facility.
5. Pursuant to the requirements set forth in section [21A.36.140](#) of this title.
6. If a place of worship is proposed to be located within 600 feet of a tavern, social club, **or** brewpub **or** microbrewery, the place of worship must submit a written waiver of spacing requirement as a condition of approval.
7. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
8. A community correctional facility is considered an institutional use and any such facility located within an airport noise overlay zone is subject to the land use and sound attenuation standards for institutional uses of the applicable airport overlay zone within chapter 21A.34 of this title.
9. No check cashing/payday loan business shall be located closer than 1/2 mile of other check cashing/payday loan businesses.
10. Subject to conformance with the provisions in section [21A.36.300](#), "Alcohol Related Establishments", of this title.
11. Subject to conformance to the provisions in section [21A.40.060](#) of this title for drive-through use regulations.
12. Prohibited within 1,000 feet of a single- or two-family zoning district.

21A.33.050: TABLE OF PERMITTED AND CONDITIONAL USES FOR DOWNTOWN DISTRICTS:

Legend:	C =	Conditional	P =	Permitted
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Use	Permitted And Conditional Uses By District			
	D-1	D-2	D-3	D-4
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P	P	P	P
Adaptive reuse of a landmark site	P	P	P	p ⁴
Alcohol:				
Brewpub (indoor)	p ⁶	CP ⁶	CP ⁶	p ⁶
Brewpub (outdoor)	p ⁶	CP ⁶	CP ⁶	p ⁶
Dining club (indoor)	p ⁶	C ⁶	C ⁶	p ⁶
Dining club (outdoor)	p ⁶	C ⁶	C ⁶	p ⁶
- Microbrewery-	C ⁶ -	C ⁶ -	C ⁶ -	C ⁶ -
Social club (indoor)	p ⁶	C ⁶	C ⁶	p ⁶
Social club (outdoor)	p ⁶	C ⁶	C ⁶	p ⁶
Tavern (indoor)	p ⁶	C ⁶	C ⁶	p ⁶
Tavern (outdoor)	p ⁶	C ⁶	C ⁶	p ⁶
Animal, veterinary office		P	P	
Antenna, communication tower	P	P	P	P
Antenna, communication tower, exceeding the maximum building height	C	C	C	C
Art gallery	P	P	P	P
Bed and breakfast	P	P	P	P
Bed and breakfast inn	P	P	P	P
Bed and breakfast manor	P	P	P	P
Blood donation center		P		
Bus line station/terminal	p ⁷	p ⁷	p ⁷	p ⁷

Bus line yard and repair facility			P		
Car wash			p ³		
Check cashing/payday loan business		p ⁵			
Clinic (medical, dental)		P	P	P	P
Community garden		P	P	P	P
Convention center					P
Crematorium		P	P	P	
Daycare center, adult		P	P	P	P
Daycare center, child		P	P	P	P
Dwelling:					
	Artists' loft/studio	P	P	P	P
	Group home (large)		C	C	
	Group home (small)	P	P	P	P
	Multi-family	P	P	P	P
	Residential substance abuse treatment home (large)		C	C	
	Residential substance abuse treatment home (small)		C	C	
	Transitional victim home (large)		C	C	
	Transitional victim home (small)		C	C	
Eleemosynary facility		P	P	P	P
Exhibition hall					P
Farmers' market				P	
Financial institution		P	P	P	P
Financial institution with drive-through facility			p ⁸		p ⁸
Funeral home		P	P	P	
Gas station			P	p ⁷	p ⁷
Government facility		C	C	C	C
Government facility requiring special design features for security purposes				p ⁷	p ⁷
Heliport, accessory		C	C		C
Homeless shelter			C	C	

Hotel/motel	P	P	P	P
Industrial assembly		C	C	
Laboratory (medical, dental, optical)	P	P	P	P
Laundry, commercial		P		
Library	P	P	P	P
Limousine service		P		
Manufacturing and processing, food		P		
Mixed use development	P	P	P	P
Mobile food business (operation in the public right of way)	P	P	P	P
Mobile food business (operation on private property)	P	P	P	P
Mobile food court	P	P	P	P
Museum	P	P	P	P
Office	P	P	P	P
Office, publishing company	P	P	P	P
Open space on lots less than 4 acres in size	p ⁷	p ⁷	p ⁷	p ⁷
Park	P	P	P	P
Parking, commercial	C	P	C	C
Parking, off site	P	P	P	P
Performing arts production facility	P	P	P	P
Place of worship	p ¹¹	p ¹¹	p ¹¹	p ¹¹
Radio, television station	P	P		P
Railroad, passenger station	P	P	P	P
Reception center	P	P	P	P
Recreation (indoor)	P	P	P	P
Recreation (outdoor)		P		
Restaurant	P	P	P	P
Restaurant with drive-through facility		p ⁸		
Retail goods establishment	P	P	P	P
Retail service establishment	P	P	P	P

Retail service establishment, upholstery shop			P	P	
Sales and display (outdoor)		P	P	P	P
School:					
	College or university	P	P	P	P
	K - 12 private			P	P
	K - 12 public			P	P
	Music conservatory	P	P	P	P
	Professional and vocational	P	P	P	P
	Seminary and religious institute	P	P	P	P
Small Brewery			<u>C</u>		
Social service mission and charity dining hall			C	C	
Stadium		C	C		C
Storage, self			P	P	
Store:					
	Department	P	P		P
	Fashion oriented department	p ²			
	Mass merchandising	P	P		P
	Pawnshop		P		
	Specialty	P	P		P
	Superstore and hypermarket		P		
Studio, art		P	P	P	P
Theater, live performance		p ⁹	p ⁹	p ⁹	p ⁹
Theater, movie		P	P	P	P
Utility, buildings or structure		p ¹	p ¹	p ¹	p ¹
Utility, transmission wire, line, pipe or pole		p ¹	p ¹	p ¹	p ¹
Vehicle:					
	Automobile repair (major)		P	p ⁷	p ⁷
	Automobile repair (minor)		P	p ⁷	p ⁷
	Automobile sales/rental and service	p ¹⁰	P	p ¹⁰	

Vending cart, private property	P	P	P	P
Vending cart, public property				
Warehouse		P		
Warehouse, accessory		P	P	
Wholesale distribution		P		
Wireless telecommunications facility (see section 21A.40.090 , table 21A.40.090E of this title)				

Qualifying provisions:

1. Subject to conformance to the provisions in subsection [21A.02.050B](#) of this title.
2. Uses allowed only within the boundaries and subject to the provisions of the downtown Main Street core overlay district (section [21A.34.110](#) of this title).
3. A car wash located within 165 feet (including streets) of a residential use shall not be allowed.
4. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
5. No check cashing/payday loan business shall be located closer than 1/2 mile of other check cashing/payday loan businesses.
6. Subject to conformance with the provisions in section [21A.36.300](#), "Alcohol Related Establishments", of this title.
7. Subject to conformance with the provisions of chapter 21A.59, "Conditional Building And Site Design Review", of this title.
8. Subject to conformance to the provisions in section [21A.40.060](#) of this title for drive-through use regulations.
9. Prohibited within 1,000 feet of a single- or two-family zoning district.
10. Must be located in a fully enclosed building and entirely indoors.
11. If a place of worship is proposed to be located within 600 feet of a tavern, social club, or brewpub or microbrewery, the place of worship must submit a written waiver of spacing requirement as a condition of approval.

21A.33.060: TABLE OF PERMITTED AND CONDITIONAL USES IN THE GATEWAY DISTRICT:

Legend:	C =	Conditional	P =	Permitted
Use				G-MU
Accessory use, except those that are otherwise specifically regulated elsewhere in this title				P
Adaptive reuse of a landmark site				P
Alcohol:				
Brewpub (indoor)				p ²

	Brewpub (outdoor)	$p^{2.5}$
	Dining club (indoor)	p^2
	Dining club (outdoor)	$p^{2.5}$
	Social club (indoor)	p^2
	Social club (outdoor)	$p^{2.5}$
	Tavern (indoor)	p^2
	Tavern (outdoor)	$p^{2.5}$
Ambulance service (indoor)		C
Amphitheater		P
Animal, veterinary office		P
Antenna, communication tower		P
Antenna, communication towers, exceeding the maximum building height		C
Art gallery		P
Artists' loft/studio		P
Auction (indoor)		P
Auditorium		P
Bed and breakfast		P
Bed and breakfast inn		P
Bed and breakfast manor		P
Botanical garden		P
Bus line station/terminal		p^3
Clinic (medical, dental)		P
Community garden		P
Crematorium		P
Daycare center, adult		P
Daycare center, child		P
Dwelling:		
	Group home (large)	C
	Group home (small) when located above or below	P

	first story office, retail or commercial use, or on the first story where the unit is not located adjacent to the street frontage	
	Living quarters for caretaker or security guard	P
	Multi-family	P
	Residential substance abuse treatment home (large)	C
	Residential substance abuse treatment home (small)	C
	Single-family (attached)	P
	Transitional victim home (large)	C
	Transitional victim home (small)	C
Eleemosynary facility		P
Equipment rental (indoor and/outdoor)		P
Farmers' market		P
Financial institution		P
Flea market (indoor)		P
Funeral home		P
Government facility		C
Government facility requiring special design features for security purposes		P ³
Heliport, accessory		C
Hotel/motel		P
Industrial assembly		C
Laboratory (medical, dental, optical)		P
Large wind energy system		P
Library		P
Mixed use development		P
Mobile food business (operation in the public right of way)		P
Mobile food business (operation on private property)		P
Mobile food court		P

Museum		P
Office		P
Open space		P
Park		P
Parking:		
	Commercial	C
	Off site	P
	Park and ride lot	C
	Park and ride lot shared with existing use	P
Performing arts production facility		P
Photo finishing lab		P
Place of worship		P
Radio, television station		C
Reception center		P
Recreation (indoor)		P
Recreation (outdoor)		C
Restaurant		P
Retail goods establishment		P
Retail goods establishment, plant and garden shop, with outdoor retail sales area		P
Retail service establishment		P
Retail service establishment, upholstery shop		C
School:		
	College and university	P
	K - 12 private	P
	K - 12 public	P
	Music conservatory	P
	Professional and vocational	P
	Seminary and religious institute	P
Seasonal farm stand		P

Small Brewery		C
Social service mission and charity dining hall		C
Solar array		P
Stadium		C
Storage, self		p ³
Store:		
	Department	P
	Mass merchandising	P
	Specialty	P
	Superstore and hypermarket	P
Studio, art		P
Studio, motion picture		C
Theater, live performance		p ⁴
Theater, movie		P
Urban farm		P
Utility, building or structure		p ¹
Utility, transmission wire, line, pipe or pole		C
Vehicle:		
	Automobile repair (minor)	P
	Automobile sales/rental and service (indoor)	P
	Boat/recreational vehicle sales and service (indoor)	P
Vending cart, private property		P
Vending cart, public property		P
Wireless telecommunications facility (see section 21A.40.090 , table 21A.40.090E of this title)		
Zoological park		C

Qualifying provisions:

1. Subject to conformance to the provisions in subsection [21A.02.050B](#) of this title.
2. Subject to conformance with the provisions of section [21A.36.300](#), "Alcohol Related Establishments",

of this title.

3. Subject to conformance with the provisions of chapter 21A.59, "Conditional Building And Site Design Review", of this title.

4. Prohibited within 1,000 feet of a single- or two-family zoning district.

5. Subject to the requirements set forth in section [21A.40.065](#), "Outdoor Dining", of this title.

No conditional use permit shall be granted for any property which abuts a residential zoning district, except for places of worship, public/private utilities and related facilities, residential facilities for persons with a disability and educational facilities.

Clinic (medical, dental)	P	P											P	P			P
Community garden	P	P	P	P	P	P	P	P			P	P	P	P	P		P
Convent/monastery													P	P			
Daycare center, adult	P	P									P	P	P	P			P
Daycare center, child	P	P								P	P	P	P	P			P
Dental laboratory/research facility	P	P											C	C			P
Dwelling:																	
Assisted living facility													P	P			P
Congregate care facility													P	P			P
Group home (large)																	C
Group home (small)			P	P	P	P											P
Living quarters for caretaker or security guard	P	P									P		P	P			P
Manufactured home				P	P	P											P
Mobile home															P		
Multi-family														P			P
Resident healthcare facility													P	P			P
Residential substance abuse treatment home (large)														P			C
Residential substance abuse treatment home (small)														P			P

Rooming (boarding) house																		P
Single-family (attached)																		P
Single-family (detached)			P	P	P	P												P
Transitional victim home (large)																		C
Transitional victim home (small)																		P
Twin home and two-family																		P
Eleemosynary facilities											P	P	P	P				P
Exhibition hall											C	P	C	P				
Extractive industry																	P	
Fairground											C							
Farm stand, seasonal				P	P	P	P											P
Financial institution	P	P																P
Financial institution with drive-through facility	P ¹⁴	P ¹⁴																
Gas station		P ⁷																
Government facility	C	C								P	C	C	C ¹³	C			P	C
Government facility requiring special design features for security purposes																		C
Government office	P	P								P	P	P	P	P				P
Heliport	C	C								P		P	C	C				

Hospital, including accessory lodging facility	C											P	P				
Hotel/motel	C	C								P						P	
Industrial assembly		P								P							
Jail											C						
Jewelry fabrication		P															
Large wind energy system	C	C		C	C	C	C			C			P	P			
Library											P	P	P	P		P	
Light manufacturing		C								P							
Manufacturing, concrete or asphalt																p ¹⁵	
Meeting hall of membership organization		P										P	P	P		P	
Mixed use development																P	
Mobile food business (operation on private property)	P	P												P	P	P	
Municipal service uses, including city utility uses and police and fire stations	C	C								P	C	C	C ¹⁴	C		P	C
Museum	C							P			P	P	P	P			P
Nursing care facility													P	P			P
Office	P	P								P	P	P	P	P			P

Retail goods establishment		P ⁷									P						P
Retail, sales and service accessory use when located within a principal building											P						
Retail, sales and service accessory use when located within a principal building and operated primarily for the convenience of employees	P	P								P	P	P	P	P			P
School:																	
College or university											P	P	P				
K - 12 private										P	P	P	P				
K - 12 public										P	P	P	P				
Music conservatory												P	P				P
Professional and vocational	P	P								P			P	P			
Seminary and religious institute												P	P				C
Small Brewery		C															
Solar array	P	P		P						P	P		P				
Stadium											C		C	C			
Storage, accessory (outdoor)		P								P						P	
Studio, art																	P
Theater, live performance	C ¹⁵	C ¹⁵									C ¹⁵	C ¹⁵	C ¹⁵	C ¹⁵			C ¹⁵

Theater, movie												C					C
Transportation terminal, including bus, rail and trucking										P							
Urban farm	P	P	P	P	P	P	P	P			P	P	P	P			
Utility, building or structure	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹		p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹
Utility, transmission wire, line, pipe or pole	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹		p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹
Vehicle, automobile rental agency		P								P							
Vending cart, private property	P	P															
Vending cart, public property								P									
Warehouse		P								P							
Warehouse, accessory to retail and wholesale business (maximum 5,000 square foot floor plate)																	P
Wholesale distribution		P								P							
Wireless telecommunications facility (see section 21A.40.090 , table 21A.40.090E of this title)																	
Zoological park								P									

Qualifying provisions:

1. Subject to conformance to the provisions in subsection [21A.02.050B](#) of this title.

2. When located in a building listed on the Salt Lake City register of cultural resources.
3. When located on an arterial street.
4. Subject to Salt Lake Valley health department approval.
5. In conjunction with, and within the boundaries of, a cemetery for human remains.
6. Radio station equipment and antennas shall be required to go through the site plan review process to ensure that the color, design and location of all proposed equipment and antennas are screened or integrated into the architecture of the project and are compatible with surrounding uses.
7. When approved as part of a business park planned development pursuant to the provisions of chapter 21A.55 of this title.
8. Kennels, whether within penned enclosures or within enclosed buildings, shall not be permitted within 200 feet of an existing single-family dwelling on an adjacent lot.
9. Trails and trailheads without parking lots and without directional and informational signage specific to trail usage shall be permitted.
10. Greater than 3 ambulances at location require a conditional use.
11. Maximum of 1 monopole per property and only when it is government owned and operated for public safety purposes.
12. Subject to conformance with the provisions in section [21A.36.300](#), "Alcohol Related Establishments", of this title.
13. If located on a collector or arterial street according to the Salt Lake City transportation master plan - major street plan: roadway functional classification map.
14. Subject to conformance to the provisions in section [21A.40.060](#) of this title for drive-through use regulations.
15. Prohibited within 1,000 feet of a single- or two-family zoning district.

21A.36.300: ALCOHOL RELATED ESTABLISHMENTS:

A. Purpose Statement: The purpose of this section is to permit the establishment of taverns, social clubs, dining clubs, **and** brewpubs, ~~and microbreweries~~ as defined in chapter 21A.62 of this title, subject to licensing procedures, and where appropriate, conditional use standards.

B. License Required: No tavern, social club, dining club, **or** brewpub, ~~or microbrewery~~ shall be established, operated, or maintained within the city without a valid license issued by the Utah state division of licensing, and without a valid business license issued by the city.

C. Taverns, Social Clubs, Dining Clubs, **and** Brewpubs, ~~And Microbreweries~~; Authorized As Permitted Uses: Taverns, social clubs, brewpubs, **and** dining clubs ~~and microbreweries~~ shall be permitted pursuant to subsection B of this section in zoning districts noted in the tables of permitted and conditional uses.

D. Taverns, Social Clubs, Dining Clubs, **and** Brewpubs, ~~And Microbreweries~~; Authorized As Conditional Uses: Taverns, social clubs, dining clubs, **and** brewpubs, ~~and microbreweries~~ may be allowed as conditional uses pursuant to the provisions of chapter 21A.54 of this title, and pursuant to subsection B of this section in zoning districts noted in the tables of permitted and conditional uses provided the following standards are achieved:

1. In approving a conditional use permit for a tavern, social club, dining club, **or** brewpub, ~~or microbrewery~~, the planning commission shall:

a. Require that a security and operations plan be prepared by the applicant and approved by the Salt Lake City police department and the building official, and filed with the city recorder's office, which shall include:

(1) A complaint-response community relations program; and

(2) A provision for a representative of the tavern, social club, dining club, **or** brewpub, ~~or microbrewery~~ to meet with neighbors upon request in order to attempt to resolve any neighborhood complaints regarding the operations on the business premises;

(3) Design and construction requirements to ensure that any sound level originating within the premises, measured within fifteen feet (15') from an exterior wall or door thereof, does not exceed the maximum permissible sound level set forth for the applicable zoning district in [chapter 9.28](#) of this code;

(4) A provision stating that live entertainment shall only be located within an enclosed building subject to the foregoing sound limit;

(5) Prohibiting electronically amplified sound in any exterior portion of the premises;

(6) Designation of a location for smoking tobacco outdoors in conformance with state law;

(7) A provision stating that any trash strewn on the premises be collected and deposited in a trash receptacle by six o'clock (6:00) A.M. the following day, including any smoking and parking lot areas; and

(8) A provision stating that portable trash receptacles on the premises be emptied daily and automated receptacles be emptied at least weekly. Automated receptacles shall be located only within a city approved trash storage area; and

(9) A parking management plan which shall include consideration of the impact of parking on surrounding neighborhoods;

b. Require a review and approval of the site and floor plan proposed for the premises by the Salt Lake City police department. Such review may require design features for the purpose of reducing alcohol related problems such as consumption by minors, driving under the influence, and public drunkenness;

c. Require buffering where a tavern, social club, dining club, or brewpub, ~~or microbrewery~~ abuts a residentially zoned parcel. Said buffering shall include vegetative landscaping or walls along any property line or within any required yard area on the lot where the premises are located;

d. Require that landscaping be located, and be of a type, that cannot be used as a hiding place; and

e. Require that the exterior of the premises be maintained free of graffiti, including the main building, any accessory buildings or structures, and all signs. Graffiti shall be removed from the exterior of the premises within forty eight (48) hours, weather permitting.

2. If necessary to meet the standards for approval of a conditional use set forth in section [21A.54.080](#) of this title, the following conditions may be imposed:

a. Limit the size and kind of signage located on the outside of any building in conformance with chapter 21A.46 of this title;

b. Require parking area lighting to produce a minimum foot-candle that provides safe lighting for pedestrians, but does not intrude on residents' enjoyment of their homes; and

c. Consider the proposed location of an outdoor smoking area in the security and operations plan and the potential effect on neighboring residences, businesses, and buildings and designating a new area if the potential effects of the area in the security

and operations plan appear to adversely affect neighboring residences, businesses, and buildings.

E. Minimum Area: In the CN and RB zoning districts, an alcohol related establishment shall only be allowed if such zoning district in which the alcohol related establishment is proposed is at least one-half ($\frac{1}{2}$) acre in contiguous area.

F. Concentration Prohibited: In the CN and RB zoning districts, not more than one alcohol related establishment as noted in the table of permitted and conditional uses shall be located within six hundred feet (600') of another alcohol related establishment as measured linearly without regard to intervening structures from the nearest point on the property line of one establishment to the nearest point on the property line of the second establishment. In CB zoning districts, not more than one social club, dining club, brewpub, or tavern shall be located within three hundred fifty feet (350') of another alcohol related establishment as measured linearly without regard to intervening structures from the nearest point of the property line of one establishment to the nearest point on the property line of the second establishment. (Ord. 65-12, 2012)

21A.38.040: NONCONFORMING USES:

A. Regulations For Nonconforming Parking, Signs, Landscaping, Airport Flight Path Protection Overlay, Riparian Corridor Overlay And Sexually Oriented Businesses:

Regulations for nonconforming parking, signs and landscaping are regulated by the provisions set forth in chapters 21A.44, 21A.46 and 21A.48 of this title. Nonconforming regulations for the airport flight path protection overlay and the riparian corridor overlay are set forth in sections [21A.34.040](#) and [21A.34.130](#) of this title. Nonconforming sexually oriented businesses are also subject to subsection [21A.36.140C](#) of this title and section [5.61.065](#) of this code.

B. Nonconformity Of Taverns, Social Clubs, Dining Clubs, Brewpubs Or Microbreweries: A legally existing tavern, social club, dining club, ~~or brewpub or microbrewery~~ shall not be deemed nonconforming for purposes of expansion, reconstruction or licensing (as long as the use is permitted in the base zoning district) if the only reason for such nonconformity is due to the subsequent location of a school, church or park within the spacing requirements as specified under requirements of state law.

21A.60.020: LIST OF DEFINED TERMS:

Alcohol, brewpub.

Alcohol, brewpub (indoor).

Alcohol, brewpub (more than 2,500 square feet in floor area). See Alcohol, brewpub.

Alcohol, brewpub (outdoor).

Alcohol, brewpub (2,500 square feet or less in floor area). See Alcohol, brewpub.

Alcohol, dining club.

Alcohol, dining club (2,500 square feet or less in floor area).

Alcohol, distillery.

Alcohol, liquor store.

Alcohol, microbrewery.

Alcohol related establishment.

Alcohol, social club.

Alcohol, social club (indoor).

Alcohol, social club (more than 2,500 square feet in floor area). See Alcohol, social club.

Alcohol, social club (outdoor).

Alcohol, social club (2,500 square feet or less in floor area). See Alcohol, social club.

Alcohol, tavern.

Alcohol, tavern (indoor).

Alcohol, tavern (more than 2,500 square feet in floor area). See Alcohol, tavern.

Alcohol, tavern (outdoor).

Alcohol, tavern (2,500 square feet or less in floor area). See Alcohol, tavern.

Alcohol, winery.

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. .

Small brewery

21A.62.040: DEFINITIONS OF TERMS:

~~ALCOHOL, BREWPUB: A restaurant type establishment that also has a beer brewery, producing beer in batch sizes not less than seven (7) U.S. barrels (31 gallons), on the same property which produces only enough beer for sale and consumption on site or for retail carryout sale in containers holding less than two liters (2 l) or for wholesale as outlined in subsections D and E of this definition. Automated bottle or canning production is prohibited. At least fifty percent (50%) of the beer sold shall be brewed on the premises. Revenue from food sales shall constitute at least fifty percent (50%) of the total business revenues, excluding retail carryout sales of beer. Brewpubs are limited to a total brewing capacity of two thousand five hundred (2,500) barrels per year or one hundred twenty (120) barrels of fermentation at~~

any one time, whichever is less. Brewpubs may sell beer in keg (larger than 2 liters) containers for the following purposes and in the following amounts:

A. An unlimited number of kegs (not to exceed 2,500 barrel capacity) for "brew fests" which, for the purpose of this definition, means events, the primary purpose of which is the exposition of beers brewed by brewpubs and microbreweries, which include the participation of at least three (3) such brewers;

B. No more than one hundred (100) kegs per year (not to exceed 2,500 barrel capacity) to events sponsored by charitable organizations exempt from federal income tax pursuant to 26 USC section 501(c)(3) or its successor; and

C. No more than one hundred (100) kegs per year (not to exceed 2,500 barrel capacity) to events operating under a single event license from the state and the city where the purpose of the event is not for commercial profit and where the beer is not wholesaled to the event sponsor but is, instead, dispensed by employees of the brewpub;

D. Unlimited distribution to other restaurants of same ownership or control (not to exceed 2,500 barrel capacity). "Ownership or control" means more than fifty percent (50%) ownership in the actual business or controlling interest in any management partnership; and

E. No more than five hundred (500) barrels for wholesale distribution (not to exceed 2,500 barrel capacity).

ALCOHOL, BREWPUB: A restaurant type establishment that also contains a brewery, where the product is brewed primarily for sale in the associated restaurant. Bottling and canning is allowed for on-site distribution only and not for wholesale distribution. Brewpubs may sell their product in kegs for wholesale distribution. At least 50% of the total business revenue must be from food, excluding wholesale and retail carryout sales of beer.

ALCOHOL, MICROBREWERY: A brewpub which, in addition to retail sale and consumption on site, markets beer wholesale in an amount not to exceed sixty thousand (60,000) barrels (31 gallons) per year. Revenue from food sales must constitute at least fifty percent (50%) of the total business revenues, excluding wholesale and retail carryout sales of beer.

ALCOHOL RELATED ESTABLISHMENT: Tavern, social club, dining club, or brewpub, or microbrewery.

BREWERY: A business establishment that manufactures beer, heavy beer, or malt liquor for off premises consumption, not to include those alcoholic beverages produced in a distillery or winery.

BREWERY: A business establishment that manufactures beer, heavy beer, or malt liquor as defined and regulated in Title 32B, Utah Code, as amended.

SMALL BREWERY: A brewery that produces less than 15,000 barrels of beer, heavy beer, or malt liquor annually and occupies less than 10,000 square feet in gross floor area.

ATTACHMENT D: Analysis of Standards

21A.50.050: A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. In making a decision concerning a proposed text amendment, the City Council should consider the following:

Factor	Finding	Rationale
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;	Complies	The amendments provide the opportunity for smaller, locally owned craft breweries to locate in more areas of the City where they would be appropriate. These facilities contribute to the local economy and to the vibrancy of mixed-use neighborhoods, which is consistent with Salt Lake City’s vision of developing a <i>“robust economic activity to create a superb place for people to live, work, grow, invest and visit”</i> as stated in the Salt Lake City Vision and Strategic Plan (adopted, 1993)
2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;	Complies	The purpose of the amendments is to align land use regulations with the modern craft beer industry. The craft beer industry provides a positive contribution to the local economy; therefore, the proposed amendments would help foster the city’s industrial and business development. This is a specific purpose statement of 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;	No applicable. This standard does not apply.	The proposed text amendment is citywide and is not tied directly to any specific property within the city. Any future development that results from the proposed zoning changes would be subject to all pertinent zoning regulations.
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.	Complies	<p>The purpose of the proposed amendments is to align land use regulations with the modern beer manufacturing industry and to clarify zoning language for more consistent implementation of the regulations; both of which implement best planning practices.</p> <p>The proposed amendments are related to beer manufacturing facilities. As with any manufacturing facility, careful attention needs to be made to ensure that the placement of these facilities is compatible with adjacent land uses. The proposed amendments consider where the subject uses could be located in relation to adjacent zoning. In areas where the subject uses have the potential to impact adjacent land uses, they would require conditional use approval. This is consistent with best planning practices.</p>
5. 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, stormwater drainage systems, water supplies, and wastewater and refuse collection.	Not applicable. At this current time, this standard does not apply.	The proposal is not site specific. All requests for a new use would be reviewed to ensure compliance with City codes and policies.

ATTACHMENT E: Public Process and Comments

The Planning Division held a public open house meeting regarding the proposed ordinance on May 21, 2015. The open house meeting notice was sent on May 12, 2015 through the Planning Division listserv, which includes all community council chairs. In addition to the standard noticing, Planning Division staff sent a notice and a summary of the proposed changes to the president of the Utah Brewers Guild and other individuals who have interest in the project. Four people attended the open house meeting, all of which work in the brewing industry.

Since the open house meeting was held, changes were made to the ordinance in response to feedback received from individuals in the brewing industry. Planning Division staff sent the next draft summary of the proposed ordinance changes to representatives in the brewing industry on June 5, 2014 to obtain feedback. The final proposed changes are a result of working with the local brewing industry, as well as consideration of potential impacts the uses could have on adjacent land uses.

ATTACHMENT F: City Department Comments

The proposed zoning amendments were sent to the following City Departments/Divisions for review:

- Building Services;
- Engineering;
- Public Utilities;
- Fire;
- Transportation;
- Sustainability;
- Police;
- City Attorney;
- Business Licensing; and
- the Redevelopment Agency

The only comments received were from the Building Services Division. The representative from Building Services provided the following comment in addition to a supplementary document provided on the next page:

Provide a working definition of floor area as it relates to determining compliance with the 2,500 sq. ft. rule for alcohol related establishments. The two floor area definitions we have now in chapter 62 have been problematic in the past.

This issue is addressed in the Key Issues section of the staff report.

Wayne Mills,

Re: PLNZAD2015-00151 Zoning Text Amendments for Breweries and Brewpubs.

The permits office has the following comments regarding all alcohol related establishments. We do not have a good definition on how to measure floor area for compliance with the 2,500 sq. ft. requirement as it applies to alcohol related establishments.

In, chapter 62 we have floor area for determining the size of establishment:

FLOOR AREA, GROSS: "Gross floor area" (for determining size of establishment) means the sum of the gross horizontal area of all floors of the building measured from the exterior face of the exterior walls or from the centerline of walls separating two (2) buildings. The floor area of a building shall include basement floor area, penthouses, attic space having headroom of seven feet (7') or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses. Space devoted to open air off street parking or loading shall not be included in floor area.

The floor area of structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks, shall be determined on the basis of height in feet (i.e., 10 feet in height shall equal 1 floor).

And we have floor area for determining off-street parking:

FLOOR AREA, USABLE: "Usable floor area" (for determining off street parking and loading requirements) means the sum of the gross horizontal areas of all floors of the building, as measured from the outside of the exterior walls, devoted to the principal use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any floor area devoted to retailing activities, to the production or processing of goods or to business or professional offices. Floor area for the purposes of measurement for off street parking spaces shall not include:

A. Floor area devoted primarily to mechanical equipment or unfinished storage areas;

B. Floor area devoted to off street parking or loading facilities, including aisles, ramps, and maneuvering space.

In one case, The Avenues Proper, the definition of "gross floor area for determining the size of establishment" was problematic because the ordinance requires us to measure from the exterior walls and include basements, attics, balconies, accessory storage areas, counters, racks, closets, food production areas, offices, etc. They had a large basement so they exceeded the floor area.

We had a similar problem with East Liberty Tap House, which exceeded the 2,500 square feet. We (planning) allowed them to define a small section of the floor area within the dining area of a restaurant as the drinking establishment area. While this decision helped for zoning approval it became problematic for the owner and architect because they had not planned for the two different building code occupancy classifications as the relate the number of required exits and restroom facilities.

We also do not know how to count outdoor dining floor area when related to drinking establishments.

ATTACHMENT G: Motions

Based on the findings listed in the staff report, it is the Planning Staff's opinion that the project meets the applicable standards for zoning text amendments and therefore recommends that the Planning Commission forward a positive recommendation to the City Council.

Consistent with Staff Recommendation:

Based on the findings in the staff report and made in this meeting, I find the proposal adequately meets the standards for general text amendments and therefore recommends the Planning Commission transmit a positive recommendation for PLNPCM2015-00151 to the City Council to adopt the proposed zoning ordinance text amendments.

Not Consistent with Staff Recommendation:

Based on the findings made at this meeting, I find that the proposed amendments do not adequately meet the standards for general text amendments and therefore recommend the Planning Commission transmit a negative recommendation for PLNPCM2015-00151 to the City Council to adopt the proposed zoning ordinance text amendments.