



Staff Report

PLANNING DIVISION
COMMUNITY & NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Christopher Lee, 801-535-7706, christopher.lee@slcgov.com

Date: August 9, 2017

Re: PLNPCM2017-00272: Temporary Use (21A.42) Zoning Text Amendment

ZONING TEXT AMENDMENT

PROPERTY ADDRESS: N/A
PARCEL ID NUMBERS: N/A
MASTER PLAN: N/A
ZONING DISTRICT: N/A

REQUEST: A petition initiated by Mayor Biskupski to modify the Temporary Uses (21A.42) section of the Salt Lake City Zoning Ordinance. This is part of an ongoing effort to simplify and streamline planning processes and regulations. Current Temporary Use standards have created confusion for the public, the business community, and for city departments involved with applying them. This text amendment will clarify and facilitate the process to obtain a temporary use permit. The proposed text amendment will be citywide.

RECOMMENDATION: Based on the analysis and findings presented in this report, Planning Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed zoning text amendment in petition PLNPCM2017-00272.

ATTACHMENTS:

- A. [Summary of Proposed Ordinance Changes](#)
- B. [Legislative Ordinance](#)
- C. [Analysis of Standards](#)
- D. [Public Process and Comments](#)
- E. [Department Comments](#)

PROJECT DESCRIPTION:

On April 1, 2017, the Mayor initiated a petition to:

...process a zoning text amendment that would modify Chapter 21A.42 Temporary Uses. In an on-going effort to simplify and streamline our processes and regulations, the Department

of Community and Neighborhoods has identified issues with our current regulations relating to Temporary Uses and Temporary Structures.

Temporary Use permits are issued regularly for a wide variety of items and events including festivals, fundraisers, large scale outdoor sales events, temporary food service, Christmas tree sales, etc. However, the Temporary Use standards currently in place are not clear and comprehensive. The public has reported confusion in regards to exactly what types of uses and structures are allowed and the standards that regulate them. City departments tasked with administering temporary use permits have also stated that there are various shortcomings and confusing elements within the existing language of the Temporary Uses section of the code.

Given the existing situation, Planning Staff has proposed various changes that clarify, simplify, and expand the types of temporary uses that are allowed across Salt Lake City. The proposed text amendments have been determined through public and departmental outreach, research into best practices and existing ordinances in other cities, and significant staff analysis. They will be discussed in depth in this section, but a summary of the proposed changes is included as [Attachment A](#).

Temporary Uses Vs. Temporary Structures

A major issue with the current *Temporary Uses* chapter is that temporary structures are listed in the *Permitted Temporary Uses* section along with temporary uses as if they are one and the same. That coupling has created confusion among applicants regarding the differences between uses and structures associated with those uses.

A prime example of the confusing connection between uses and structures is illustrated by the *Snow cones and shaved ice huts* section. The very name of that temporary use category fuses a temporary use with a temporary structure serving to reinforce the perception that they are one and the same. It goes so far as to stipulate that an applicant must utilize specific structures identified by names and model numbers to receive a temporary use permit. Staff believes that an applicant should have the freedom to utilize a temporary structure to further a temporary use if s/he chooses to do so, rather than it being an inherent part of the temporary use approval.

In an attempt to address those issues, a totally separate *Permitted Temporary Structures* section is proposed which clearly separates temporary uses from the types of structures that can be utilized to facilitate an approved temporary use. No use is tied to a specific structure, nor is any structure specifically tied to a use. In so doing, both the *Permitted Temporary Uses* and the *Permitted Temporary Structures* sections are easier to understand and structures are clearly established as ancillary to temporary uses and not as temporary uses unto themselves.

To further clarify the proposed *Permitted Temporary Structures* section, it has been classified in two ways. There are standards for temporary structures that are utilized along with a temporary use and another set of standards for temporary structures that are utilized by a permanent, established business. Certain businesses may have a need for a temporary structure on the property to facilitate some sort of business purpose. This will provide guidelines for those very specific occasions.

Where Temporary Uses are Allowed

Another proposal meant to simplify the existing ordinance is to reduce the variability of where Temporary Uses can occur. Currently, each temporary use section specifies which zones allow that use. That approach increases the amount of text in the code and can seem rather arbitrary in how the zones were selected. To simplify that system, it is proposed that the zoning districts wherein all Temporary Uses can occur are listed in the *Use Limitations* section of the ordinance instead of the categories. The proposed language delineating those zoning districts states that:

Temporary uses are allowed in all non-residential zoning districts and in the following residential zoning districts: RB, R-MU, R-MU-35, R-MU-45, RO. Temporary uses are also allowed in other zoning districts as authorized in sections 21A.42.080 and 21A.42.090.

Allowing Temporary uses in all non-residential zoning districts and only in residential districts that already allow mixed commercial and higher density residential uses, should produce minimal conflicts with neighboring properties.

Fundraisers

The proposed text amendment adds fundraisers to the list of allowed temporary uses. The proposed *Fundraisers* category would permit recognized community organizations or non-profits to run a fundraiser for a maximum of three days in any zoning district, including the low-density residential districts with the thought being that such events and/or sales support the local neighborhoods.

Snow Cones, Shaved Ice Huts, and Other Small Scale Temporary Uses

The existing zoning text related to snow cones and shaved ice huts implies that snow cones and shaved ice are the only types of food sales that are allowed as a temporary use. It is difficult to know why it is so specific. Perhaps, when originally written, it may have been established as a specific category because snow cones and shaved ice were the only type of food sold by vendors seeking temporary use permits. There are other food types that could potentially be sold via a temporary use and the City should provide a level playing field for all vendors as long as the applicant meets all standards laid out in the temporary use section, as well as all applicable health codes and any and all regulations required by other branches of government such as the County and State.

Another limiting element of the current language in the *Snow cones and shaved ice huts* section of the code, is that they are only allowed “*between the dates of May 15 and September 15 of each calendar year*.” That time frame is reasonable and adequate for a snow cone/shaved ice stand, but it limits other uses. The proposed changes would eliminate any seasonal or date range and simply places a limit of 120 days during each calendar year. This is a change that would also be made to the Farmers’ Markets section which is currently only allowed June-October.

Given those issues, the *Snow cones and shaved ice huts* category is proposed to be changed to *Temporary Food Service and Other Small Scale Temporary Uses*. The change would dramatically expand the types of food that can be sold as a temporary use (as long as all health and other permits are in place), disentangle the type of use from the structure that may be utilized, increase the flexibility

of when and where such uses can occur throughout the year, and expand into more general small scale uses.

Other Small Scale Temporary Uses is proposed to be added to this section because Building Services reports that it can be challenging to accommodate individuals seeking permits to sell retail items for a limited time. When such items are directly related to a specific holiday or season (such as flowers at Memorial Day or Veterans Day), the *Christmas Tree and Other Seasonal Item Sales* category can usually be utilized. However, there are some proposals that must be turned away regardless of potential public benefits.

Christmas Tree Sales and Other Seasonal Item Sales

Staff is proposing to remove “Other Seasonal Item Sales” from the “Christmas Tree Sales” temporary use. That designation has generally worked to facilitate other temporary uses not tied to Christmas, but it is overly complicated. Staff is of the opinion that the classification, *Other Seasonal Item Sales*, should be eliminated because it is unclear and there is no need to establish temporary uses exclusively around Christmas, or any other holiday for that matter, with the exception of Christmas tree sales. If *Temporary Food Service and Other Small Scale Temporary Uses* is adopted, *Seasonal Item Sales*, will no longer be necessary and can be eliminated completely because it would be allowed as either a Small Scale Temporary Use or other temporary use classification.

Although it is exceptionally limited in focus, Staff is of the opinion that *Christmas Tree Sales* should remain as a separate and unique category. This is due in part to the duration and space that is required for selling Christmas trees, but mostly because of where such sales have traditionally occurred throughout the City. Similar to the *Fundraisers* category, the proposed *Christmas Tree Sales* category would expand on established parameters by stating that:

In addition to the zoning districts allowed for all temporary uses, Christmas tree sales are permitted on any parking lot for a legally existing recreational land use that is seasonal in nature and not being used concurrently or if the site has more parking than is required per the zone.

This stipulation is included due to the established practice within Salt Lake City of Christmas tree sales being located on golf course parking lots that are underutilized during the winter months. The proposed language accommodates a change to the lot and bulk controls.

KEY ISSUES:

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

Issue 1 – Master Plan Considerations

Nearly all Salt Lake City master plans and other policy documents discuss the importance of vibrant neighborhoods with diverse uses that serve to bolster the areas where they are located. Although only temporary in nature, the types of uses which are addressed in chapter 21A.42 of

the Salt Lake City Zoning Ordinance serve to spur entrepreneurship, stimulate the economy, activate underutilized urban spaces, and enliven neighborhoods.

The *Economy* section of the citywide vision, *Plan Salt Lake*, emphasizes the importance of offering a variety of opportunities for residents to pursue business success. The third initiative in that section is to:

3. Support the growth of small businesses, entrepreneurship and neighborhood business nodes.

Improving and simplifying the process for obtaining Temporary Use permits while expanding it to uses that may have been previously excluded, is consistent with the objectives of *Plan Salt Lake* and other city master plans.

Issue 2 – Community Benefits of Temporary Uses

The temporary businesses that appear in various spots around cities through temporary use permitting are often referred to as “pop ups”. They can serve to propel entrepreneurial activities and enliven vacant, neglected, and under-utilized properties. By striving to remove barriers to creativity in regards to types and locations of temporary uses, this proposed text amendment seeks to implement the best current practices of urban planning and design in regards to temporary uses which serve to create social spaces and activate neighborhoods.

DISCUSSION:

When considering the proposed changes, it was apparent that if adjusted correctly, the existing codified standards provide a practical pattern for improvements. The proposal improves the Temporary Use section (21A.42) by making it easier to identify permitted uses, where and when such uses can occur, and the structures that can be utilized in concert with them. It should achieve the objectives of the Mayor’s petition to simplify the ordinance and make it much more “user friendly” for both applicants and city staff who assist them. Additionally, by providing more flexibility for both the types of uses and structures that are allowed, it could potentially serve to improve the economy and enliven various spaces throughout Salt Lake City.

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: PROPOSED ORDINANCE CHANGES

An overview of the proposed changes to the Temporary Use section (21A.42) of the Salt Lake City Zoning Code is illustrated in the following chart. For a detailed strike and underline legislative version of the proposed changes, please see Attachment B.

Topic	Existing Text or Standards	Description and Reason for Proposed Changes
Purpose Statement	<i>This chapter is intended to provide general regulations, applicable in all zoning districts, for uses, and structures which have only a seasonal or temporary duration, such as uses and structures associated with carnivals and fairs, the Christmas season, or the construction period of a real estate development. (Ord. 26-95 § 2(21-0), 1995)</i>	<i>This chapter is intended to provide general regulations for uses, and the structures associated with them, which have only a seasonal or temporary duration. (Ord. 26-95 § 2(21-0), 1995)</i> Reason: The purpose of the change is to simplify the text and provide a clear concept of temporary uses.
Food Trucks and Trailers	Not currently mentioned.	The following language will be added to the <i>Applicability</i> and <i>Temporary Food Service and Other Small Scale Temporary Uses</i> sections: <i>Food trucks and trailers are subject to chapter 21A.36 of this title if on private property or chapter 5.69 if on public property.</i> Reason: The purpose of the change is to clarify that the Temporary Use chapter does not pertain to food trucks and trailers.
Revocation of Permit	References section 21A.08.060 for procedures but it isn't adequately addressed therein.	-Added language specifically addressing the authority and process whereby a permit can be revoked. -Revocation is effective 24 hours from date of notice. Reason: The purpose of the change is to provide a process for permit revocation.
Zoning Districts wherein Temporary Uses are Allowed	The permitted zones are addressed under each use category.	The following language applies to all temporary uses with the only variation occurring in the <i>Fundraisers</i> and <i>Christmas Tree Sales</i> use categories: <i>Temporary uses are allowed in all non-residential zoning districts and in the following residential zoning districts: RB, R-MU, R-MU-35, R-MU-45, RO. Temporary uses are also allowed in other zoning districts as authorized in sections 21A.42.080 and 21A.42.090.</i>

		Reason: The purpose of the change is to standardize and simplify where Temporary Uses can occur.
Legally Existing Businesses	Not currently mentioned.	<i>Legally existing businesses are subject to the regulations in the underlying zoning district and any applicable regulation regarding outdoor sales.</i> Reason: This is to establish the difference between an established business located in a building and simple temporary uses.
Outdoor Sales of Plant Products	-Permitted in the CN, CB, CS, CC, CSHBD, CG, D-2, M-1, M-2, and I zoning districts. -Allowed April-October	-This category to be eliminated. Reason: This category was established to allow existing businesses to have outdoor plant sales in their parking lot. Outdoor sales and display has been added as an actual use in the Zoning Ordinance land use tables; therefore, this category is no longer needed.
Fundraisers	Not currently mentioned.	- <i>Fundraisers</i> is a new proposed category. - <i>Fundraisers</i> are permitted in any zoning district provided that the applicant is a recognized community organization or non-profit, and the sale or event is no more than three (3) consecutive days. Reason: allows fundraising events in all zoning districts including single and two-family. A low impact temporary use that benefits the community and neighborhoods.
Christmas Tree Sales	Permitted in the CN, CB, CS, CC, CSHBD, CG, D-2, D-3, M-1, and M-2 zoning districts.	<i>In addition to the zoning districts allowed for all temporary uses, Christmas tree sales are permitted on any parking lot for a legally existing recreational land use that is seasonal in nature and not being used concurrently or if the site has more parking that required per the zone.</i> Reason: accommodate existing Christmas tree sales lot in golf course parking lots.
Seasonal Item Sales	<i>Seasonal Item Sales</i> is currently grouped together with <i>Christmas Tree Sales</i> .	- <i>Seasonal Item Sales</i> will be eliminated. -That category will be covered by the new <i>Temporary Food Service and Other Small Scale Temporary Uses</i> or under large scale outdoor sale event. Reason: The classification of seasonal is too restrictive. Making the change will open it up to more uses.
Festivals, Bazaars, Outdoor Sale Events, Carnivals, Circuses and	-Permitted in any commercial, manufacturing, institutional, and downtown districts. -14 day maximum time frame for events.	- <i>Outdoor Sale Events</i> changed to <i>Large Scale Outdoor Sale Events</i> . -No specific zoning district mentioned so it defaults to the general category. - <i>There must be at least seven (7) days between events at a given location during which time any and all structures must be disassembled and removed from the site along with any other items associated with the temporary use.</i>

other Special Events		Reason: To set specific standards for time between events and to change the permitted zones to those indicated for all temporary uses.
Limited Types of Food Vending	The category <i>Snow Cones and Shaved Ice Huts</i> specifically allows those foods but others are not referenced.	<p>-Eliminate the <i>Snow Cones and Shaved Ice Huts</i> category.</p> <p>-A new category called <i>Temporary Food Service and Other Small Scale Temporary Uses</i> would cover all food sales regardless of type.</p> <p>-<i>Temporary food service and other small scale temporary uses are permitted for a maximum of one hundred twenty (120) days each calendar year. Such facilities shall be less than 200 square feet and shall not interfere with pedestrian access to other businesses on the site. Food trucks and trailers are subject to chapter 21A.36 of this title if on private property or chapter 5.69 if on public property.</i></p> <p>Reason: To accommodate other types of food that weren't previously allowed. It also provides flexibility for other types of temporary uses that were only somewhat covered previously by <i>Seasonal Item Sales</i>.</p>
Farmers' Markets	<p>-Permitted in all commercial districts, except the CN district and in all downtown districts.</p> <p>-Allowed June – October.</p>	<p>-No specific zoning district mentioned so it defaults to the general category.</p> <p>- <i>Farmers' Markets: Farmers' markets shall be limited to a maximum of one hundred twenty (120) days each calendar year.</i></p> <p>Reason: To eliminate specific seasons for more flexibility.</p>
Outdoor Sales of Fireworks	<p>-Permitted in any commercial, manufacturing, or the downtown D-2 districts.</p> <p>-Subject to title 18.</p>	<p>-No specific zoning district mentioned so it defaults to the general category.</p> <p>- <i>Outdoor sales of fireworks from temporary stands or trailers is permitted subject to the requirements of title 18 of this code and all other city and state codes regulating the sale and distribution of fireworks. No additional off-street parking is required.</i></p> <p>Reason: To include other governmental agencies that may regulate the sale of fireworks.</p>
Temporary Structures	-Currently in the same section as temporary uses.	<p>-There will be a separate Temporary Structures section.</p> <p>-The principal standard will be the following: <i>Any permitted temporary use may utilize temporary structures to further that use as long as it is in compliance with all applicable building regulations.</i></p> <p>-Only relocatable offices can connect to water and sewer utilities.</p> <p>-Outlines the use of construction trailers and temporary storage yards.</p> <p>-A separate section specifically for existing, permanent businesses doing a temporary use. Structures allowed will be tents, canopies, kiosks and other temporary structures, and relocatable offices per the standards for each one.</p> <p>Reason: To create a temporary uses section distinct from temporary uses to reduce confusion and misunderstanding. Also to delineate the difference between standards for temporary uses for permanent businesses and those for only temporary businesses.</p>

ATTACHMENT B: LEGISLATIVE ORDINANCE

Chapter 21A.42 TEMPORARY USES

21A.42.010: PURPOSE STATEMENT:

21A.42.020: APPLICABILITY:

21A.42.030: AUTHORITY:

21A.42.040: NO CONTENT BASED DISCRIMINATION:

21A.42.050: PROCESS FOR CONSTITUTIONALLY PROTECTED TEMPORARY USES:

21A.42.060: TEMPORARY USE PERMIT REQUIRED; SPECIAL STANDARDS FOR ISSUANCE AND REVOCATION OF TEMPORARY USE PERMITS:

21A.42.0970: USE LIMITATIONS:

21A.42.0780: PERMITTED TEMPORARY USES:

21A.42.0890: PERMITTED TEMPORARY STRUCTURES BULK AND YARD REGULATIONS:

21A.42.010: PURPOSE STATEMENT:

This chapter is intended to provide general regulations, ~~applicable in all zoning districts, for uses, and the structures associated with them, and structures which have only a seasonal or temporary duration. such as uses and structures associated with carnivals and fairs, the Christmas season, or the construction period of a real estate development.~~ (Ord. 26-95 § 2(21-0), 1995)

21A.42.020: APPLICABILITY:

This chapter is intended to regulate ~~all~~ temporary uses conducted on ~~private~~ property ~~not otherwise regulated by section 3.50 of this title. Food trucks and trailers are subject to chapter 21A.36 of this title if on private property or chapter 5.69 if on public property. Temporary uses of vending carts shall only be allowed in zones where vending carts are allowed as a permitted use and only where the vending carts are associated with an outdoor sales event or special event. Art festivals, neighborhood fairs and other similar activities, authorized by other city regulations to operate on public property or within the public way, are not subject to the provisions of this chapter.~~ (Ord. 23-02 § 2, 2002; Ord. 26-95 § 2(21-1), 1995)

21A.42.030: AUTHORITY:

The zoning administrator may authorize temporary uses as defined in chapter [21A.62](#) of this title, and as hereinafter specified in accordance with the following provisions. (Ord. 26-95 § 2(21-2), 1995)

21A.42.040: NO CONTENT BASED DISCRIMINATION:

In applying the provisions of this chapter, the zoning administrator shall not consider the content, except legally prohibited obscenity, of any activity which the applicant claims to be protected by the first amendment to the constitution of the United States or article I, section 15 of the constitution of Utah. Regulation of such constitutionally protected activities by the issuance of temporary use permits for temporary uses shall be limited to time, place and manner, restrictions necessary to protect the legitimate governmental purposes recognized by this title. (Ord. 62-09 § 13, 2009; Ord. 26-95 § 2(21-3), 1995)

21A.42.050: PROCESS FOR CONSTITUTIONALLY PROTECTED TEMPORARY USES:

- A. Notification ~~To~~ City: If an applicant for a building permit for a temporary use claims that the activity is protected by the first amendment to the constitution of the United States or article I, section 15 of the constitution of Utah, and that the process specified in this chapter for considering the temporary use is insufficiently expeditious or unreasonably burdensome, the applicant shall notify the zoning administrator of the timetable which the applicant claims is necessary to process the application and any burdens which the applicant claims to be unreasonable.
- B. Implementation ~~Of~~ Expedited Process: The zoning administrator shall consult with the city attorney and establish an expedited or otherwise modified process for considering the application in a manner and under such schedules as may be necessary to meet any constitutional requirements affording protection to the activity. (Ord. 62-09 § 12, 2009; Ord. 26-95 § 2(21-4), 1995)

21A.42.060: ~~TEMPORARY USE PERMIT REQUIRED; SPECIAL STANDARDS FOR ISSUANCE AND REVOCATION OF TEMPORARY USE PERMITS:~~

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

- A. Application: An application shall be submitted to the zoning administrator. Every application for a temporary use shall include a site plan, and a traffic plan, that includesing the date, time, location, ~~and anticipated attendance of a temporary event or use,~~ anticipated access routes, ingress and egress for emergency vehicles, and available parking in the vicinity, ~~and~~ ~~†~~The application shall be submitted to the zoning administrator at least thirty (30) calendar days before the scheduled date that the temporary event or use is to take place unless the zoning administrator approves a shorter application deadline.
- B. Fees: The application for a temporary use shall be accompanied by the fee shown on the Salt Lake City consolidated fee schedule.
- C. Approval: A temporary use permit for a temporary use may be issued by the zoning administrator; provided, that the applicant meets all applicable requirements of this chapter and any other requirements deemed necessary by the zoning administrator to ensure that the temporary use will not have a detrimental impact upon other properties.
- D. Basis ~~F~~or Permit Denial: A temporary use permit shall be denied if the zoning administrator determines that the public health, safety or welfare would be impaired, ~~or~~ if the applicant has not adequately addressed traffic and parking issues associated with the proposed use or if the proposed use does not meet the purpose and parameters of this chapter.
- E. Conditional Permit: A temporary use permit for a temporary use may be conditioned upon such special requirements as the zoning administrator may determine are necessary to achieve the purposes of this title and to protect the public health, safety and welfare.

F. Revocation Of Permit: A temporary use permit shall be revoked by the zoning administrator pursuant to the procedures of section [21A.08.060](#) of this title, if any of the standards and conditions imposed pursuant to such permit, are violated.

1. Authority: A temporary use permit may be revoked by the zoning administrator in accordance with the provisions of this section, if any of the standards and conditions imposed pursuant to such permit, are violated.
2. Notice: Before a temporary use permit may be revoked, written notice of the decision to revoke shall be given to the permit holder. The notice shall inform the certificate holder of the grounds for the revocation and advise the certificate holder that the revocation shall be effective twenty four (24) hours from the date of the notice unless before the revocation date, the permit holder either: a) demonstrates to the satisfaction of the zoning administrator compliance with the requirements of the temporary permit; or b) files an appeal of the zoning administrator's decision to revoke pursuant to subsection D of this section.
3. Effect of Revocation: No person may continue to make use of land, buildings, or temporary structures in the manner authorized by any temporary use permit after such permit has been revoked in accordance with this section.
4. Appeal: Any person adversely affected by a final decision of the zoning administrator to revoke a temporary use permit may appeal to the appeals hearing officer in accordance with the provisions of chapter 21A.16 of this title. (Ord. 8-12, 2012: Ord. 26-95 § 2(4-6), 1995)

G. Appeal: Any person adversely affected by a final decision of the zoning administrator may appeal to the appeals hearing officer in accordance with the provisions of chapter 21A.16 of this title. (Ord. 8-12, 2012: Ord. 24-11, 2011)

G. Other Permits: All required permits from other governmental entities must be obtained prior to initiating the temporary use.

21A.42.0970: USE LIMITATIONS:

A. General Limitations: Every temporary use shall comply with the use limitations all applicable zoning regulations unless in the district in which it is located as well as with the limitations made applicable to specified temporary uses authorized by sections [21A.42.0780](#) and [21A.42.090](#) of this chapter.

B. Bulk and Yard Regulations: Except as expressly provided otherwise in sections [21A.42.080](#) and [21A.42.090](#) of this title, every temporary use shall comply with the bulk and yard requirements of the district in which the temporary use is located with the exception of landscaping requirements. (Ord. 26-95 § 2(21-7), 1995) Bulk and yard regulations can be adjusted by the zoning administrator based on the nature of the temporary use and the character of the adjacent and surrounding area.

C. Traffic: No temporary use shall be permitted if additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on adjacent and surrounding streets and uses.

C. Zoning Districts: Temporary uses are allowed in all non-residential zoning districts and in the following residential zoning districts: RB, R-MU, R-MU-35, R-MU-45, RO. Temporary uses are also allowed in other zoning districts as authorized in sections 21A.42.080 and 21A.42.090.

D. Signage Limitations: Temporary signs may be permitted in accordance with the procedures and requirements of chapter 21A.46 of this title.

BE. Hours Aand Days Of Operation: No temporary use shall be operated during any hours or on any days of the week except as designated by the zoning administrator in the temporary use permit required by section 21A.42.060 of this chapter, on the basis of the nature of the temporary use and the character of the adjacent and surrounding area.

EF. Parking: Before approving any temporary use, the zoning administrator shall make an assessment of the total number of off street parking spaces that will be reasonably required in connection with the proposed temporary use, location of the use, on the basis of the particular use, its' intensity, and the availability of other parking facilities in the area. No temporary use shall be authorized that would, in the opinion of the zoning administrator, substantially reduce the amount of required off street parking spaces available for a use in connection with permanent uses located on the same zoning lot. (Ord. 62-09 § 14, 2009)

G. Site Distance Triangle: No structures, equipment, merchandise, or any other item shall be located within the "sight distance triangle" as defined in chapter 21A.62 of this title.

H. Legally Existing Businesses: Legally existing businesses are subject to the regulations in the underlying zoning district and any applicable regulation regarding outdoor sales.

21A.42.0780: PERMITTED TEMPORARY USES:

Subject to the specific regulations and time limits and to the other applicable regulations of the zoning district in which the use is permitted, the following temporary uses shall be permitted in the zoning districts specified, upon a finding by the zoning administrator that the parcel upon which the temporary use will be located is adequate in size, that there are adequate parking provisions and traffic access, and that the applicant has agreed to comply with such other conditions as the zoning administrator deems necessary to ensure that the temporary use will not have any material detrimental impact upon other properties:

A. Outdoor Sales Of Plant Products During Spring And Summer: Outdoor sales of plant products during the spring and summer in the CN, CB, CS, CC, CSHBD, CG, D 2, M 1, M 2, and I districts. Such use shall be limited to a period between April and October. No tree or temporary structure shall be displayed obstructing the "sight distance triangle" as defined in chapter 21A.62 of this title.

A. Fundraisers: Fundraisers are permitted in any zoning district provided the applicant is a recognized community organization or non-profit, and the sale or event is no more than three (3) consecutive days.

B. Christmas Tree And Other Seasonal Item Sales: In addition to the zoning districts allowed for all temporary uses, Christmas tree and other seasonal item sales are permitted on any parking lot for a legally existing recreational land use that is seasonal in nature and not being used concurrently

or if the site has more parking than is required per the zone. in the CN, CB, CC, CS, CSHBD, CG, D-2, D-3, M-1, and M-2 districts. Such uses shall be limited to a period not to exceed forty five (45) days, per calendar year. Display of Christmas trees need not comply with the yard requirements of this title. No tree shall be displayed obstructing the "sight distance triangle" as defined in chapter [21A.62](#) of this title.

- C. Festivals, Bazaars, Large Scale Outdoor Sale Events, Carnivals, Circuses, and Other Special Events: Festivals, bazaars, large scale outdoor sale events, carnivals, circuses and other special events are permitted in any commercial, manufacturing, institutional and downtown districts. Such use shall be limited to a period not to exceed fourteen (14) days. Such use need not comply with the yard requirements of this title except that structures or equipment that might block the view of operators of motor vehicles on any public or private street shall not be located within the "sight distance triangle" defined in chapter [21A.62](#) of this title. Such use need not comply with the maximum height requirements of this title. There must be at least seven (7) days between events at a given location during which time any and all structures must be disassembled and removed from the site along with any other items associated with the temporary use. The concessionaire responsible for the operation of any such festival, bazaar, outdoor sale event, carnival or circus shall submit at least ten (10) calendar days in advance of the event date a site layout displaying adequate ingress and egress plan for emergency vehicles with no dead end aisles.
- D. Farmers' Markets: Farmers' markets are permitted in all commercial districts, except the CN district and in all downtown districts. Such use shall be limited to the period from June through October. Such uses need not comply with the yard requirements of this title except that structures or equipment that might block the view of operators of motor vehicles on any public or private street and shall not be located within the "sight distance triangle" defined in chapter [21A.62](#) of this title. Such uses need not comply with the maximum height requirements of this title. The person responsible for the operation of any such farmers' market shall submit at least ten (10) calendar days in advance of the event date a site layout displaying adequate ingress and egress plan for emergency vehicles.
- D. Temporary Food Service and Other Small Scale Temporary Uses: Temporary food service and other small scale temporary uses are permitted for a maximum of one hundred twenty (120) days each calendar year. Such facilities shall be less than 200 square feet and shall not interfere with pedestrian access to other businesses on the site. Food trucks and trailers are subject to chapter [21A.36](#) of this title if on private property or chapter [5.69](#) if on public property.
- E. Movie/Film Locations: Movie/film locations are allowed in all zoning districts subject to the obtaining of a filming permit pursuant to [title 3, chapter 3.50](#) of this code.
- E. Farmers' Markets: Farmers' markets shall be limited to a maximum of one hundred twenty (120) days each calendar year.
- F. Tents: Tents smaller than two hundred (200) square feet and canopies smaller than four hundred (400) square feet, associated with a business that is legally licensed as a permanent business or a temporary business as outlined in this chapter, are permitted in all nonresidential districts. No tent shall be allowed to remain for a period of more than two (2) days longer than the period during which the use with which it is associated is allowed to remain, or a maximum of forty five (45) days, per calendar year. Tents larger than two hundred (200) square feet and canopies larger than four hundred (400) square feet, associated with a business that is legally licensed as a permanent business or a temporary business as outlined in this chapter, are permitted in all

commercial, manufacturing, downtown and special purpose zoning districts. No tent shall be allowed to remain for a period of more than two (2) days longer than the period during which the use with which it is associated is allowed to remain, or a maximum of forty five (45) days, per calendar year.

The zoning administrator may approve tents or canopies in the commercial, manufacturing, downtown and special purpose zoning districts for a period not to exceed one hundred eighty (180) days, per calendar year, subject to the review and approval or denial of the development review team, if the tent or canopy also meets the parking requirements for the intended use and upon receiving a positive recommendation from the Salt Lake City transportation division, public utilities department, business licensing division, fire department, police department and historic landmark commission (when located within a historic district or on a landmark site).

Unless waived in writing by the zoning administrator, every tent shall comply with the bulk and yard requirements of the district in which it is located.

Tents smaller than two hundred (200) square feet and canopies smaller than four hundred (400) square feet are permitted in all residential districts, without a permit, for personal home use or homeowner hosted function, for a period of not more than fifteen (15) days per calendar year. Tents larger than two hundred (200) square feet and canopies larger than four hundred (400) square feet are permitted in all residential districts, with a fire department permit, for personal home use, for a period of not more than fifteen (15) days. For legal business uses located in a residential district, tents or canopies may be allowed for a period not to exceed forty five (45) days per calendar year, provided that the application for the tent or canopy also meets the parking requirements for the intended use and is supported by a positive recommendation from the Salt Lake City transportation division, public utilities department, business licensing division, fire department, and police department. In addition, when the tent or canopy is proposed to be located in a historic district or on a landmark site, the application must be accompanied by a certificate of appropriateness.

For purposes of this regulation, "canopies" are defined as a tent structure that is open on more than seventy five percent (75%) of its sides.

F. Outdoor Sales of Fireworks: Outdoor sales of fireworks from temporary stands or trailers is permitted subject to the requirements of [title 18](#) of this code and all other city and state codes regulating the sale and distribution of fireworks. No additional off-street parking is required.

G. Construction Trailers And Temporary Contractor's Storage Yards: In conjunction with development during the construction period, trailers serving as contractor's offices and temporary on site storage yards for construction materials are permitted. Such facilities shall not be located in any required front yard on the site. When, due to site constraints, location outside of the required front yards is not feasible, the location of such facilities may be approved by the zoning administrator. Temporary construction facilities shall be removed upon the completion of construction.

G. Movie/Film Locations: Movie/film locations are allowed in all zoning districts. The applicant shall provide a short written description and schedule of the proposed filming event to the owners and/or occupants of the property where filming will occur along with all properties adjacent to it (including those across streets and alleys). A report noting the reaction of those owners and occupants, with their addresses and phone numbers shall be required.

- H. ~~Outdoor Sales Of Fireworks: Outdoor sales of fireworks are permitted in any commercial, manufacturing or the downtown D-2 district from temporary stands or trailers only subject to the requirements of [title 18](#) of this code.~~
- I. ~~Relocatable Offices: Relocatable offices as defined in chapter [21A.62](#) of this title, are permitted in all zoning districts that permit offices subject to the requirements of [title 18](#) of this code.~~
- J. ~~Bus Shelters, Kiosks And Other Temporary Buildings: Bus shelters, kiosks and other temporary buildings are permitted in all commercial, manufacturing and downtown districts. Such uses shall be limited to a period not to exceed six (6) months. Such facilities shall not be located in any required yard or any required parking area and sales from these facilities shall be prohibited.~~
- K. ~~Snow Cones And Shaved Ice Huts: Snow cone and shaved ice huts are permitted in the CB, CC, CN, CS, CG, CSHBD, M-1, M-2, D-1, D-2, D-3, D-4, G-MU, RP, BP, and MU zoning districts between the dates of May 15 and September 15 of each calendar year. Such facilities shall not be located in any required yard area or any required parking area. Their placement shall not interfere with pedestrian access to other businesses on the site. The building should be located to minimize any light or noise impacts on adjacent residential properties. The temporary buildings shall be limited to: 1) Snowie models: eight (8) or twelve foot (12') kiosk, or 2) Sno Shack models: Sno Shack building, Sno Shack 2000, Sno Shack concession, or 3) equivalent, as determined by the zoning administrator. Inflated signs, banners or other signage exceeding the regulations of the applicable zoning districts are specifically prohibited. (Ord. 28-06 § 1, 2006; Ord. 18-05 § 1, 2005; Ord. 3-04 § 1, 2004; Ord. 61-03 §§ 1, 2, 2003; Ord. 14-00 § 10, 2000; Ord. 35-99 § 65, 1999; Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(21-6), 1995)~~

21A.42.0890: BULK AND YARD REGULATIONS PERMITTED TEMPORARY STRUCTURES:

Except as expressly provided otherwise in section [21A.42.070](#) of this chapter, every temporary use shall comply with the bulk and yard requirements of the district in which the temporary use is located. (Ord. 26-95 § 2(21-7), 1995)

- A. Any permitted temporary use may utilize temporary structures to further that use subject to the requirements of chapter 18 of this title.
- B. No temporary structures, besides relocatable offices, can connect to water and sewer utilities.
- C. Construction Trailers and Temporary Storage Yards: During building construction, trailers serving as contractor's offices and temporary storage yards for construction materials are permitted. Such facilities shall not be located in any required front yard on the site. When, due to site constraints, a location outside of the required front yards is not feasible, the location of such facilities may be approved by the zoning administrator. Temporary construction facilities shall be removed upon the completion of construction. No additional off-street parking is required.
- D. The following temporary structures associated with a business that is legally licensed as a permanent business as outlined in this title, are permitted subject to the following standards:
 - 1. Tents and Canopies: Permitted in all nonresidential districts subject to the following standards:

a. Tents and canopies in commercial, manufacturing, downtown, gateway, and special purpose districts shall comply with the following standards:

i. Tents and canopies shall remain on the property for no longer than forty five (45) consecutive days and no longer than forty five (45) days in a calendar year. Tents are allowed to stay for up to two (2) days after the forty five (45) day period for the purpose of disassembly of the tent or canopy.

ii. No tent or canopy may occupy required parking stalls.

iii. There is no maximum size requirements for a tent or canopy as long as it meets the yard and setback requirements of the underlying zoning district. All tents over 200 square feet in area need to be approved by the Salt Lake City Building Services Division for wind and snow load requirements.

b. Tents and canopies in all other zoning districts and for legal, nonconforming land uses:

i. Tents and canopies shall remain on the property for no longer than forty five (45) consecutive days and no longer than forty five (45) days in a calendar year. Tents are allowed to stay for up to two (2) days after the forty five (45) day period for the purpose of disassembly of the tent or canopy. Tents and canopies in any residential zone for the personal use of any resident are not subject to this standard.

ii. No tent or canopy may occupy required parking stalls.

iii. No tent may exceed two hundred (200) square feet in size and no canopy may exceed four hundred (400) square feet in size.

2. Kiosks and other Temporary Structures: Kiosks and other temporary structures shall be no larger than two hundred (200) square feet. Such structures shall be located to minimize any light or noise impacts on adjacent residential properties.

3. Relocatable Offices: Relocatable offices as defined in chapter [21A.62](#) of this title, are permitted in all zoning districts that permit offices subject to the requirements of [title 18](#) of this title.

ATTACHMENT C: ANALYSIS OF STANDARDS

Standards for General Amendments (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 about a text amendment, the City Council should consider the following:

Criteria	Finding	Rationale
<p>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;</p>	<p>Complies</p>	<p>Nearly all Salt Lake City master plans and other policy documents discuss the importance of vibrant neighborhoods with diverse uses that serve to bolster the areas where they are located. Although only temporary in nature, the types of uses which are addressed in chapter 21A.42 of the Salt Lake City Zoning Ordinance serve to spur entrepreneurship, stimulate the economy, activate underutilized urban spaces, and enliven neighborhoods.</p> <p>The <i>Economy</i> section of the citywide vision, <i>Plan Salt Lake</i>, emphasizes the importance of offering a variety of opportunities for residents to pursue business success. The third initiative in that section is to:</p> <p style="padding-left: 40px;"><i>3. Support the growth of small businesses, entrepreneurship and neighborhood business nodes.</i></p> <p>Improving and simplifying the process for obtaining Temporary Use permits while expanding it to uses that may have been previously excluded, is consistent with the objectives of <i>Plan Salt Lake</i> and other city master plans.</p>
<p>2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;</p>	<p>Complies</p>	<p>The <i>Purpose and Intent</i> (21A.02.030) of the Salt Lake City zoning code states that: <i>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</i></p>

		<p><i>relevant statutes. This title is, in addition, intended to:</i></p> <p><i>A. Lessen congestion in the streets or roads;</i> <i>B. Secure safety from fire and other dangers;</i> <i>C. Provide adequate light and air;</i> <i>D. Classify land uses and distribute land development and utilization;</i> <i>E. Protect the tax base;</i> <i>F. Secure economy in governmental expenditures;</i> <i>G. Foster the city's industrial, business and residential development; and</i> <i>H. Protect the environment. (Ord. 26-95 § 2(1-3), 1995)</i></p> <p>The proposed text amendments are intended to further the Purpose Statement by promoting temporary uses that are safe and convenient and foster the prosperity and welfare of the citizens.</p>
<p>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</p>	<p>Complies</p>	<p>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.</p>
<p>4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.</p>	<p>Complies</p>	<p>The temporary businesses that appear in various spots around cities through temporary use permitting are often referred to as “pop ups”. They can serve to propel entrepreneurial activities and enliven vacant, neglected, and under-utilized properties. By striving to remove barriers to creativity in regards to types and locations of temporary uses, this proposed text amendment seeks to implement the best current practices of urban planning and design in regards to temporary uses which serve to create social spaces and activate neighborhoods.</p>

ATTACHMENT D: PUBLIC PROCESS & COMMENTS

Notice of the Open House:

Notices were mailed out to everyone that has applied for a temporary use permit within the past two years, posted on City and State websites and the Planning Division list serve on June 1, 2017.

Notice of the Public Hearing:

Public notice was published to a local paper, posted on City and State websites, and the Planning Division list serve on July 26, 2017. The public hearing before the Planning Commission is on August, 9, 2017.

Public Input:

No public comments have been received for the proposed text amendment and nobody attended the open house held on June 15, 2017.

ATTACHMENT E: DEPARTMENT REVIEW COMMENTS

Zoning (Summary of Comments)

It might be good to remove bazaars, carnivals, and circuses as examples in the purpose statement as we just don't receive applications for such uses anymore. We had an application for one carnival last year. They could also be removed from the Temporary Use section. "Festivals" would likely cover it.

Due to issues with previous permits, I think that outdoor concerts should probably not be a "special event".

All tents over 200 sq. ft. in area need to be reviewed and approved by the SLC Building Services Division for minimum wind/snow load requirements.

Planning Note – All temporary uses types were taken out of the purpose statement but were left in one of the specific categories to not constrain potential uses. The removal of outdoor concerts was considered, but it is a legitimate temporary use that is restricted from becoming more of a long term situation by the requirement to take down and remove all structures between events.

Engineering

No objections.

Transportation

As I read through it a point that may need clarification is "vending and food carts" which is in code 5.65 versus "mobile food businesses" which is in code 21A.36.

Sustainability

From a sustainability standpoint, why are outdoor farmers markets limited to June to October? It seems that this is a good opportunity to remove this old language. There is really no reason why they should be limited, and with our changing climate growing seasons are only getting longer. Plus, as a City, we want to do everything possible to encourage local food production, as it minimizes our local carbon footprint. With the Mayor's goals to quickly reduce our carbon emissions, this would be yet one more way that we could support them by not limiting markets such as these. Natural weather patterns (i.e. snow on the ground) will make them self-limiting.

Public Utilities

No comments.

Fire

No comments.

Special Events

No comments.