



MEMORANDUM

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Tracy Tran, Senior Planner
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Date: November 14, 2018

Re: PLNPCM2016-00300 – Early Notification Text Amendments

Early Notification Text Amendments

ACTION REQUIRED

No action required. Planning staff would like the Planning Commission's input on the direction staff is taking with the Early Notification Text Amendments.

BACKGROUND

In 2016, The City Council and the Mayor initiated this petition to clarify provisions to City regulations relating to early notification to the public about various types of projects. The purpose of the amendment is to increase awareness and participation by the public of various types of projects the City works on while still affording a timely review for applicants.

REASON FOR CHANGE

Currently, the City has rules to provide notification to recognized community organizations about specific types of projects within the City in Chapter 2.60 of the City Code. The current language is confusing and other rules may be appropriate to meet the intent of the early engagement process. In addition, this section of the code impacts multiple City departments and is not focused only on the Zoning ordinance.

For additional information related to the purpose of the code amendments, please refer to the Early Notification Code Amendments – [Planning Commission Staff Report](#) dated May 24, 2017.

PROPOSED ORDINANCE

Planning Staff presented proposed amendments and a public hearing was held at the Planning Commission meeting on [May 24, 2017](#). Here are the [minutes](#) from the meeting. The Planning Commission tabled the item and asked staff to follow up with additional considerations that include:

- Adding a definition of engagement activity and what constitutes input
- Assessing whether to include other applications such as special exceptions and variances
- Creating a public engagement ordinance and not one focused just on recognized organizations

- Discussing the proposal with City's Civic Engagement Team

Since that time, staff has reconsidered the structure of the ordinance and has re-organized and re-written the proposed amendments. The purpose of this change is to focus on public engagement and not only on engaging recognized community organizations. The proposed ordinance is structured as follows and includes the following changes:

1. Re-organized and placed within the Zoning Ordinance (Chapter 21A) instead of within the Recognized Community Organizations (Chapter 2.60).

The current provisions regarding early notification only address Recognized Community Organizations, located within Chapter 2.60 of the City Code. Since the proposal is focused on land use applications and the goal is to encourage public engagement overall and not just on engaging the recognized organizations, Planning Staff has created a new section within Chapter 21A.10 to address early notification requirements. Chapter 2.60 impacts multiple City departments and divisions. Making changes to that section may add requirements for various departments to follow planning practices, which may not work for various departments. Moving the section to within the zoning ordinance will focus only on planning applications, which meets the intent of the petition.

2. Includes purpose statement of the early notification process.

The current language in the ordinance includes a purpose statement for recognized organizations but it does not include language about the purpose of public engagement and early notification. This language was added to:

- highlight the importance of informing the public early on in the process;
- allow a reasonable timeframe for feedback; and
- establish a process for decision makers to hear from the public before a decision is made on a proposal.

3. Clarifies and adds the application types that require early notification. The list of applicable application types is similar to the existing zoning applications that require early notification with the addition of the two items in blue:

- Alley/street closure or vacation
- Amendment to the City Zoning Code
- Conditional use
- Design Review when required to be reviewed by the Planning Commission as listed in chapter 21A.59.020(B)
- Demolition of landmark site or contributing structures located within a local historic district
- Master plans, including amendments, to be adopted by the city council
- New construction of principal structures within local historic districts or on Landmark Sites except for single family and two family dwellings.
- Planned development
- Zoning Map Amendment

4. Lists exceptions that may not require early notification. Although city code amendments are included in this list, it is important to note, that for legal reasons, there may be some city code amendments that are exempt from meeting the Early Notification

Requirements. These circumstances include amendments that are subject to an adoption deadline or action date set forth in the legislation; related to funding city-related projects; or are necessary for essential city functions.

5. **Allow 45 Days for Public Engagement.** The current ordinance language is unclear and only states a public hearing cannot be held within 45 days. Planning staff clarified this section to allow for an overall 45 day public engagement period in which a decision cannot be made within this time frame. However, a public hearing can be held within this time frame to identify any issues that may arise from a proposal. Public hearings provide a good opportunity for the Planning Commission to hear issues early in the process and provide direction on a project.
6. **Early Notification to Stakeholders.** Notices will be provided to various stakeholders listed in the bulleted list below when a complete application is received. Notices will include information about the proposal, the location, how to obtain more information, how to provide comments, and a date for when the 45-day comment period ends.
 - *Notices to recognized community organizations.* Notices will be provided to recognized community organizations and will allow them 14 days to decide whether they would like to place an application on an upcoming agenda within the 45 day public engagement period.
 - *Notices to properties within 300 feet.* These notices will inform neighboring properties of the proposal. Currently, the ordinance only requires notices to be sent 12 days before a public hearing. The proposed change would inform neighboring properties early on in the process and would provide a 45-day comment period for the public to provide feedback.
 - *Sign posted on property.* A sign will be posted on the property that allows the public to obtain more information regarding the proposal. Currently, the ordinance requires a sign to be posted on the subject property 10 days before a public hearing. The proposed change would provide 45 days for the public to provide feedback at the beginning of the process.
7. **Engagement Activity.** Based on the response from the recognized community organization, an application will either be presented at a community council meeting or at a City-sponsored outreach event. One of these meetings will be held given the below circumstances.
 - *Community council meeting.* A community council meeting will be held when the community council responds within 14 days of receiving the notice and requests the application be presented at a community council meeting that will be held within the 45 day public engagement period.
 - *Outreach event.* A city-sponsored outreach event will be held when:
 - 1). A recognized community organization does not respond as to whether it wants to review the matter or it does not schedule the subject item for a community council meeting within fourteen (14) days of receiving the original city notice
 - 2). The recognized community organization will not meet within forty-five (45) days of receiving the notice from the city;
 - 3). The project is within six hundred feet (600') of the boundaries of another recognized community organization's district;

- 4). The subject property is located west of 2200 West;
- 5). The project is a master plan or master plan amendment that impacts multiple recognized organizations;
- 6). The project is a text amendment to the zoning ordinance.

8. Change open house requirement to “outreach event”.

The current ordinance uses the term open house, but it is not defined and has been used to denote a particular activity. This term was updated to outreach event to allow for more flexibility and additional types of public engagement that may be more effective. The term outreach event is defined: Outreach events are used to expand involvement opportunities for community members by providing a chance to ask questions and provide comments on an issue or have involvement in the decision-making process. Outreach events should encourage participation, make the public feel welcome, and provide a clear understanding of the public’s role in the process.

This change will allow other forms of engagement activity to occur, which may be identified as more effective in notifying the public and receiving input.

9. Other minor clarifications

Other minor language clarifications and references were updated to simplify and reduce conflicts with various sections of the code.

10. Subdivision clarifications

The ordinance contains some conflicting language regarding notification. Subdivision reviews are technical in nature and if an application meets the technical requirements, the city must approve it. The proposed changes clean up conflicting references within the code.

PLANNING COMMISSION BRIEFING CONSIDERATIONS

May 24, 2017 Planning Commission Meeting

Planning Staff presented a version of the proposed amendments and a public hearing was held at the Planning Commission meeting on May 24, 2017. The Planning Commission tabled the item and asked staff to follow up with additional considerations that include:

- Adding a definition of engagement activity and what constitutes input
- Assessing whether to include other applications such as special exceptions and variances
- Creating a public engagement ordinance and not one focused just on recognized organizations
- Discussing the proposal with City’s Civic Engagement Team

Follow up information

Staff addressed the following items as requested:

- **Definition of “Outreach Event”** was added to the proposal to allow for flexibility in the format of obtaining public input. The definition of “outreach events” is defined: Outreach events are used to expand involvement opportunities for community members by providing a chance to ask questions and provide comments on an issue or have involvement in the decision-making process. Outreach events should encourage participation, make the public feel welcome, and provide a clear understanding of the public’s role in the process.

The broader nature of the definition allows for more flexibility for planning staff to determine the most appropriate medium for public engagement and use current best practices.

- **Special Exceptions and Variances:** The nature of special exceptions and variances are very specific to what is requested and where it is located and do not typically have City-wide implications. Special exceptions generally include minor dimensional requests that may impact adjacent properties, not the entire community. The current special exception process requires notice to adjacent property owners and property owners across the street with a 12 day public comment period.

The City's variances rules reflect requirements in the Utah Code. Variances are held to strict standards and must be approved if they meet circumstances that show the property faces unreasonable hardship, as well as other standards related specifically to the property. Special exceptions and variances applications were not added to the list of applications subject to early notification.

- **Create an Overall Public Engagement Ordinance:** The current provisions regarding early notification only address Recognized Community Organizations, located within Chapter 2.60 of the City Code. Since the proposal is focused on land use applications and the goal is to encourage public engagement overall and not just on engaging the recognized organizations, Planning Staff has created a new section within Chapter 21A.10 to address early notification requirements. The below changes were made to focus on overall public engagement and not only on recognized community organizations:
 - Sign posted on property and notices sent to properties within 300 feet of proposal when application is received
 - If a community council is not held, the City will hold an "Outreach Event"
 - 45 days before a decision can be made (but a public hearing can be held in this time to identify issues and concerns upfront)
- **Input from the City's Civic Engagement Team:** Planning staff reached out to the City's Civic Engagement Team (CET) to obtain their feedback on the proposed ordinance. CET stated that they are creating an overall engagement guide and then individual division engagement policies. CET had concerns about making changes to the existing Recognized Organizations chapter in 2.60 of the City Code. Changes made in Chapter 2.60 would impact various City Departments and may require other departments to follow Planning engagement practices, which may not work for the various departments. Because of these comments, Planning staff is focusing the proposed changes on only applicable zoning applications. Planning staff has moved the proposed changes from Chapter 2.60 of the City Code to within the zoning ordinance in Chapter 21A.10 to avoid making changes that could impact other City departments.

PUBLIC PROCESS

Since the last Planning Commission meeting on May 24, 2017, Planning staff reached out to all recognized community organizations informing them of the updated proposal. An Open House was held on July 19, 2018. Staff provided the proposed changes at the meeting and was available to answer questions. Five individuals showed up at the Open House. There was general support for the proposal with some additional comments asking for a specific list of what an "outreach event" would be and another comment requested that other applications that do not require this early notification process, such as a special exception, should still notify the community council to allow them to raise any issues. Additional comment was made about how the posted signs need to be bigger.

Staff also presented the proposed changes at the Salt Lake Community Network meeting on August 9, 2018. Representatives from various community councils attended the meetings. There was some discussion about requiring individual mailed notices for city-wide proposals. Staff discussed the difficulty and expense that would be associated with such a requirement.

SUMMARY OF CHANGES COMPARISON CHART

Below is a simplified comparison chart of the current (codified) code and the most recent proposal.

Topic	Current Language	Proposed Changes
<i>Notification requirements for land use applications</i>	The current ordinance is vague and is not clear on land use notification requirements	Create new section within Chapter 21A.10 to address public engagement/early notification requirements
<i>What Requires Early Notification?</i>	The following applications currently require early notification: <ul style="list-style-type: none"> • Alley Vacations • Changes to City Regulations • Conditional Uses • Demolition of contributing structures in local historic districts and Landmark Sites • Master Plans and Master Plan Amendments • Planned Developments • Re-zonings 	Proposed changes include the existing list with the addition of the following: <ul style="list-style-type: none"> • Conditional Building and Site Design Review (depending on scope of review) • New Construction of principal structures for multi-family and non-residential uses in local historic districts
<i>Engagement Period</i>	No public hearing or decision can be held/made within the 45 day period.	No decision could be made within 45 day period, but a public hearing could be held.
<i>Notice to stakeholders</i>	Only requires notice to recognized community organizations	Requires notice to: <ul style="list-style-type: none"> • Applicable recognized community organization(s) • Property owners within 300 feet of subject property • Additional stakeholders may be noticed given type of application and potential impacts

<i>Posting of property</i>	Sign posting is not required when an application is received.	Once a complete application is received, City would post a sign on the subject property giving notice of the pending land use application with instructions on how to obtain additional information
<i>Response from recognized organizations</i>	Recognized organizations are not required to notify the city whether or not they would like to review the project.	Recognized organizations would be required to let the City know within 14 days of receiving the notice whether they would like to review the project.
<i>Engagement activity (recognized organization meeting v. open house/outreach event)</i>	A recognized organization meeting or open house would be held for certain projects. If a recognized organization does not schedule the item for a meeting, no additional engagement activity is required.	A recognized organization meeting or open house would be held for certain projects. If a recognized organization does not schedule the item for a meeting within 14 days, the item would be scheduled for a city-sponsored outreach event.
<i>Outreach event</i>	Current language states an open house can be held in certain circumstances.	Updates “open house” to “outreach event”. New definition created for an “outreach event” that will allow city staff to use best engagement practices given the scope of the project and will not limit the City to only hold “open houses”.
<i>Open House/Outreach Event Notices</i>	Open house notices are not required to be sent to property owners and tenants within 300 feet of the subject project.	Outreach event notices would be sent to all property owners and tenants within 300 feet of the subject project.
<i>Exceptions</i>		List of exceptions added such as items subject to adoption deadline, items responding to emergency situations.
<i>Language clarification</i>		Minor changes to clarify language in various chapters in zoning code. Language clarification and reference changes.
<i>Subdivision clarifications</i>	Regulations are unclear regarding notice to recognized organizations.	Remove this requirements for subdivision processes. Subdivisions under state law

		are very technical in nature, if they meet technical aspects, it must be approved. Street/alley closures or vacations will require notice to recognized community organizations.
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ATTACHMENTS:

A. Proposed Ordinance Language

ATTACHMENT A: PROPOSED ORDINANCE

Early Notification Text Amendment – Proposed Text Changes

Chapter 21A.10 GENERAL APPLICATION, PUBLIC ENGAGEMENT, AND PUBLIC ~~HEARING~~ NOTICING PROCEDURES

21A.10.010: GENERAL APPLICATION PROCEDURES:

21A.10.015: PUBLIC ENGAGEMENT:

21A.10.020: PUBLIC ~~HEARING~~ NOTICE REQUIREMENTS:

21A.10.030: PUBLIC HEARING PROCEDURES:

21A.10.010: GENERAL APPLICATION PROCEDURES:

All applications required by the provisions of this title shall be processed in accordance with the following procedures:

- A. Determination Of Completeness Of Application: After receipt of an application, the zoning administrator shall determine whether the application is complete. If the zoning administrator determines that the application is not complete, the zoning administrator shall notify the applicant in writing, specifying the deficiencies of the application, including any additional information which must be supplied and advising the applicant that no further action will be taken by the city on the application until the deficiencies are corrected.
- ~~B. Notification Of Community Organizations: Notification to recognized community organizations shall be provided, where applicable, as set forth in section [2.60.050](#) of this code.~~
- €. B. Remedy Of Deficiencies: If the applicant fails to correct the specified deficiencies within thirty (30) days of the notification of deficiency, the application for development approval shall be deemed withdrawn and will be returned to the applicant. Application fees shall not be refunded.
- Ð. C. Extensions Of Time: The zoning administrator, upon written request, may, for good cause shown and without any notice or hearing, grant extensions of any time limit imposed on an applicant or permittee by this title. An extension of time may also be granted by any body acting pursuant to this title unless this title expressly provides otherwise. The total period of time granted by such extension or extensions shall not exceed twice the length of the original period.
- £. D. Fees: The application shall be accompanied by the applicable fees shown on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by section [21A.10.020](#) of this chapter, in accordance with the consolidated fee schedule, including costs of mailing,

preparation of mailing labels and all other costs relating to notification. (Ord. 54-14, 2014; Ord. 58-13, 2013)

21A.10.015: PUBLIC ENGAGEMENT:

The purpose of the public engagement process is to inform the public of the project early in the process; provide a reasonable timeframe for the feedback on a proposal; and establish a process for decision makers to hear from the public prior to making a decision on the project.

~~A. Notification Of Recognized Community Organizations: For the purpose of this section, a recognized community organization is as defined in section 2.60 of this code.~~

A. Land Use Applications Subject to Public Engagement: The following land use applications are subject to the public engagement process stated in this section:

1. Alley/street closure or vacation
2. Amendment to the City Zoning Code
3. Conditional use
4. Design Review when required to be reviewed by the Planning Commission as listed in chapter 21A.59.020(B)
5. Demolition of landmark site or contributing structures located within a local historic district
6. Master plans, including amendments, to be adopted by the city council
7. New construction of principal structures within local historic districts or on Landmark Sites except for single family and two family dwellings.
8. Planned development
9. Zoning Map Amendment

B. Early Notification: The City shall provide notice of a pending land use application to the individuals stated in this section. The city shall provide at least forty-five (45) days for the recipients of the notice to provide comment on the pending land use application before a decision approving or denying the application is made by the applicable land use authority, or recommendation is made if the approval authority is the city council.

1. Stakeholders. The city shall provide written notice to the following:

- a. Property owners and tenants within three hundred (300) feet of property subject to a pending land use application. City-wide zoning amendments are exempt from this requirement.
- b. Chair of the recognized community organization(s) in which the subject property is located and the chair of any recognized community organization whose boundary is located within three hundred (300) feet of the subject property. In the case of city-wide zoning amendments, the chairs of all recognized community organizations will receive a notice.

c. Additional stakeholders may be noticed given the type of application and potential impacts of the proposal.

2. Content of Notice: The notice shall generally describe:

- a. the subject matter of the application,
- b. the location of the proposed project if applicable,
- c. how to obtain further information,
- d. how to submit comments about the application, and
- e. the date that the forty-five (45) day comment period ends.

3. Posting of Subject Property: The land subject to an application that requires early notification shall be posted by the City with a sign giving notice that the City has received such application and include instructions on how to obtain more information about the project. The sign shall be posted within ten (10) calendar days of receiving a complete application.

- a. Location: One (1) notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one (1) sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty-five feet (25') from the front property line and shall be visible from the street. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land subject to the application.
- b. Removal: If the sign is removed through no fault of the applicant, property owner or the city, such removal shall not be deemed a failure to comply with the standards, or be grounds to challenge the validity of any decision made on the application.

4. Exception from Early Notification Process: The following city code amendments are exempt from the processes set forth in subsections 21A.10.015C.1 and 2 of this section. The city may still opt to notify recognized community organizations of proposed city code amendments listed in this section, but not providing notice of an exempt city code amendment shall not negate any action taken.

- a. City code amendments related to recently-enacted legislation if the code amendments:
 - (1) Are subject to an adoption deadline or action date set forth in the legislation;
 - (2) Are related to funding city-related projects; or
 - (3) Are necessary for essential city functions.
- b. A temporary land use regulation meeting the requirements of Utah Code Section 10-9a-504 or its successor.
- c. City code amendments proposed to respond to a natural disaster or other emergency situation potentially affecting the safety or well-being of individuals.

- d. City code amendments to mitigate the city's exposure to liability where prompt action is reasonably necessary.
- e. The timeframe for the early notification process identified in section 21A.10.015C 1 and 2 may be modified where a land use applicant requests in writing that a decision be made as per section 10-9a.509.5 (or its successor) of the Utah State Code.

C. Engagement Activity. Following city notification of an application listed in subsection 21.10.015.B of this section the city shall conduct an engagement activity as set forth in either subsection 21A.10.15.C1 or 21A.10.015.C2 of this section, whichever may be applicable, in addition to other processes required by law. The Planning Division may conduct additional public engagement activities beyond those listed below. The public engagement process may occur during the forty-five (45) day public comment period.

1. Recognized Community Organization Meeting

a. A recognized community organization meeting may be held at the request of the recognized community organization when the proposal is located within the boundaries of one recognized community organization.

1). The recognized community organization chair(s) shall notify the planning division within fourteen (14) calendar days of receiving the notice of pending land use application from the city to let the city know whether they want to review the project.

a). If the recognized community organization decides to hold a meeting to review the project, the recognized organization shall hold a meeting and provide comments on the project within forty-five calendar (45) days of when the notice of pending land use application was sent.

b.) If the recognized community organization does not respond as to whether it wants to review the matter or does not schedule the item for a recognized community meeting within fourteen (14) days of when the notice of pending land use application was sent, the city shall schedule the item for a community outreach event.

2. Community Outreach Event:

a. The city will schedule the item for an outreach event to educate, engage and receive input from the public at a level that is consistent with the scope of impact of a proposal or project. An outreach event will be held when:

1). A recognized community organization does not respond within fourteen (14) days of when the notice of pending land use application was sent as to whether it wants to review the matter,

2) Within fourteen (14) days of receiving the notice of pending land use application, the recognized community organization does not schedule the item for a recognized community organization meeting;

3). The recognized community organization will not meet within forty-five (45) days of receiving the notice from the city;

- 4). The project is within six hundred feet (600') of the boundaries of another recognized community organization's district;
- 5). The subject property is located west of 2200 West;
- 6). The project is a master plan or master plan amendment that impacts multiple recognized organizations;
- 7). The project is a text amendment to the zoning ordinance.
- b. The City will also notify the public, property owners and tenants within three hundred (300) feet of property subject, and recognized community organizations who may be affected by the project or who have specifically requested notification of the outreach event for those situations noted in section 2a. of this subsection.
3. Public Hearing: a public hearing may be held within the forty-five (45) day engagement period provided that no final decision regarding the land use application is made within the forty-five (45) day engagement period.

21A.10.020: PUBLIC HEARING NOTICE REQUIREMENTS:

Providing all of the information necessary for notice of all public hearings required under this title shall be the responsibility of the applicant and shall be in the form established by the zoning administrator and subject to the approval of the zoning administrator pursuant to the standards of this section.

A. Public Hearing Required: Projects requiring a public hearing as required by this title shall be held after the following public notification:

1. Mailing For Public Hearing: Notice by first class mail shall be provided; a minimum of twelve (12) calendar days in advance of the public hearing to all owners and tenants of the land as shown on the Salt Lake City geographic information system records within three hundred feet (300') from the periphery of land subject to the application, inclusive of streets and rights of way, or one thousand feet (1,000') of the periphery of land subject to application for sexually-oriented business requiring conditional site plan review pursuant to Chapter 21A.36 if this title. Mailing labels shall be generated by the city at the time of application submittal and created using the Salt Lake City geographic information system records unless as stated otherwise in this title. Notice by first class mail for zoning text amendments shall only be required if a notice requesting the mailing is received by the Planning Director.

a. ~~A minimum of twelve (12) calendar days in advance of the public hearing;~~

b. ~~To all owners and tenants of the land as shown on the Salt Lake City geographic information system records. Mailing labels shall be generated by the city at the time of application submittal and created using the Salt Lake City geographic information system records unless as stated otherwise in this title;~~

- ~~c. Within three hundred feet (300') from the periphery of land subject to the application, inclusive of streets and rights of way, or one thousand feet (1,000') of the periphery of the land subject to application for sexually oriented businesses requiring conditional site plan review pursuant to chapter 21A.36 of this title; and~~
 - ~~d. Notice by first class mail for zoning text amendments shall only be required if a notice requesting the mailing is received by the Planning Director.~~
- 2. Notification To Recognized Organizations: The City shall give e-mail notification, or other form of notification chosen by the Planning Director, a minimum of twelve (12) calendar days in advance of the public hearing to any recognized community organization which is entitled to receive notice pursuant to [title 2, chapter 2.60](#) of this Code.
 - 3. Contents Of Mailing Notice For Public Hearing: The first class mailing notice for any public hearing required pursuant to this title shall generally describe the subject matter of the application and the date, time and place of the public hearing, and the place where such application may be inspected by the public. The notice shall also advise that interested parties may appear at the public hearing and be heard with respect to the application.
 - 4. Posting For Public Hearing: The land subject to an application for a public hearing shall be posted by the City with a sign giving notice of the public hearing, providing the date of the hearing including contact information for more information, at least ten (10) calendar days in advance of the public hearing.
 - a. Location: One (1) notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one (1) sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty five feet (25') from the front property line and shall be visible from the street. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land subject to the application.
 - b. Removal: If the sign is removed through no fault of the applicant, property owner, or the City before the hearing, such removal shall not be deemed a failure to comply with the standards, or be grounds to challenge the validity of any decision made on the application.
 - c. Exemption: This posting requirement shall not apply to applications for amendments involving an H Historic Preservation Overlay District, applications for an administrative certificate of appropriateness or applications for comprehensive rezonings of areas involving multiple parcels of land, including boundaries of a historic district, or for text amendments to this title.

5. Publication: As required by State law, at least twelve (12) calendar days in advance of the first public hearing for an application for an amendment to the text of this title or other processes as required by State law, the City shall publish a notice of such public hearing in a newspaper of general circulation in Salt Lake City.

B. Special Noticing Requirements For Administrative Approvals:

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

- ~~a. Notification: The City shall provide written notice by first class mail a minimum of twelve (12) calendar days in advance of the requested action to all owners of the land and tenants subject to the application, as shown on the Salt Lake City geographic information system records, adjacent to and contiguous with the land subject to the application. Recognized organizations are also entitled to receive notice pursuant to of this Code by e-mail or other form chosen by the Planning Director.~~

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

1. Notice Of Application for Design Review:

- a. Notification: Prior to the approval of an administrative decision for Design Review application as authorized in chapter 21A.59 of this title, the Planning Director shall provide a minimum of twelve (12) days notice in advance of the requested action to the following:

- 1). Abutting property owners and tenants: written notice by first class mail to all abutting properties and those properties located directly across the street from the subject property, and to all property owners and tenants of the land subject to the application as shown on the Salt Lake City geographic information system records.

- 2). Recognized community organization(s) in which the subject property is located.

At the end of the twelve (12) calendar day notice period, if there are issues identified that relate to the proposal not complying with a standard of review found in 21A.59, the Planning Director may refer the matter to the Planning Commission.

- b. Contents of the Notice of Application: The notice for mailing shall generally describe the subject matter of the application, the place where such application may be inspected by the public, and the date when the Planning Director will authorize a final administrative decision and include the procedures to appeal and administrative decision.

2. ~~Determination Of~~ Notice of Demolition of a Noncontributing ~~Status~~Structure Within An H Historic Preservation Overlay District: Prior to the approval of an administrative decision for a certificate of appropriateness for demolition of a noncontributing structure, the City shall provide written notice by first class mail a minimum of twelve (12) calendar days of the request to demolish the structure and to identify that a determination of has been made that the building has been identified as a noncontributing building. status of the property This notice will be sent to all owners of the land and tenants, within eighty-five feet (85') of the land subject to the application as shown on the Salt Lake City geographic information system records. At the end of the twelve (12) day notice period, the Planning Director shall either issue a certificate of appropriateness for demolition or refer the application to the Historic Landmark Commission.
3. Notice Of Application For Special Exceptions: Prior to the approval of an administrative decision for special exceptions as authorized in chapter 21A.52 of this title, the Planning Director shall provide written notice by first class mail a minimum of twelve (12) days in advance of the requested action to all abutting properties and those properties located across the street from the subject property, and to all property owners and tenants of the land subject to the application, as shown on the Salt Lake City geographic information system records.
 - a. Contents Of The Mailing Notice Of Application: The notice for mailing shall generally describe the subject matter of the application, the place where such application may be inspected by the public, the date when the Planning Director will authorize a final administrative decision, and include the procedures to appeal an administrative decision set forth in chapter 21A.16 of this title.
4. Notice Of Application For TSA Development Reviews: Prior to the approval of a development review score as authorized in section [21A.26.078](#) of this title, the Planning Director shall provide written notice by first class mail a minimum of twelve (12) days in advance of the requested action to all abutting properties and those properties located across the street from the subject property, and to all property owners and tenants of the land subject to the application, as shown on the Salt Lake City geographic information system records.
 - a. Contents Of The Mailing Notice Of Application: The notice for mailing shall generally describe the subject matter of the application, the place where such application may be inspected by the public, the date when the Planning Director will authorize a final administrative decision, and include the procedures to appeal an administrative decision set forth in chapter 21A.16 of this title. (Ord. 25-17, 2017: Ord. 10-16, 2016: Ord. 58-13, 2013)

Chapter 21A.12

ADMINISTRATIVE INTERPRETATIONS

21A.12.040: PROCEDURES:

A. Application: An application for an interpretation of this title shall be filed on a form provided by the zoning administrator and shall contain at least the following information:

1. Provisions: The specific provision or provisions of this title for which an interpretation is sought;
2. Facts: The facts of the specific situation giving rise to the request for an interpretation;
3. Interpretation: The precise interpretation claimed by the applicant to be correct;
4. Statement: When a use interpretation is sought, a statement of what use permitted under the current zoning classification of the property that the applicant claims either includes the proposed use, or is most similar to the proposed use; and
5. Evidence: When a use interpretation is sought, documents, statements, and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.
6. Fees: Nonrefundable fees shown on the Salt Lake City consolidated fee schedule shall accompany the application.
7. Notification To Recognized Organizations: The city shall give notification, by e-mail or other form chosen by the planning director to any recognized community organization in which the subject property is located. ~~which is entitled to receive notice pursuant to Title 2, Chapter 2.60 of this code, that a use interpretation has been determined.~~

Chapter 21A.16

APPEALS OF ADMINISTRATIVE DECISIONS

21A.16.030: PROCEDURE:

Appeals of administrative decisions by the zoning administrator, historic landmark commission or planning commission to the appeals hearing officer shall be taken in accordance with the following procedures:

- A. Filing Of Appeal: An appeal shall be made in writing within ten (10) days of the administrative decision by the zoning administrator, historic landmark commission or planning commission and shall be filed with the zoning administrator. The appeal shall specify the decision appealed, the alleged error made in connection with the decision being appealed, and the reasons the appellant claims the decision to be in error, including every theory of relief that can be presented in district court.
- B. Fees: The application shall be accompanied by the applicable fees shown on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by chapter 21A.10 of this title.

C. Stay Of Proceedings: An appeal to the appeals hearing officer shall stay all further proceedings concerning the matter about which the appealed order, requirement, decision, determination, or interpretation was made unless the zoning administrator certifies in writing to the appeals hearing officer, after the appeal has been filed, that a stay would, in the zoning administrator's opinion, be against the best interest of the city.

D. Notice Required:

1. Public Hearing: Upon receipt of an appeal of an administrative decision by the zoning administrator, the appeals hearing officer shall schedule and hold a public hearing in accordance with the standards and procedures for conduct of the public hearing set forth in chapter 21A.10 of this title.
2. Notice Of Appeals Of Administrative Decisions Of The Historic Landmark Commission Or Planning Commission: Appeals from a decision of the historic landmark commission or planning commission are based on evidence in the record. Therefore, testimony at the appeal meeting shall be limited to the appellant and the respondent.
 - a. Upon receipt of an appeal of a decision by the historic landmark commission or planning commission the appeals hearing officer shall schedule a public meeting to hear arguments by the appellant and respondent. Notification of the date, time and place of the meeting shall be given to the appellant and respondent a minimum of twelve (12) calendar days in advance of the meeting.
 - b. The city shall give e-mail notification, or other form of notification chosen by the appeals hearing officer, a minimum of twelve (12) calendar days in advance of the hearing to any recognized community organization, in which the subject property is located, ~~entitled to receive notice pursuant to [title 2, chapter 2.60](#) of this code.~~
3. Time Limitation: All appeals shall be heard within one hundred eighty (180) days of the filing of the appeal. Appeals not heard within this time frame will be considered void and withdrawn by the appellant.

Chapter 21A.38
NONCONFORMING USES AND NONCOMPLYING STRUCTURES

21A.38.025: PROCEDURES:

- A. Application: An application for an administrative interpretation relating to a noncomplying lot or structure or an application for determination of a nonconforming use of this title shall

be filed on a form provided by the zoning administrator and shall contain at least the following information:

1. Provisions: The specific provision or provisions of this title for which an interpretation or determination is sought;
2. Facts: The facts of the specific situation giving rise to the request for an interpretation or determination;
3. Interpretation: The precise interpretation or determination claimed by the applicant to be correct;
4. Fees: The application shall be accompanied by the applicable fees shown on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by chapter 21A.10 of this title.
5. Notification To Recognized Organizations: The city shall give notification, by e-mail or other form chosen by the planning director to any recognized community organization in which the subject property is located is to receive notice pursuant to in [title 2, chapter 2.60](#) of this code, that an administrative interpretation or determination of nonconforming use has been made.

Chapter 21A.60 LIST OF TERMS

Outreach Events

21A.62 Definitions

21A.62.040 Definition of Terms

OUTREACH EVENTS: Outreach events are used to expand involvement opportunities for community members by providing a chance to ask questions and provide comments on an issue or have involvement in the decision-making process. Outreach events should encourage participation, make the public feel welcome, and provide a clear understanding of the public's role in the process.

Chapter 2.60

RECOGNIZED COMMUNITY ORGANIZATIONS

2.60.010: PURPOSE:

2.60.020: DEFINITION:

2.60.030: MINIMUM REQUIREMENTS:

2.60.040: REGISTRATION:

2.60.050: RESPONSIBILITIES OF CITY:

2.60.060: RESPONSIBILITIES OF COMMUNITY ORGANIZATIONS:

2.60.070: VOLUNTEER STATUS AND PARTIAL INDEMNIFICATION:

2.60.010: PURPOSE:

It is the policy of Salt Lake City to create a framework by which the people of the city may effectively organize into community organizations representing a geographic area or field of interest, and use this as one way to participate in civic affairs and improve the livability and character of the city and its neighborhoods. Salt Lake City values the benefits these organizations bring to the community and holds each in equal regard.

This chapter sets out the basis for city recognition of such community organizations and the associated responsibilities and benefits. (Ord. 58-13, 2013)

2.60.020: DEFINITION:

COMMUNITY ORGANIZATION: A voluntary group of individuals organized around a particular community interest for the purpose of collectively addressing issues and interests common to that group. A community organization is not a subsidiary of Salt Lake City government. (Ord. 58-13, 2013)

2.60.030: MINIMUM REQUIREMENTS:

A. All community organizations seeking recognition pursuant to this chapter must comply with the following:

1. Properly register as a nonprofit corporation in good standing with the state of Utah;
2. Adopt bylaws which include the following provisions:
 - a. A clear definition of membership;
 - b. A policy of open participation of all persons who are members of the organization;
 - c. A policy against discrimination;
 - d. Attendance to meetings is open to the general public;
 - e. Meetings will provide an opportunity for public input;
3. Revision of Bylaws. If the recognized community organization adopts changes to its bylaws, the recognized community organization shall file a copy of the amended bylaws with the Salt Lake City Recorder's Office within thirty (30) days of such changes. The changes can be filed with the recorder's office by any member of the executive board of the recognized community organization.

4. Organizations must hold at least one meeting of their membership each year. (Ord. 58-13, 2013)

2.60.040: REGISTRATION:

- A. The recorder's office shall maintain an official registration of community organizations recognized under this chapter. Any community organization meeting the requirements of section [2.60.030](#) of this chapter may register by filing with the recorder's office the following:
 1. Official name;
 2. Boundaries where applicable;
 3. The names, mailing addresses, telephone numbers and e-mail addresses of its current officers;
 4. The name, mailing address, e-mail address and telephone number to serve as the recipient for official communications from the city;
 5. Methods used to communicate with membership;
 6. A copy of the organization's articles of incorporation and bylaws;
 7. Time and place of regular meetings; and
 8. Schedule for electing officers.

The recorder's office shall make this information available to the public on the city website.

- B. It shall be the responsibility of the community organization to provide updated information and any changes to the items in subsection A of this section to the recorder's office in a timely manner.
- C. Annual renewal of registration of community organization is required. By January 31 of each year, each registered community organization must submit a request for renewal of registration with current information required in subsection A of this section. Failure to submit such a request by January 31 will result in removal of the community organization from the official registration. (Ord. 58-13, 2013)

2.60.050: RESPONSIBILITIES OF CITY:

- A. Education: The city shall adequately educate the public on city policy, procedures, and actions.
- B. Public Engagement: Each city department shall strive to utilize best public engagement practices to educate, engage, and receive input from the public at a level that is consistent with the scope of impact of a proposal or project.
- C. Recognized Community Organization Notification And Response: The city will send a notice to the applicable recognized community organization chair(s) for the following types of projects:

~~Alley vacation~~

City code amendments

~~Conditional use~~

~~Demolition of contributing structures located within a local historic district or landmark sites~~

Major changes to street capacity or travel modes

Major upgrades to public facilities and structures

~~Master plan amendment or policy amendments to be adopted by the city council~~

~~Master plan or policies to be adopted by the city council~~

New construction of major public facilities and structures

~~Planned development~~

~~Zoning map amendment~~

See title 21A. for process related to master plans, zoning amendments, and land use applications

The recognized community organization chair(s) have forty five (45) days to provide comments, from the date the notice was sent. A public hearing will not be held, nor will a final decision be made about the project within the forty five (45) day period. Where a project is within six hundred feet (600') of the boundaries of another recognized community organization's district, when more than one recognized organization has requested a presentation of the matter, when the subject property is located west of 2200 West, or when the project is a text amendment to the city code, the city will schedule the item for an open house and notify the public, including those recognized community organizations who may

be affected by the project or who have specifically requested notification of the public open house.

- D. Notice Procedures: The city departments shall develop policies and procedures to show how they will provide notice and early participation opportunities for pending major city actions. These include, but are not limited to, public meetings, development projects, planning activities, and grant and funding opportunities, which may have a significant impact on the membership of a registered community organization. Notice shall be given to affected community based organizations in a timely manner, including information on the time frame for a response.
- E. Reregistration Notification: The recorder's office shall notify each registered community organization of pending requirement for reregistration by December 31 of each year.
- F. List Of Organizations: In an effort to notify the public about the existence of recognized community ~~based~~ organizations and encourage participation in these organizations, at least once a year the city shall make a reasonable attempt to provide a list of all recognized community ~~based~~ organizations and their contact information to all residents, property owners, business owners, schools and nonprofit agencies in Salt Lake City. (Ord. 58-13, 2013)

2.60.060: RESPONSIBILITIES OF COMMUNITY ORGANIZATIONS:

Each recognized community organization shall:

- A. Renew registration with the recorder's office on an annual basis.
- B. Establish orderly and democratic means for forming representative public input through civil and respectful dialogue.
- C. Establish and follow a clear method for reporting to the city actions ~~which~~ that accurately reflect their position. Include the means by which a recommendation or decision was reached, how many members were involved and what the outcome was.
- D. By interaction with its members, residents, and the city, foster open and respectful communication between the recognized community organization and representatives of city departments on plans, proposals and activities affecting the interests of the recognized community organization. (Ord. 58-13, 2013)

2.60.070: VOLUNTEER STATUS AND PARTIAL INDEMNIFICATION:

Recognized community organization members shall be considered volunteers and not employees, officials or officers of Salt Lake City. Recognized community organizations and their officers, trustees and directors shall be indemnified by the city pursuant to the Utah governmental immunities act in any civil action which may arise from determinations and recommendations made within the scope of performance of their duties under this chapter. This

defense and indemnification obligation on behalf of the city shall be limited to only those determinations and recommendations and shall not extend to any physical activities of the community organization or its members. These provisions shall not be deemed a waiver of any claim for immunity from suit on behalf of the volunteer. (Ord. 58-13, 2013)

Subdivision Ordinance

20A.04.130 AMENDMENTS TO THIS TITLE: The process to amend this title shall follow the process outlined in section 21A.50 and include early notification requirements found in section 21A.10.

Chapter 20.36

NOTICING REQUIREMENTS

20.36.010: REQUIRED NOTICING FOR PLANNING DIRECTOR DECISION ON PRELIMINARY PLAT APPLICATIONS:

20.36.020: REQUIRED NOTICING FOR PUBLIC HEARING:

20.36.030: SIGNPOSTING; LOCATION AND REMOVAL:

~~20.36.040: NOTIFICATION TO RECOGNIZED ORGANIZATIONS:~~

20.36.010: REQUIRED NOTICING FOR PLANNING DIRECTOR DECISION ON PRELIMINARY PLAT APPLICATIONS:

When the review process involves a preliminary decision by the planning director the application shall be noticed as follows:

A. Subdivisions:

1. Mailing: Written notice of subdivision application shall be provided by first class mail a minimum of twelve (12) calendar days in advance of the pending decision to all owners and tenants of the land subject to the application, and all abutting property owners, as shown on the Salt Lake City geographic information system records.
2. Posting: Notice by sign, in accordance with section 20.36.030 of this chapter, shall also be posted on the property at least ten (10) days prior to the scheduled administrative decision.
3. ~~3. Notification To Recognized Organizations: The city shall give notification in accordance with section 20.36.040 of this chapter.~~

B. Subdivision amendments not involving vacating or altering a public street, right of way, or easement:

1. Mailing: Written notice of subdivision application shall be provided by first class mail a minimum of twelve (12) calendar days in advance of the pending decision to all property owners or tenants, as shown on the city's computerized geographic information system, of land contained in the entire original or previously amended subdivision plat and all

property owners whose property abuts the land being amended and is located outside of the subject subdivision.

2. Posting: Notice by sign, in accordance with section 20.36.030 of this chapter, shall also be posted on the property at least ten (10) days prior to the scheduled administrative decision.
3. ~~Notification To Recognized Organizations: The city shall give notification in accordance with section 20.36.040 of this chapter (Ord 7-14, 2014)~~

20.36.020: REQUIRED NOTICING FOR PUBLIC HEARING:

When the review process involves a public hearing, the application and hearing shall be noticed as follows:

A. Subdivisions: Excluding subdivision amendments involving a public street, right of way, or easement, which have different noticing requirements as specified in subsection B of this section, whenever a public hearing with the planning commission is required for preliminary plat decision, the following public noticing is required:

1. Mailing: Notice by first class mail shall be provided a minimum of twelve (12) calendar days in advance of the public hearing, to all abutting property owners of the subject land, as shown on the Salt Lake City geographic information system records.
2. Posting: The land subject to an application shall be posted by the city with a sign, in accordance with section 20.36.030 of this chapter, giving notice of the public hearing a minimum of ten (10) calendar days in advance of the public hearing.
3. ~~Notification To Recognized Organizations: The city shall give notification in accordance with section 20.36.040 of this chapter.~~

B. Subdivision amendments involving vacating or altering a public street, right of way, or easement:

1. Mailing And Publishing: Notice of the public hearing shall be provided in the following manner at least twelve (12) days before the hearing:
 - a. Mailed to the record owner of each parcel that is accessed by the subject portion of public street, right of way, or easement;
 - b. Mailed to each affected entity;
 - c. Published in a newspaper of general circulation in the municipality in which the land subject to the petition is located; and
 - d. Published on the Utah public notice website created in section 63F-1-701 of the Utah code.
2. Posting: The land subject to an application shall be posted by the city with a sign, in accordance with section 20.36.030 of this chapter, giving notice of the public hearing a minimum of ten (10) calendar days in advance of the public hearing.
3. ~~Notification To Recognized Organizations~~Public Engagement: The city shall give notification in accordance with section 21A.10.015~~20.36.040 of this chapter~~ (Ord. 7-14, 2014)

20.36.030: SIGNPOSTING; LOCATION AND REMOVAL:

- A. Location: One notice sign shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty five feet (25') from the front property line and shall be visible from the street. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right of way with an attached notation indicating generally the direction and distance to the land subject to the application.
- B. Removal: If the sign is removed through no fault of the applicant before the hearing, such removal shall not be deemed a failure to comply with the standards, or be grounds to challenge the validity of any decision made on the application. (Ord. 7-14, 2014)

~~20.36.040 NOTIFICATION TO RECOGNIZED ORGANIZATIONS: When it is required, notification to recognized organizations shall be given by e-mail notification, or other form of notification chosen by the planning director, a minimum of twelve (12) calendar days in advance of a planning director decision and / or a public hearing to any organization which is entitled to receive notice pursuant to title 2, chapter 2.60 of this code (Ord. 7-14, 2014)~~