

ORDINANCE NO. _____

DATE _____

AN ORDINANCE AMENDING TITLE 19, ENTITLED
“ZONING,” OF THE SALT LAKE COUNTY CODE OF
ORDINANCES, 2001, BY AMENDING CHAPTERS 19.02,
19.04, 19.05, 19.62, 19.78, 19.84, 19.88, 19.90, AND 19.92.

The County Council, as the legislative body of Salt Lake County, ordains as follows:

SECTION I. The amendments made herein are designated by underlining the new substituted words. Words being deleted are designated by brackets with a line drawn through said words.

SECTION II. Section 19.02.130 of Chapter 19.02, entitled “General Provisions and Administration,” of the Salt Lake County Code of Ordinances, 2001, is hereby added to read as follows:

19.02.130 Land use applications.

The director of planning and development services (“the director”) or the director’s designee shall be the administrator of the Salt Lake County Zoning Ordinance. In order to assure that each proposed land use or proposed amendment to an existing land use is handled consistently and fully complies with the provisions of this title, the director or director’s designee shall administer application and review procedures as outlined herein unless specific procedures are otherwise provided in the zoning ordinance. Applications shall be diligently prosecuted to completion by the applicant to ensure that any action taken to approve or deny an application is based on current information. An application shall not be considered complete until all application fees have been paid and all required materials have been submitted. The payment of a partial fee and preliminary plans for a pre-submittal review does not constitute a complete application. The land use application process shall consist of the following:

A. An application procedure, which shall include:

1. Submission of an application form, as designed by the director or director's designee, which clearly indicates the type and purpose of the application, property address, and applicant information;

2. Submission of a legal description of the property plat, a designated number of site plans, building elevations, and mailing labels (if required) for notifications;

3. Payment of fees, as required under Title 3, Revenue and Finance.

B. A review procedure, which may include:

1. The creation of a planning file by which the applicant, staff, and the public can refer to the proposed land use;

2. An on-site review by the director or director's designee as allowed in Utah Code 17-27a-303;

3. Review of the submitted site plan and elevations for compliance with the zoning ordinance;

4. Referral of the application and site plans to those government agencies and/or affected entities necessary to protect the health, safety, and welfare of the public and to ensure the project's compliance with all applicable ordinances and codes;

C. An approval procedure, which shall include:

1. The integration of the recommendations from the other government agencies and affected entities involved in B.4 above into the final site plan and/or elevations;

2. An approval letter or other written document indicating the approval or denial of the application with appropriate conditions as needed to ensure compliance with all applicable codes, ordinances, and regulations;

3. Provision of the approved site plan and approval letter or denial letter to the applicant in a timely manner.

SECTION III. Section 19.04.166 of Chapter 19.04, entitled “Definitions,” of the Salt Lake County Code of Ordinances, 2001, is hereby amended to read as follows:

19.04.166 ~~[Development services director]~~ Director.

~~[“Development services director”]~~ “Director” means the director of the Salt Lake County ~~[public works,]~~ planning and development services division.

SECTION IV. Section 19.04.380 of Chapter 19.04, entitled “Definitions,” of the Salt Lake County Code of Ordinances, 2001, is hereby amended to read as follows:

19.04.380 ~~[Nonconforming building or]~~ Noncomplying structure.

~~“[Nonconforming building or]~~ Noncomplying structure” means a building or other structure or portion thereof lawfully constructed in compliance with the zoning ordinance existing at the time of construction, that no longer conforms [the ordinance codified in this title ~~became effective, which does not conform]~~ to ~~[all]~~ the height, area and/or yard regulations ~~[herein prescribed]~~ in the zone in which it is located due to changes to the zoning ordinance or to subsequent public acquisition of land for public improvements.

SECTION V. Section 19.05.010 and 19.05.060 of Chapter 19.05, entitled “Planning Commission,” of the Salt Lake County Code of Ordinances, 2001, are hereby amended to read as follows:

19.05.010 Appointment--Term.

The planning commission shall consist of seven members and up to two alternate members appointed by the mayor with the advice and consent of the county council. Members shall serve three-year terms or longer ~~[and]~~ until ~~[their]~~ successors are appointed ~~[and qualified]~~ . Terms shall commence on March 1st of each year. In the event a term of a member shall expire before a successor is appointed ~~[without his/her having been reappointed or a successor having been appointed]~~ , the member shall continue to serve until a successor is ~~[has been]~~ appointed

~~[and the term of the successor shall terminate on the same day as though he/she was appointed in a timely manner].~~ Terms of at least two members, and not more than three, shall expire each year. The members and alternate members of the planning commission shall be residents of the unincorporated area of the county.

19.05.060 Township planning commission.

Pursuant to the provisions and requirements of ~~[Section 17-27-200.5, et seq., Utah Code Annotated, and the township election ordinance, Section 2.74.010, et seq., Salt Lake County Code of Ordinances,]~~ Utah Code, Section 17-27a-301, et seq., and county ordinance, Section 2.74.010, et seq., townships shall be deemed established upon compliance with the Act and ordinance and upon appointment ~~[and]~~ or election of township planning commission members. In addition to the seven elected and appointed township planning commission members, the mayor, with the advice and consent of the county council, may appoint up to two alternate members of a township planning commission. Alternate members must meet the qualifications for regular planning commission members. The county planning commission shall cease to exercise jurisdiction over all newly filed planning and zoning matters within areas establishing townships on the day when election results are canvassed indicating the township proposal passes. The township planning commissions shall have jurisdiction regarding all pending and future planning and zoning matters and proceedings within the township area upon election and appointment of the full commission. The following rules and procedures regarding township planning commissions are established:

A. After a township is created, the duly elected and appointed township planning commission shall act as the planning commission within the township boundaries and shall:

1. Prepare and recommend amendments to the general plan, as it pertains to the township, to the county council;

2. Recommend to the county council amendments to existing zoning ordinances and maps affecting areas within the township;

3. Administer provisions of the zoning ordinance where specifically provided for in the zoning ordinance adopted by the county council;

4. Recommend to the county council amendments to existing subdivision regulations affecting areas within the township;

5. Recommend to the county [~~council~~] mayor approval or denial of subdivision applications located within the township;

6. Approve or deny conditional use permits within the township;

7. Advise the county council on matters that the county council directs;

8. Provide other functions as specified in this chapter or as directed by the county council.

B. The county council shall adopt such policies and procedures as it deems necessary to provide for:

1. The location, scheduling, and conduct of township planning commission meetings;

2. The processing of applications;

3. The provision of planning support staff;

4. The funding of necessary and reasonable expenses of township planning commissions; and

5. For any other purposes considered necessary for the functioning of township planning commissions.

C. The township board shall elect a chair and vice chair from among its members to sit for one year terms and may, by majority vote, adopt rules regarding its activities, which rules may not be in conflict with the Act or this chapter.

D. Unless otherwise provided by law, any vacancy occurring on a township planning commission by reason of death, resignation, removal or disqualification shall be filled by the mayor with the advice and consent of the county council for the unexpired term of such member. Vacancies for elected board members shall be filled for the unexpired term of the member replaced except that if over two years remain in the unexpired term, the replacement shall stand for re-election in the next even-numbered year. The mayor with the advice and consent of the county council may remove for cause a member of a township planning commission which the council has appointed upon the filing of written charges against the member and after a hearing on the charges if requested by the member.

SECTION VI. Sections. 19.62.080 and 19.62.090 of Chapter 19.62, entitled “C-2 Commercial Zone,” of the Salt Lake County Code of Ordinances, 2001, are hereby amended to read as follows:

19.62.080 Front yard.

In C-2 zones:

A. Multiple and/or Group Dwellings. The minimum depth of the front yard for dwellings and for private garages which have a minimum side yard of eight feet shall be twenty-five feet, or the average of the existing buildings where fifty percent or more of the frontage is developed, but in no case less than fifteen feet. Other private garages and all accessory buildings other than private garages shall be located at least six feet in the rear of the main building.

B. Other Buildings[~~Walls or Fences~~]. The minimum depth of the front yard [~~for buildings, walls or fences more than two feet in height~~] shall be twenty feet.

19.62.090 Side yard.

In the C-2 zone:

A. Multiple and/or Group Dwellings. The minimum side yard for any dwelling shall be eight feet, and the total width of the two required side yards shall be not less than eighteen feet, except that dwelling structures over thirty-five feet in height shall have one foot of additional side yard on each side of the building for each two feet such structure exceeds thirty-five feet in height. The minimum side yard for a private garage shall be eight feet, except private garages and other accessory buildings located at least six feet in the rear of the main building shall have a minimum side yard of not less than one foot, provided that no private garage or other accessory building shall be located closer than ten feet to a dwelling on an adjacent lot. On corner lots, the side yard which faces on a street for both dwellings and accessory buildings shall be not less than twenty feet, or the average of existing buildings where fifty percent or more of the frontage is developed, but in no case less than fifteen feet, or be required to be more than twenty feet.

B. Other Buildings and Structures. None, except that wherever a building is located upon a lot adjacent to a residential land use [~~zone or agricultural zone boundary~~], there shall be provided a side yard of not less than ten feet on the side of the building adjacent to the residential property [~~zone boundary line~~], and on corner lots the side yard which faces on a street shall be not less than twenty feet.

SECTION VII. Section 19.78.040 of Chapter 19.78, entitled “Planned Unit Development” of the Salt Lake County Code of Ordinances, 2001, are hereby amended to read as follows:

19.78.040 [Approval—Permit] Review and approval.

~~[Planned unit developments] A planned unit development may be [allowed] approved by a planning commission [approval] in any zoning district. [An approved planned unit development] The approval of a PUD shall consist of a final approval letter and a final approved site plan. A ~~[planned unit development]~~ PUD permit shall not be granted unless the ~~[planned unit development]~~ PUD meets the use and density limitations of the zoning district in which it is to be located ~~[and meets the density and other limitations of such districts. Compliance with the regulations of this chapter in no sense excuses the developer from the applicable requirements of the subdivision ordinance, except as modifications thereof are specifically authorized in the approval of the application for the planned unit development. The permit shall be considered in two parts:]~~~~

A. ~~— Preliminary approval subject to the public hearing provisions of Section 19.84.040; and~~

B. ~~— Final approval based on construction drawings and specifications in general accord with that granted preliminary approval.]~~

In order to assist the planning commission with the approval process, the director or director's designee shall administer an application and review procedure with the following components:

A. A pre-submittal review, which may include:

1. Submission of an information form, conceptual site plans, property plat map, other supplemental materials, and a pre-submittal fee as required under Title 3, Revenue and Finance.

2. Referral of the plans to affected entities and other regulatory agencies.

3. An informational meeting with planning staff, regulatory agencies, and the

applicant in which preliminary information and feedback is given to the applicant based on the preliminary plans.

4. A preliminary meeting with the planning commission in which the application is discussed by the applicant, planning commission, and concerned neighbors in order to allow the applicant an opportunity to hear the planning commission members' and neighbors' areas of concern prior to submitting an application with finished site plans.

5. Upon completion of the foregoing pre-submitted review process and upon payment of all applicable fees, the application shall be deemed complete.

B. An application and review procedure, which shall include:

1. Submission of finished site plans and application fees;

2. The creation of a planning file by which the applicant, staff, and the public can refer to the proposed land use;

3. An on-site review by the director or director's designee as allowed in Utah Code Section 17-27a-303;

4. Review of the submitted site plans and elevations for compliance with the zoning ordinance;

5. Referral of the application and site plans to those government agencies and/or affected entities necessary to protect the health, safety, and welfare of the public and to ensure the project's compliance with all applicable ordinances and codes;

6. Recommendation from planning and development services to the planning commission.

C. An approval/denial procedure, which shall include:

1. A planning commission decision based on whether the proposed development complies with ordinance requirements and development standards of approval and whether anticipated impacts can be mitigated with appropriate conditions of approval.

2. The integration of the recommendations from the other government agencies and affected entities involved in B.5 above and any planning commission conditions of approval into the final site plan;

3. An approval or denial letter indicating the approval or denial of the application with appropriate conditions or findings;

4. Provision of the approved site plan with approval letter or the denial letter to the applicant in a timely manner.

SECTION VIII. Sections 19.84.010, 19.84.030, 19.84.040, 19.84.050, 19.84.060, 19.84.070, 19.84.080 and 19.84.090 of Chapter 84, entitled “Conditional Uses,” of the Salt Lake County Code of Ordinances, 2001, are hereby amended to read as follows:

19.84.010 Purpose.

The purpose of this chapter is to ~~[allow the proper integration into the county of uses which may be suitable only in certain locations in the county or zoning district, or only if such uses are designed or laid out on the site in a particular manner]~~ provide for a reasonable application, review, and approval process for land uses that are specified as “conditional,” such that proposed new land uses meet county standards and are properly integrated into the community and that those that appear to violate county standards are effectively mitigated or prohibited. Conditional uses shall be approved on a case by case basis provided the applicant adequately demonstrates that negative impacts of the use can be mitigated through the imposition of reasonable conditions of approval.

19.84.030 Application requirements—fee.

Only when the following elements are satisfied is a conditional use application deemed complete:

A. Application for a conditional use permit shall be made by the property owner or certified agent thereof ~~[to the planning commission]~~ in writing upon the form(s) designated by the director or director's designee.

B. Accompanying Documents. Detailed site plans and specifications drawn to scale, unless waived by the director or director's designee, [and other drawings necessary to assist the planning commission in arriving at an appropriate decision] shall be submitted with the application.

C. Fee. The initial application fee for any conditional use permit, ~~[shall be]~~ as provided for in Section 3.52.040 of this code, shall be paid. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.

19.84.040 ~~[Public hearing.]~~ Application review.

~~[No public hearing need be held; however, a hearing may be held when the planning commission shall deem such a hearing to be necessary in the public interest.~~

A. ~~—The planning commission may delegate to the planning and development services director the holding of the hearing.~~

B. ~~—When the planning commission has delegated the holding of the hearing to the planning and development services director, the planning and development services division director shall submit to the planning commission a record of the hearing, together with a report of findings and recommendations relative thereto, for the consideration of the planning commission.~~

~~C. Such hearing, if deemed necessary, shall be held not more than thirty days from the date of application. The particular time and place shall be established by the planning commission or by the planning and development services division director when the hearing has been delegated by the planning commission.~~

~~D. The planning and development services division director shall publish a notice of hearing in a newspaper of general circulation in the county not less than ten days prior to the date of the hearing. Failure of property owners to receive notice of the hearing shall in no way affect the validity of action taken.]~~

A. The director or the director's designee shall administer an application review procedure in which the proposed use and the proposed site development plan are evaluated for compliance with all applicable ordinances and codes and for anticipated detrimental effects.

B. The application review procedure shall contain the following components:

1. Referral of the application to all affected entities,

2. A review of the proposed site plan for compliance with applicable sections of the zoning ordinance,

3. A review of the proposed use and site plan to ascertain potential negative impacts and whether reasonable conditions can be imposed to mitigate those impacts.

C. The application review procedure may include the following:

1. Referral of the application to government or regulating entities for recommendations,

2. A pre-application meeting, in which preliminary site plans are reviewed and discussed prior to finished plans being submitted for review,

3. An on-site review of the proposal by the director, director's designee or staff,

4. A requirement that the applicant submit impact studies or other technical studies regarding grading, drainage, traffic, geologic hazards, etc.

D. The director, director's designee or staff shall present a review, summary and recommendation to the planning commission after having provided the applicant with a copy as required by state law. The recommendation shall remain part of the public record.

19.84.050 [~~Determination of commission.~~] Approval/denial authority.

~~[The planning commission may permit a conditional use to be located within any district in which the particular conditional use is permitted by the use regulations of this title. In authorizing any conditional use the planning commission shall impose such requirements and conditions as required by law and any additional conditions as may be necessary for the protection of adjacent properties and the public welfare. Such conditions of approval may include but shall not be limited to limitations or requirements as to street and/or trail dedication, the height, size, location and design of structures, landscaping, density, ingress egress, fencing, parking or lighting. Height, density and size requirements for structures in each zone are maximums and may be reduced or modified as conditions to the approval of any conditional use application.]~~

The planning commission has the authority to approve, deny, or approve with conditions conditional use applications.

A. Planning commission approval.

1. The planning commission shall review and approve or deny each application during a public meeting.

2. The planning commission's decision shall be based on information presented through the public meeting process, including: the materials submitted by the applicant, the

recommendation of the director or director's designee, and input from interested parties and affected entities.

3. If conditions are specified, the director or director's designee shall issue a final approval letter upon satisfaction of the planning commission's conditions of approval.

4. If the applicant fails to meet all conditions of approval within twelve months of the planning commission's decision, the application is deemed denied. A twelve-month extension may be granted upon the payment of an additional filing fee equal to the original filing fee.

5. A planning commission decision shall be made on a complete conditional use application within a reasonable time frame, not to exceed ninety days. The planning commission is authorized to review and take action on an application as outlined in Section 19.84.040 after having notified the applicant of the meeting date.

6. Failure by the applicant to provide information that has been requested by the planning commission, the director or director's designee to resolve conflicts with the standards in Section 19.84.060 (above) may result in an application being denied.

B. Decision.

Each conditional use application shall be:

1. Approved if the proposed use, including the manner and design in which a property is proposed for development, complies with the standards for approval outlined in Section 19.84.060; or,

2. Approved with conditions if the anticipated detrimental effects of the use, including the manner and design in which the property is proposed for development, can be mitigated with the imposition of reasonable conditions to bring about compliance with the standards outlined in section 19.84.060; or,

3. Denied if the anticipated detrimental effects of the proposed use cannot be mitigated with the imposition of reasonable conditions of approval to bring about compliance with the standards outlined in Section 19.84.060.

19.84.060 ~~[Delegation of approval authority.]~~ **Standards for approval.**

~~[The planning commission may delegate to the planning and development services division director the authority to approve, modify or deny all or part of the conditional uses set forth in this title.]~~

Prior to approval, all conditional uses and accompanying site development plans must be found to conform to the following standards:

A. The proposed site development plan shall comply with all applicable provisions of the zoning ordinance, including parking, building setbacks, and building height.

B. The proposed use and site development plan shall comply with all other applicable laws and ordinances.

C. The proposed use and site development plan shall not present a serious traffic hazard due to poor site design or to anticipated traffic increases on the nearby road system which exceed the amounts called for under the County Transportation Master Plan

D. The proposed use and site development plan shall not pose a serious threat to the safety of persons who will work on, reside on, or visit the property nor pose a serious threat to the safety of residents or properties in the vicinity by failure to adequately address the following issues: fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.

E. The proposed use and site development plan shall not adversely impact properties in the vicinity of the site through lack of compatibility with nearby buildings in terms of size, scale, height, or noncompliance with community general plan standards.

~~[19.84.070 — Policies established.~~

~~The planning commission shall establish policies regarding landscaping, fencing, lighting, ingress egress, height of buildings, etc., to guide the decision of the planning and development services division director to ensure consistency in the issuance of conditional use permits.]~~

19.84.080 [Review by planning commission.] Appeals.

~~[The planning and development services division director is authorized to bring any conditional use permit application before the planning commission if, in his opinion, the general public interest will be better served by review of the planning commission.]~~

Any adversely affected person shall have the right to appeal to the board of adjustment any decision rendered by the planning commission, the director or director's designee by filing in writing, stating the reasons for the appeal with the board of adjustment, within ten days following the date upon which the decision is made. Appeals to the board of adjustment shall comply with the following procedures:

A. Upon scheduling a hearing date, the board of adjustment shall notify the planning commission coordinator at least two weeks prior to the hearing to allow preparation of the record.

B. The planning commission coordinator shall prepare a copy of the record of the proceedings and decision being appealed for presentation to all board of adjustment members.

C. The board shall review the record, and may not accept or consider any evidence outside the record unless the evidence was offered to and was excluded by the planning

commission, the director or director's designee and the board determines that it was improperly excluded.

D. The board of adjustment shall review the planning commission's or the development services division's actions to determine whether the decision was arbitrary, capricious, or illegal.

E. The filing of an appeal does not automatically stay the decision; however, the board of adjustment has the authority to stay the decision while the appeal is pending.

F. After review of the record and written and oral argument on both sides, the board may affirm, reverse, alter, or remand to the planning commission, the director or director's designee for further review and consideration the action taken by the planning commission, the director or director's designee.

19.84.090 [Conditions for approval.]

~~[The planning commission shall not authorize a conditional use permit unless the evidence presented is such as to establish:~~

~~A. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community; and~~

~~B. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and~~

~~C. That the proposed use will comply with the regulations and conditions specified in this title for such use; and~~

~~D. That the proposed use will conform to the intent of the county general plan.]~~

SECTION IX. Sections 19.84.100, 19.84.110, 19.84.130, 19.84.140, 19.84.150, and 19.84.160 of Chapter 84, entitled “Conditional Uses,” of the Salt Lake County Code of Ordinances, 2001, are hereby amended to read as follows:

[19.84.100 — Appeal of planning and development services director decision.

~~Any person shall have the right to appeal the decision of the planning and development services director to the planning commission by filing a letter with the planning commission within ten days of the planning and development services director’s decision, stating the reason for the appeal and requesting a hearing before the planning commission at the earliest regular meeting of the commission.]~~

[19.84.110 — Appeal of planning commission decision.

~~A. — Any person shall have the right to appeal to the board of adjustment any decision rendered by the planning commission by filing in writing, and in triplicate, stating the reasons for the appeal with the board of adjustment within ten days following the date upon which the decision is made by the planning commission.~~

~~B. — Notification of Planning Commission. The board of adjustment shall notify the planning commission of the date of the review, in writing, at least seven days preceding the date set for hearing so that the planning commission may prepare the record for the hearing.~~

~~C. — Determination by Board of Adjustment. The board of adjustment after proper review of the decision of the planning commission may affirm, reverse, alter or remand for further review and consideration any action taken by the planning commission.]~~

[19.84.130 — Time limit.

~~Approval of the conditional use application by the planning commission or the development services director shall expire twenty four months after the date of the approval decision (see Section 19.02.070) unless the applicant has obtained the conditional use permit and~~

~~a building permit, where required, for the use within the twenty-four-month period. The date of the approval decision shall be the date of the preliminary approval decision where the application approval process includes both a preliminary and final approval. A twelve-month extension can be obtained subject to paying an extension fee equal to 1.0 times the original filing fee.]~~

[19.84.140 Sale of alcoholic beverages.

~~A.——The planning commission shall authorize a conditional use permit to sell alcoholic beverages except Class A beer outlets and Class B beer outlets where it is determined by the planning commission:~~

~~1.——That the use is not in the immediate proximity of any school, church, library, public playground, or park;~~

~~2.——That the proposed use at a particular location is necessary and desirable to provide the service or facility which will contribute to the general well-being of the neighborhood and the community; and~~

~~3.——That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and~~

~~4.——That the proposed use will comply with regulations and conditions specified in this title for such use; and~~

~~5.——That the proposed use will conform to the intent of the county general plan.~~

~~B.——All conditional use permits for uses dispensing alcoholic beverages to be consumed on the premises are subject to an annual review, and all applications for a conditional use permit for consumption of liquor or beer on the premises must be accompanied by a payment of fees as provided in Section 3.52.040. The fees are considered reasonable because of the costs of investigation and studies necessary for the administration hereof.~~

~~C.—Appeals may be taken by any party aggrieved by the decision of the planning commission on a conditional use application to sell alcoholic beverage appeals. Appeals shall be to the board of adjustment pursuant to Section 19.92.050.~~

~~D.—Any application to dispense alcoholic beverages is subject to the consent of the county council.]~~

~~[19.84.150]~~ **19.84.100 Revocation of conditional use permits.**

A conditional use permit may be revoked by the planning commission upon a finding of failure to comply [~~in compliance~~] with the terms and conditions [~~precedent to~~] of the original [~~approval of the~~] permit or for any violation of this title occurring on the site for which the permit was approved. Prior to taking action concerning revocation of a conditional use permit, a hearing shall be held by the planning commission. Notice of the hearing and the grounds for consideration of revocation shall be mailed to the permittee at least ten days prior to the hearing.

~~[19.84.160]~~ **19.84.110 Hearing officer.**

The planning commission may appoint, with the concurrence of the county mayor, a hearing officer or officers to make recommendations to the planning commission as to whether cause exists for the planning commission to consider revoking any conditional use permit. Prior to making any recommendation to the planning commission, an evidentiary hearing shall be conducted [~~held~~] by the hearing officer to determine whether the permittee has failed to comply with the terms and conditions [~~precedent to~~] of the original [~~approval of the~~] permit or has otherwise violated any provision of the zoning ordinance occurring on the site for which the permit was approved. The hearing officer shall notify the planning commission if any violations have been corrected by the permittee [~~within any time period suggested by the hearing examiner~~] prior to the issuance of the hearing officer's recommendations.

SECTION X. Chapter 19.88 of Title 19 of the Salt Lake County Code of Ordinances, 2001, is hereby re-titled and Sections 19.88.010, 19.88.030, 19.88.040, 19.88.070, 19.88.090, 19.88.100, 19.88.110, 19.88.120, 19.88.130 and 19.88.140 of the same chapter, are hereby amended to read as follows:

Chapter 19.88

NONCONFORMING [BUILDINGS AND] USES AND NONCOMPLYING STRUCTURES

19.88.010 Continuation of use.

The occupancy of a noncomplying structure or of a building or structure by a nonconforming use, existing at the time this title became effective, may be continued, provided that the use has not been abandoned or the building left vacant as provided in Section 19.88.120.

19.88.030 Maintenance permitted.

A [~~nonconforming building or~~] noncomplying structure may be maintained.

19.88.040 Repairs and alterations permitted.

Repairs and structural alterations may be made to a [~~nonconforming building~~] noncomplying structure or to a [~~building~~] structure housing a nonconforming use. Any remodel or structural alteration that requires the demolition of an outside wall of a noncomplying structure shall only be allowed upon approval of the Board of Adjustment, unless the new construction complies with the zoning ordinance. The Board of Adjustment decision regarding applications for the removal and replacement of outside walls of a noncomplying structure shall be based upon the criteria outlined in 19.88.070.B.

19.88.070 Additions, enlargements, moving and reconstruction of [~~building~~] a structure.

A. A noncomplying structure or building occupied by a nonconforming use [~~and a building nonconforming as to height, area or yard regulations~~] shall not be added to or enlarged

in any manner or moved to another location on the lot or reconstructed at another location on the lot except as provided by subsection B of this section unless such additions and enlargements comply with the regulations and intent of this title.

B. A building occupied by a nonconforming use or a [~~building nonconforming as to height, area or yard regulations~~] noncomplying structure may be added to or enlarged or moved to a new location on the lot or reconstructed at a new location on the lot upon a permit authorized by the board of adjustment, [~~which may issue,~~] provided that the board of adjustment[~~, after the hearing,~~] shall find:

1. The addition to, enlargement of, moving of, or reconstruction of the [~~building~~] structure at a new location on the lot [~~will be~~] is in harmony with one or more of the purposes of this title as stated in Section 19.02.020 of this title, and [~~shall be~~] is in keeping with the intent of this title;

2. That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure.

~~[C. The board shall have the same authority with regards to additions, enlargements and moving of nonconforming structures as with buildings but shall not have the authority to allow reconstruction of nonconforming structures at a new location on the lot.]~~

19.88.090 Change of use.

A. A nonconforming use may be changed to any use allowed in the most restrictive zone where such nonconforming use is allowed, provided the planning commission finds that such use would not be more intensive than the most recent existing legal nonconforming use.

B. [~~Buildings~~] Structures shall not be enlarged, removed, reconstructed or otherwise changed except for interior remodeling and exterior restoration or renewal that will make the

appearance of the [~~building~~] structure more nearly conform to the character of the area in which it is located.

C. The existing lot or parcel shall not be enlarged upon or modified except to create landscaping, fencing, curb, gutter and sidewalk, road widening or minimum off-street parking that will provide a safer and more compatible facility.

D. Any change of a nonconforming use to another nonconforming use shall be a conditional use and subject to provisions of Chapters 19.78 and 19.84, except that the proposed nonconforming use need not conform to the county general plan.

E. The planning commission may approve a change of use pursuant to this title even though the nonconforming use may have been abandoned [~~under the provisions of Section 19.88.130 of this chapter~~].

[19.88.100 — Nonconforming restaurants and private locker clubs.

~~Existing restaurants or private nonprofit locker clubs which are nonconforming as of July 1, 1969, may upon application be granted a conditional use permit for a state store subject to the provisions of Chapters 19.78 and 19.84 of this code.]~~

19.88.110 Restoration of damaged [~~building~~] structure.

A [~~nonconforming building or~~] noncomplying structure or a [~~building or~~] structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy and not the result of the intentional or reckless disregard of the owners or occupants, may be restored and the occupancy or use of such [~~building,~~] structure or part thereof, which existed at the time of such damage or destruction may be continued or resumed, provided that such restoration is started within a period of one year and is diligently prosecuted to completion.

19.88.120 ~~[One]~~ **Abandonment or one-year vacancy.**

A ~~[building or]~~ structure or portion thereof occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied by a nonconforming use for a continuous period of one year, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located. If the use has not applied to the premises for a consecutive period of sixty days during any twelve month period, the use shall be deemed abandoned.

~~[19.88.130 — Abandonment.~~

~~A nonconforming use shall be deemed abandoned if the use has not applied to the premises for a consecutive period of sixty days during any twelve month period.]~~

19.88.140 **Application to have a use violation declared [a nonconforming use] legal through special exception.**

A. Whenever land or a structure is used in violation of this title, the owner may file an application with the planning commission to have the use declared ~~[nonconforming]~~ legal through special exception. The planning commission may approve such an application only when the evidence establishes all of the following:

1. The use exists on the property at the time of the application and has been in continuous violation of the zoning ordinance for a period exceeding ~~[five]~~ ten years;
2. No complaint has been made to the development services division concerning the violation for a period exceeding ~~[five]~~ ten consecutive years during which the violation existed;
3. Continuation of the use will not have a detrimental effect on the health, safety or welfare of persons or property in the vicinity.

B. The planning commission may consider as evidence:

1. Documents that are part of the public record, such as tax appraisals, utility records, aerial photographs, building permits, etc.

2. Documentation from third parties, such as affidavits, photographs, etc.

3. Documentation from current or past property owners, such as tax records, rental/lease agreements, appraisal records, etc.

[B.] In approving an application hereunder, the planning commission may set any conditions it deems necessary for protection of adjacent properties or the public welfare including provisions limiting the period of time the use may continue. This section shall in no way be interpreted to permit the continuation of any violation which exists on the effective date of the ordinance codified in this section. Any person shall have the right to appeal to the board of adjustment a decision rendered by the planning commission pursuant to this section. Appellants shall follow the appeal procedures set forth in Section 19.92.050 of this title.

SECTION XI. Sections 19.88.150 and 19.88.160 of Title 19 of the Salt Lake County Code of Ordinances, 2001, are hereby enacted to read as follows:

19.88.150 Application to have a structure declared a noncomplying structure.

Whenever a structure is in violation of the height or setback provisions of this title, the owner may file an application with the director or director's designee to have the structure declared noncomplying. The director or director's designee shall approve the application when the evidence clearly establishes the following:

A. The structure has existed at its current location, with the same size, height and setbacks for at least ten years;

B. The structure is found by the county building official or designee to pose no threat to the health or safety of persons in or around the structure, and;

C. Salt Lake County has not taken enforcement action for the violation for a period exceeding five consecutive years during which the violation existed.

SECTION XII. Sections 19.90.010, 19.90.020, 19.90.030, 19.90.040, 19.90.050, 19.90.060, and 19.90.070 of Chapter 19.90, entitled “Amendments and Rezoning,” of the Salt Lake County Code of Ordinances, 2001, are hereby amended to read as follows:

19.90.010 Amendment procedure.

[A.] The county council may ~~[,from time to time,]~~ amend the number, shape, boundaries or area of any zone or any regulation within any zone ~~[or any other provisions of the zoning ordinance]~~. Any such amendment shall not be made or become effective unless the same shall have been proposed by or be first submitted for the ~~[approval, disapproval or suggestions]~~ recommendation of the relevant planning commission.

~~[B. Zoning amendment applications disapproved by the planning commission may be appealed to the county council as provided in Section 19.90.040.]~~

19.90.020 Hearing--Notice.

Before finally adopting any such amendment, the county council shall consider the application during a public meeting which has been properly noticed in compliance with the provisions of Title 52, Chapter 4, of the Utah Code, Open and Public Meetings Act. ~~[hold a public hearing thereon, at least thirty days’ notice of the time and place of which shall be given at least one publication in a newspaper of general circulation in the county, and by posting in three public places designed to give notice thereof to the persons affected.]~~

19.90.030 Determination of council.

The county council, after ~~[public hearing and]~~ review of the ~~[decision]~~ recommendation of the planning commission, may ~~[affirm, reverse,]~~ approve, deny, alter or remand for further review and consideration any [action taken] application for zone change referred to the council by the planning commission.

~~[19.90.040 — Appeal procedure.~~

~~Any person shall have the right to appeal to the county council a decision of disapproval of a zoning amendment application rendered by the planning commission by filing an appeal, in writing and in triplicate, stating the reasons for the appeal within ten days following the date upon which the decision is made by the planning commission. After receiving the appeal the county council may reaffirm the planning commission decision disapproving the application, remand the matter to the planning commission for further consideration, or may set a date for a public hearing pursuant to Section 19.30.020.]~~

19.90.050 Disapproval of rezone application.

Disapproval of an application to amend the zoning map shall preclude the filing of another application to amend the zoning map to reclassify the same parcel of property, or any portion thereof to the same zone classification or if the application is for a commercial classification to the same or any other commercial classification, within one year of the date of the final disapproval of the application unless the ~~[planning commission]~~ county council finds that there has been a substantial change in the circumstances or sufficient new evidence since the disapproval of the application to merit consideration of a second application within the one-year time period. ~~[No appeal to the county council may be taken from a planning commission decision rendered pursuant to this subsection.]~~

19.90.060 Conditions to zoning map amendment.

A. In order to provide more specific land use designations and land development suitability; to insure that proposed development is compatible with surrounding neighborhoods; and to provide notice to property owners of limitations and requirements for development of property, conditions may be attached to any zoning map amendment which limit or restrict the following:

1. Uses;
2. Dwelling unit density;
3. Building square footage;
4. Height of structures.

B. A zoning map amendment attaching any of the conditions set forth in subsection A shall be designated ZC after the zoning classification on the zoning map and any such conditions shall be placed on record with the planning commission and recorded with the county recorder.

C. In the event any zoning condition is declared invalid by a court of competent jurisdiction, then the entire zoning map amendment shall be void. Any deletion in or change to zoning condition shall be considered an amendment to the zoning ordinance and shall be subject to the requirements of this chapter.

~~[D. The attachment of conditions to any zoning map amendment shall not affect the applicability of the requirements of Chapters 19.84, conditional uses.]~~

19.90.070 Application to amend the general plan.

Subject to the restrictions in Sections 19.90.080 and 19.90.090, any property owner or authorized agent thereof may file an application requesting ~~[that the planning commission hear]~~ an amendment to the county general plan. Such application shall include the reasons or basis upon which the property owner believes the county general plan should be amended. ~~[The planning commission shall consider an application to amend the county general plan only if it first determines that there has been a change of circumstances or other sufficient reasons to justify consideration of an amendment to the county general plan. A decision by the planning commission not to consider an amendment to the county general plan may be appealed to the county council pursuant to the procedures set forth in Section 19.90.040.]~~ Amendments to the

county general plan shall comply with the procedures set forth in Chapter 27a of Title 17 of the state code.

SECTION XIII. Sections 19.92.030, 19.92.050, and 19.92.060 of Chapter 19.92, entitled “Board of Adjustment,” of the Salt Lake County Code of Ordinances, 2001, are hereby amended to read as follows:

19.92.030 Powers and duties.

The board of adjustment shall:

A. ~~[Hear and decide appeals from]~~ Act as the appeal authority for zoning decisions applying [the zoning ordinance] this title as provided in Section 19.92.050 and for conditional use decisions by a planning commission;

B. Hear and decide the special exceptions to the terms of the zoning ordinance set forth in Section 19.92.060;

C. Hear and decide variances from the terms of the zoning ordinance; and

D. ~~[Determine]~~ Hear and decide applications for the [existence,] expansion or modification of nonconforming uses.

19.92.050 Appeals.

A. 1. The applicant or any other person or entity adversely affected by a zoning decision administering or interpreting a zoning ordinance may appeal that decision ~~applying the zoning ordinance~~ by alleging that ~~[there is error in any]~~ an order, requirement, decision or determination made by an official in the administration or interpretation of the zoning ordinance is arbitrary, capricious or illegal. Appeals of conditional use decisions rendered by a planning commission shall follow the review procedure outlined in Section 19.84.080 of this code.

2. Any officer, department, board or bureau of a county affected by the grant or refusal of a building permit or by any other decisions of the administrative officer in the

administration or interpretation of the zoning ordinance may appeal any decision to the board of adjustment.

B. The person or entity making the appeal has the burden of marshalling the evidence and proving that [an error has been made] the decision is arbitrary, capricious (unsupported by the evidence or facts of record), or illegal.

C.1. Only zoning decisions applying the ordinance and conditional use decisions by the planning commission may be appealed to the board of adjustment.

2. A person may not appeal, and the board of adjustment may not consider, any zoning ordinance amendments.

D. Appeals may not be used to waive or modify the terms or requirements of the zoning ordinance.

E. An appeal to the board of adjustment must be filed at the development services division of Salt Lake County within sixty days after the order, requirement decision or determination administering or interpreting the zoning ordinance is made in writing. The appeal shall set forth with specificity the reasons or grounds for the appeal.

F. Appeals of planning commission conditional use decisions shall follow the procedures set forth in Section 19.84.080.B. Appeals of decisions applying the zoning ordinance shall follow the procedures set forth in the rules of the board of adjustment.

19.92.060 Special exceptions.

The board of adjustment may approve any of the following special exceptions to the zoning ordinance where it determines the exception is consistent with the purposes of the zoning ordinance and will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity:

A. Where a zone boundary line divides a lot in single ownership at the time of the passage of the ordinance codified in this title, the board may permit a use authorized on either portion of such lot to extend not more than fifty feet into the other portion of the lot.

~~[B.—The board may permit the building of a dwelling upon a lot which does not have frontage on a street.]~~

~~[C.]~~ B. The board may permit the enlargement of or addition to a ~~[nonconforming building or]~~ noncomplying structure or a building or structure occupied by a nonconforming use.

~~[D.]~~ C. The board may permit the relocation on a lot of a ~~[nonconforming building or]~~ noncomplying structure or a building or structure occupied by a nonconforming use; or the board may permit the reconstruction on a lot of a ~~[nonconforming building]~~ noncomplying structure or a building occupied by a nonconforming use.

~~[E.—Where a parcel of land is at least one and one-half times as wide and one and one-half times as large in area as required for a lot in the zone, or one and one-quarter times as wide and one and one-quarter times as large in area as required for two lots in the zone, the board may permit the division of this parcel into two or three lots respectively. Any such creation of an additional lot or lots by the board shall be subject to compliance with subdivision requirements where applicable.~~

~~F.—The board may permit a temporary building for commerce or industry in a residential zone, which building is incidental to the residential development, such permit to be issued for a period of not more than one year.]~~

SECTION XIV. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary of the ordinance in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this _____ day of _____, 2008.

SALT LAKE COUNTY COUNCIL

ATTEST:

By _____
Chairman

Salt Lake County Clerk
rt.word>Title19-LUDMA-final-3-27-08

ORDINANCE HISTORY

Council Member Ashton voting	_____
Council Member Bradley voting	_____
Council Member Crockett voting	_____
Council Member Hatch voting	_____
Council Member Hendrickson voting	_____
Council Member Horiuchi voting	_____
Council Member Jensen voting	_____
Council Member Wilde voting	_____
Council Member Wilson voting	_____

Vetoed and dated this _____ day of _____, 2008.

By _____
Peter Corroon, Mayor
Salt Lake County

(Complete As Applicable)

Veto override: Yes___ No___ Date_____

Ordinance published in newspaper: Date_____

Effective date of ordinance:_____