

## **21A.06.030 Planning commission.**

- A. Creation. The planning commission is created pursuant to Title 2, Chapter [2.20](#) of the Salt Lake City Code under the enabling authority granted by Section 10-9-201 Title 10, Chapter 9 of the Municipal Land Use Development and Management Act of the Utah Code Annotated or its successor.
- B. Jurisdiction and Authority. The planning commission shall have the following powers and duties in connection with the implementation of this title:
1. Prepare and recommend to the city council for adoption, a comprehensive, general plan and amendments to the general plan for the present and future needs of the city and the growth and development of the land within the city or any part of the city;
  2. Make comprehensive surveys and studies of the existing conditions and trends of growth and of the probable future requirements of the city and its residents as part of the preparation of the general plan;
  3. Initiate amendments to the text of this title and to the zoning map pursuant to the provisions of Part V, Chapter 21A.50, Amendments, Section [21A.50.020](#);
  4. Review, evaluate and make recommendations to the city council on proposed amendments to this title pursuant to the procedures and standards set forth in Part V, Chapter 21A.50, Amendments, Sections [21A.50.030](#) and [21A.50.040](#);
  5. Review, hear and decide applications for conditional uses, including planned developments, pursuant to the procedures and standards set forth in Part V, Chapter [21A.54](#), Conditional Uses;
  6. Hear and decide appeals from administrative hearing decisions of the planning director; and
  7. Hear and decide applications for subdivision amendments and approvals pursuant to the Municipal Land Use Development and Management Act, Title 10, Chapter 9 of the Utah Code Annotated.
- C. Membership. The planning commission shall consist of eleven voting members, appointed by the mayor with the advice and consent of the city council from among qualified electors of the city in a manner providing balanced geographic, professional, neighborhood and community interests representation. The director of the planning division (or the planning director's designated representative) shall serve as an ex officio member without vote. Voting members may serve a maximum of two consecutive full terms of four

years each. The mayor shall appoint a new commission member to fill any vacancy that might arise and such appointment shall not be included in the determination of any person's eligibility to serve two consecutive full terms.

- D. Officers. The planning commission shall annually elect a chair and a vice-chair who shall serve for a term of one year each. The chair or vice-chair may not be elected to serve consecutive terms in the same office. The secretary of the planning commission shall be designated by the planning director.
- E. Meetings. The planning commission shall meet at least once each month.
- F. Record of Proceedings. The proceedings of each meeting and public hearing shall be recorded on audio equipment. Records of confidential executive sessions shall be kept in compliance with the Government Records Access and Management Act. The audio recording of each meeting shall be kept for a minimum of sixty days. Upon the written request of any interested person, such audio recording shall be kept for a reasonable period of time beyond the sixty-day period, as determined by the planning commission. Copies of the tapes of such proceedings may be provided, if requested, at the expense of the requesting party. The commission shall keep written minutes of its proceedings and records of all of its examinations and official actions.
- G. Quorum and Vote. No business shall be conducted at a meeting of the planning commission without at least a quorum of six voting members. All actions of the planning commission shall be represented by a vote of the membership. A simple majority of the voting members present at the meeting at which a quorum is present shall be required for any action taken. The decision of the planning commission shall become effective upon ~~approval of the minutes~~ **the posting of the Notice of Decision**. By a two-thirds vote of the members present, the planning commission may make any decision effective immediately upon adoption.
- H. Public Hearings. The planning commission shall schedule and give public notice of all public hearings pursuant to the provisions of this Part II, Chapter 21A.10, General Application and Public Hearing Procedures.
- I. Conflicts of Interest. No member of the planning commission shall participate in or be present at the hearing or disposition of any matter in which that member has any conflict of interest prohibited by Title 2, Chapter 2.44 of the Salt Lake City Code. The planning commission may, by majority vote of the members present, allow a member, otherwise required to leave due to a conflict, to be present if required by special or unusual circumstances.
- J. Removal of a Member. Any member of the planning commission may be removed by the mayor for violation of this title or any policies and procedures adopted by the planning commission following receipt by the mayor of a

written complaint filed against the member. If requested by the member, the mayor shall provide the member with a public hearing conducted by a hearing officer appointed by the mayor.

- K. Policies and Procedures. The planning commission shall adopt policies and procedures for the conduct of its meetings, the processing of applications and for any other purposes considered necessary for its proper functioning. (Ord. 26-95 2(3-3), 1995)

### **21A.06.040 Board of adjustment Appeal Authority.**

- A. Creation. The ~~board of adjustment~~ **appeal authority** is created pursuant to the enabling authority granted by the Municipal Land Use Development and Management Act, Section 10-9a-701 of the Utah Code Annotated.
- B. Jurisdiction and Authority. The ~~board of adjustment~~ **appeal authority** shall have the following powers and duties in connection with the implementation of this title:
  - 1. Hear and decide appeals from any administrative decision made by the zoning administrator in the administration or the enforcement of this title pursuant to the procedures and standards set forth in this Part II, Chapter 21A.16, Appeals of Administrative Decisions, **with the exception of administrative reviews of Certificates of Appropriateness which shall be appealed to the Historic Landmark Commission, as set forth in Chapter 21A.06.050(C)(4);**
  - 2. Authorize variances from the terms of this title pursuant to the procedures and standards set forth in this Part II, Chapter 21A.18, Variances;
  - 3. Authorize special exceptions to the terms of this title pursuant to the procedures and standards set forth in Part V, Chapter [21A.52](#), Special Exceptions;
  - 4. Make determinations regarding the existence, expansion or modification of nonconforming uses and noncomplying structures pursuant to the procedures and standards set forth in Part IV, Chapter [21A.38](#), Nonconforming Uses and Noncomplying Structures.
- C. Membership. The ~~board of adjustment~~ **appeal authority** shall consist of five members appointed by the mayor with the advice and consent of the city council from among qualified electors of the city in a manner that will provide balanced representation in terms of geographic, professional, neighborhood and community interests. Members may serve a maximum of two consecutive full terms of five years each. The terms of all members shall be so arranged that the term of one member will expire each year. In addition, the mayor, with

the advice and consent of the city council, may appoint alternate members of the ~~board of adjustment~~ **appeal authority** for a term not to exceed five years, to serve in the absence of a member or members of the ~~board of adjustment~~ **appeal authority**. No more than two alternate members shall vote at any meeting of the ~~board of adjustment~~ **appeal authority** at one time. The prior term of an alternate member who subsequently becomes a full-time member of the ~~board of adjustment~~ **appeal authority** shall not prevent that member from serving two consecutive terms. Appointments to fill vacancies of members or alternate members shall be only for the unexpired portion of the term. Appointments for partial terms to fill vacancies shall not be included in the determination of any person's eligibility to serve two full consecutive terms.

- D. Officers. The ~~board of adjustment~~ **appeal authority** shall annually elect a chair and a vice-chair who shall serve for a term of one year each. The chair or the vice-chair may be elected to serve consecutive terms in the same office. The secretary of the ~~board of adjustment~~ **appeal authority** shall be designated by the zoning administrator.
- E. Meetings. The ~~board of adjustment~~ **appeal authority** shall meet at least once a month.
- F. Record of Proceedings. The proceedings of each meeting and public hearing shall be recorded on audio equipment. Records of confidential executive sessions shall be kept in compliance with the Government Records Access and Management Act. The audio recording of each meeting shall be kept for a minimum of sixty days. Upon the written request of any interested person, such audio recording shall be kept for a reasonable period of time beyond the sixty-day period, as determined by the ~~board of adjustment~~ **appeal authority**. Copies of the tapes of such proceedings may be provided, if requested, at the expense of the requesting party. The ~~board~~ **authority** shall keep written minutes of its proceedings and records of all of its examinations and official actions. The ~~board of adjustment~~ **appeal authority** may, at its discretion, have its proceedings contemporaneously transcribed by a court reporter.
- G. Quorum and Vote. No business shall be conducted at a meeting of the ~~board of adjustment~~ **appeal authority** without a quorum of at least three members, consisting of either three regular members, or one regular member and up to two alternate members. A simple majority of the voting members present at a meeting at which a quorum is present shall be required for any action except a decision on appeal to reverse an order, requirement, decision or determination of any administrative official or agency or to decide in favor of an appellant. In such case, a concurring vote of three members of the ~~board of adjustment~~ **appeal authority** shall be necessary. Decisions of the ~~board of adjustment~~ **appeal authority** shall become effective ~~on the date that the vote is taken~~ **upon the posting of the Notice of Decision.**

- H. Public Hearings. The ~~board of adjustment~~ **appeal authority** shall schedule and give public notice of all public hearings pursuant to the provisions of this Part II, Chapter 21A.10, General Application and Public Hearing Procedures.
- I. Conflict of Interest. No member of the ~~board of adjustment~~ **appeal authority** shall participate in the hearing or disposition of any matter in which that member has any conflict of interest prohibited by Title 2, Chapter 2.44 of the Salt Lake City Code. The board of adjustment may, by majority vote of the members present, allow a member, otherwise required to leave due to a conflict, to be present if required by special or unusual circumstances.
- J. Removal of a Member. Any member of the ~~board of adjustment~~ **appeal authority** may be removed by the mayor for violation of this title or any policies and procedures adopted by the ~~board of adjustment~~ **appeal authority** following receipt by the mayor of a written complaint filed against the member. If requested by the member, the mayor shall provide the member with a public hearing conducted by a hearing officer appointed by the mayor.
- K. Policies and Procedures. The ~~board of adjustment~~ **appeal authority** shall adopt policies and procedures for the conduct of its meetings, the processing of applications and for any other purposes considered necessary for its proper functioning. (Ord. 26-95 2(3-4), 1995)

### **21A.06.050 Historic landmark commission.**

- A. Creation. The historic landmark commission is created pursuant to the enabling authority granted by the Historic District Act, Section 11-18-1, et seq., of the Utah Code Annotated, 1953.
- B. General Purposes. The purposes of the historic landmark commission are to:
1. Preserve buildings and related structures of historic and architectural significance as part of the city's most important cultural, educational and economic assets;
  2. Encourage proper development and utilization of lands and areas adjacent to historical areas and to encourage complimentary, contemporary design and construction;
  3. Protect and enhance the attraction of the city's historic landmarks for tourists and visitors;
  4. Safeguard the heritage of the city by providing for the protection of landmarks representing significant elements of its history;

5. Promote the private and public use of landmarks and the historical areas within the H historic preservation overlay district for the education, prosperity and general welfare of the people;

6. Increase public awareness of the value of historic, cultural and architectural preservation; and

7. Recommend design standards pertaining to the protection of H historic preservation overlay districts and landmark sites.

C. Jurisdiction and Authority. In addition to carrying out the general purposes set forth in subsection B of this section, the historic landmark commission shall:

1. Conduct surveys of significant historic, architectural, and cultural landmarks and historic districts within the city;

2. Petition the city council to designate identified structures, areas or resources as landmark sites or H historic preservation overlay districts;

3. Review and approve or deny an application for a certificate of appropriateness pursuant to the provisions of Part III, Chapter 21A.34, H Historic Preservation Overlay District;

4. Develop and participate in public education programs to increase public awareness of the value of historic, architectural and cultural preservation;

5. Review and approve or deny applications for the demolition of structures in the H historic preservation overlay district pursuant to Part III, Chapter 21A.34;

6. Recommend to the planning commission the boundaries for the establishment of an H historic preservation overlay district and landmark sites;

7. Make recommendations when requested by the planning commission, the board of adjustment or the city council, as appropriate, on applications for zoning amendments, conditional uses and special exceptions involving H historic preservation overlay districts and landmark sites;

8. Make recommendations to the city council concerning the utilization of state, federal or private funds to promote the preservation of landmark sites and H historic preservation overlay districts within the city;

9. Make recommendations to the city council regarding the acquisition of landmark structures or structures eligible for landmark status where preservation is essential to the purposes of Part III, Chapter 21A.34, Section

21A.34.010, H historic preservation overlay district, and where private preservation is infeasible;

10. Make recommendations to the planning commission in connection with the preparation of the general plan of the city; and

11. Make recommendations to the city council on policies and ordinances that may encourage preservation of buildings and related structures of historic and architectural significance.

D. **Membership.** The historic landmark commission shall consist of not less than nine nor more than fifteen voting members appointed by the mayor, with the advice and consent of the city council in a manner providing balanced geographic, professional, neighborhood and community interests representation. The director of the planning division (or the planning director's designated representative) shall serve as an ex officio member without vote. Voting members of the commission may serve a maximum of two consecutive full terms of three years each. The terms shall be staggered such that three members are appointed each year. The mayor shall appoint a new commission member to fill any vacancy that might arise and such appointment shall not be included in the determination of any person's eligibility to serve two consecutive full terms.

E. **Qualifications Of Members:** Each voting member shall be a resident of the city interested in preservation and knowledgeable about the heritage of the city. Members shall be selected so as to provide, at a minimum, representation from the following groups of experts and interested parties:

1. One licensed architect representing the Utah Society, American Institute of Architects;

2. One member representing the Utah State Historical Society;

3. One member representing the Utah Heritage Foundation;

4. Six (6) citizens at large;

5. Each historic district in the city shall be represented on the historic landmark commission by a member either residing in or owning property in that district.

F. **Officers:** The historic landmark commission shall annually elect a chair and a vice chair who shall serve for a term of one year each. The chair or vice chair may be elected to serve consecutive terms in the same office. The secretary of the historic landmark commission shall be designated by the planning director.

- G. **Meetings:** The historic landmark commission shall meet at least once per month.
- H. **Record Of Proceedings:** The proceedings of each meeting and public hearing shall be recorded on audio equipment. Records of confidential executive sessions shall be kept in compliance with the government records access and management act. The audio recording of each meeting shall be kept for a minimum of sixty (60) days. Upon the written request of any interested person, such audio recording shall be kept for a reasonable period of time beyond the sixty (60) day period, as determined by the historic landmark commission. Copies of the tapes of such proceedings may be provided, if requested, at the expense of the requesting party. The historic landmark commission shall keep written minutes of its proceedings and records of all of its examinations and official actions.
- I. **Quorum And Vote:** No business shall be conducted at a meeting of the historic landmark commission without a quorum. A majority of the voting members of the historic landmark commission constitutes a quorum. All actions of the historic landmark commission shall be represented by a vote of the membership. A simple majority of the voting members present at a meeting at which a quorum is present shall be required for any action taken. The decision of the historic landmark commission shall become effective ~~on the date the vote is taken~~ upon the posting of the Notice of Decision.
- J. **Public Hearings:** The historic landmark commission shall schedule and give public notice of all public hearings pursuant to the provisions of [chapter 21A.10](#) of this part.
- K. **Conflicts Of Interest:** No member of the historic landmark commission shall participate in the hearing or disposition of any matter in which that member has a conflict of interest prohibited by [chapter 2.44](#) of this code. The historic landmark commission may, by majority vote of the members present, allow a member, otherwise required to leave due to a conflict, to be present if required by special or unusual circumstances.
- L. **Removal Of A Member:** Any member of the historic landmark commission may be removed by the mayor for violation of this title or any policies and procedures adopted by the historic landmark commission following receipt by the mayor of a written complaint filed against the member. If requested by the member, the mayor shall provide the member with a public hearing conducted by a hearing officer appointed by the mayor.
- M. **Policies And Procedures:** The historic landmark commission shall adopt policies and procedures for the conduct of its meetings, the processing of applications and for any other purposes considered necessary for its proper functioning. (Ord. 26-95 2(3-5), 1995)

## 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. **Citizen Input: Consultation With Neighborhood Organizations:** ~~In order for an application to be determined complete, the applicant must include, when required by [chapter 2.62](#) of this code, a signed statement from the appropriate neighborhood organization that the applicant has met with that organization and explained the development proposal for which approval is being sought. The signed statement shall be on a form provided by the zoning administrator.~~ **The provisions of Chapter 2.62 of this Code shall be met prior to holding a public hearing on a matter where a decision is to be made.**
- C. **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.
- D. **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.
- E. **Fees:** The application shall be accompanied by all the fees established on the 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 fee schedule, including costs of mailing, preparation of mailing labels and all other costs relating to notification. (Ord. 26-95 2(5-1), 1995)

## 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. (See diagram summarizing public hearing notice requirements at the end of this section.)

### A. Special Exception Permits, Variances and Appeals Of Zoning

**Administrator Decisions:** The ~~board of adjustment~~ **appeal authority** shall hold at least one public hearing to review, consider and approve, approve with conditions, or deny an application for a special exception or for a variance, or to consider an appeal from a decision of the zoning administrator. Such hearing shall be held after the following public notification:

1. **Publication:** ~~At least fourteen (14) calendar days in advance of each public hearing on an application for a special exception or for a variance, or to consider an appeal from a decision of the zoning administrator, the city shall publish a notice of such public hearing in a newspaper of general circulation in Salt Lake City.~~

2. 1. **Mailing:** Notice by first class mail shall be provided a minimum of ~~fourteen (14)~~ **twelve (12)** calendar days in advance of the public hearing to all owners of the land, as shown on the ~~latest published property tax records of the county assessor~~ **Salt Lake City Geographic Information System records**, included in the application for a special exception, variance, or an appeal of a decision by the zoning administrator, as well as to all owners of land, as shown on the ~~latest published property tax records of the county assessor~~ **Salt Lake City Geographic Information System records**, within eighty five feet (85') or three hundred feet (300') if the proposal involves construction of a new principal building (~~exclusive of intervening streets~~), of the periphery of the land subject to the application for a special exception for a variance, or a decision by the zoning administrator. Notice shall be given to each individual property owner if an affected property is held in condominium ownership **or may be mailed to the Homeowners' Association, or Condominium Association, where one is available.**

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

a. **Location:** One notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty five feet (25') from the front property line and shall be visible from the street.

Where the land does not have frontage on a public street, signs shall be erected on the nearest street right of way with an attached notation indicating generally the direction and distance to the land subject to the application.

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

**4. 3. Notification To Recognized And Registered Organizations:** The city shall give notification a minimum of ~~fourteen (14)~~ **twelve (12)** calendar days in advance of the public hearing ~~by first class mail~~ to any organization which is entitled to receive notice pursuant to chapter 2.62 of this code.

**B. Conditional Uses:** The planning commission, ~~or administrative hearing officer~~ **when applicable**, shall hold at least one public hearing to review, consider and approve, approve with conditions or deny an application for a conditional use after the following public notification:

1. **Mailing:** Notice by first class mail shall be provided a minimum of ~~fourteen (14)~~ **twelve (12)** calendar days in advance of the public hearing, to all owners of the land, as shown on the ~~latest published property tax records of the county assessor~~ **Salt Lake City Geographic Information System records**, included in the application for a conditional use, as well as to all owners of land, as shown on the ~~latest published property tax records of the county assessor~~ **Salt Lake City Geographic Information System records**, within three hundred feet (300') ~~(exclusive of intervening streets)~~, of the periphery of the land subject to the application for a conditional use. Notice shall be given to each individual property owner if an affected property is held in condominium ownership **or may be mailed to the Homeowners' Association or Condominium Association, where one is available.**

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

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

indicating generally the direction and distance to the land subject to the application.

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

3. **Notification To Recognized And Registered Organizations:** The city shall give notification a minimum of ~~fourteen (14)~~ **twelve (12)** calendar days in advance of the public hearing by first class mail to any organization which is entitled to receive notice pursuant to [chapter 2.62](#) of this code.

C. **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:

1. **Notification:** ~~The planning director~~ **city** shall provide written notice a minimum of ~~fourteen (14)~~ **twelve (12)** days in advance of the requested action to all owners of the land subject to the application, as shown on the ~~latest published property tax records of the county assessor~~ **Salt Lake City Geographic Information System records**, included in the application, as well as to the planning commission and to all owners of land as shown on the ~~latest published property tax records of the county assessor~~ **Salt Lake City Geographic Information System records** adjacent to and contiguous with the land subject to the application. ~~The city shall also provide notification to any organization which is entitled to receive notice pursuant to~~ [chapter 2.62](#) ~~of this code. The land subject to the application shall be posted by the city with a sign giving notice of the pending action at least ten (10) calendar days in advance of the action. At the end of the~~ ~~fourteen (14)~~ **twelve (12)** day notice period, if there are requests for a public hearing, the planning commission will schedule a public hearing and consider the issue; if there are no requests for a public hearing, the planning commission ~~is~~ **may** ~~authorize~~ ~~to direct~~ the planning director to address the issue administratively.

2. **Notification to Recognized and Registered Organizations:** ~~The city shall also provide notification to any organization which is entitled to receive notice pursuant to~~ [chapter 2.62](#) ~~of this code.~~

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

**4. Public Hearing:** If the planning commission holds a public hearing, the ~~planning director~~ city shall provide written notice a minimum of ~~fourteen (14)~~ **twelve (12)** calendar days in advance of the public hearing to all owners of the land subject to the application, as shown on the ~~latest published property tax records of the county assessor~~ **Salt Lake City Geographic Information System records** included in the application, as well as to the planning commission and to all owners of land as shown on the ~~latest published property tax records of the county assessor~~ **Salt Lake City Geographic Information System records** adjacent to and contiguous with the land subject to the application. The city shall also provide notification to any organization which is entitled to receive notice pursuant to chapter 2.62 of this code. The land subject to the application shall be posted by the city with a sign giving notice of the pending action at least ten (10) calendar days in advance of the public hearing.

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

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

**1. Publication (City Council Only-First Public Hearing):** At least ~~fourteen (14)~~ **twelve (12)** calendar days in advance of the ~~city council's~~ **first** public hearing on an application for an amendment to the text of this title or the zoning map, the city shall publish a notice of such public hearing in a newspaper of general circulation in Salt Lake City.

**2. Mailing:** Notice by first class mail shall be provided a minimum of ~~fourteen (14)~~ **twelve (12)** calendar days in advance of the public hearing(s) before the planning commission, city council and the historic landmark commission, where applicable, to all owners of the land as shown on the ~~latest published property tax records of the county assessor~~ **Salt Lake City Geographic Information System records**, included in the application for a zoning amendment as well as to all owners of land, as shown on the ~~latest published property tax records of the county assessor~~ **Salt Lake City Geographic Information System records**, within three hundred feet (300') (~~exclusive of intervening streets~~), of the periphery of the land subject to the application for an amendment to the zoning map. Notice for amendments to the text of this title shall not require a mailing of notice to property owners. Required notice

shall ~~may~~ be given to each individual property owner if an affected property is held in condominium ownership ~~or may be given to the Homeowners' Association, or Condominium Association, where one is available.~~

3. **Posting:** The property(ies) subject to an application for an amendment to the zoning map shall be posted by the city with a notice on a sign of the planning commission ~~or historic landmark commission, and city council public hearing~~ at least ten (10) calendar days in advance of the public hearings.

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

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

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

4. **Notification To Recognized And Registered Organizations:** The city shall give notification a minimum of ~~fourteen (14)~~ **twelve (12)** calendar days in advance of the public hearing ~~by first class mail~~ to any organization which is entitled to receive notice pursuant to chapter 2.62 of this code.

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

subsection [21A.34.020F1](#) of this title. Where a public hearing is required, such hearing shall be held after the following public notification:

1. **Mailing:** Notice by first class mail shall be provided a minimum of ~~fourteen (14)~~ **twelve (12)** calendar days in advance of the public hearing, or determination of noncontributing status involving demolition, to all owners of the land, as shown on the ~~latest published property tax records of the county assessor~~ **Salt Lake City Geographic Information System records**, included in the application for certificates of appropriateness for new construction, relocation and demolition, as well as to all owners of land, as shown on the ~~latest published property tax records of the county assessor~~ **Salt Lake City Geographic Information System records**, within eighty five feet (85') for certificates of appropriateness for alterations and three hundred feet (300') for certificates of appropriateness for new construction, relocation and demolition (~~exclusive of intervening streets~~), of the periphery of the land subject to the application of a landmark site or contributing structure(s) in the H historic preservation overlay district. Notice shall **may** be given to each individual property owner if an affected property is held in condominium ownership.

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

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

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

3. **Notification To Recognized And Registered Organizations:** The city shall give notification a minimum of ~~fourteen (14)~~ **twelve (12)** calendar days in advance of the public hearing by first class mail to any organization which is entitled to receive notice pursuant to [chapter 2.62](#) of this code.

- F. Determination Of Noncontributing Status Within An H Historic Preservation Overlay District:** Prior to the approval of an administrative decision for a certificate of appropriateness for demolition of a noncontributing structure, the planning director shall provide written notice of the determination of noncontributing status of the property to all owners of the land, as shown on the latest published property tax records of the county assessor ~~Salt Lake City Geographic Information System records~~, included in the application for determination of noncontributing status, as well as to the historic landmark commission and to all owners of land as shown on the latest published property tax records of the county assessor ~~Salt Lake City Geographic Information System records~~ within eighty five feet (85') (~~exclusive of intervening streets~~) of the land subject to the application. At the end of the ~~fourteen (14)~~ **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.
- G. Contents Of Notice For Mailing:** The notice for mailing for any public hearing required pursuant to subsections A through E of this section shall state ~~the substance 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.

### **21A.10.030 Public Hearing Procedures:**

A public hearing held pursuant to the provisions of this Title shall comply with the following procedures:

- A. Scheduling The Public Hearing:** An application requiring a public hearing shall be scheduled to be heard within a reasonable time in light of the complexity of the application and available staff resources, and by the applicable public notice standards under this Title or such time as is mutually agreed upon between the applicant and the decision-making body.
- B. Examination And Copying Of Application And Other Documents:** Upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the appropriate City office. Copies of such materials shall be made available at reasonable cost, ~~subject to copyright laws.~~
- C. Request For Mailing Of Notification Of Public Hearing:** ~~Notification of all public hearings shall be provided by the Zoning Administrator to any person who requests notification in writing and pays the costs of the processing and mailing of the notification.~~

**D. C. Conduct Of Public Hearing:**

1. **Rights Of All Persons:** Any person may appear at a public hearing and submit evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state an address, and if appearing on behalf of a person or an organization, state the name and mailing address of the person or organization being represented.

2. **Exclusion Of Testimony:** The body conducting the public hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial, unduly repetitious, or otherwise inadmissible.

3. **Proffers Of Testimony:** In the event any testimony or evidence is excluded as irrelevant, immaterial or unduly repetitious, the person offering such testimony or evidence shall have an opportunity to offer a proffer in regard to such testimony or evidence for the record. Such proffer shall be made at the public hearing.

4. **Continuance Of Public Hearing:** The body or officer conducting the public hearing may, upon the body's or officer's own motion, continue the public hearing or meeting to a fixed date, time and place. Two-thirds (2/3) of the voting members present at the hearing or meeting at which a quorum is present shall be required for a continuance, **unless it is an administrative hearing**. An applicant may request and be granted one continuance; however, all subsequent continuances shall be granted at the discretion of the body or officer conducting the public hearing only upon good cause shown.

E. **D. Withdrawal Of Application:** An applicant may withdraw an application at any time prior to the action on the application by the decision-making body or officer. Application fees, however, shall not be refundable if a staff report on the application has already been prepared or notice of a public hearing on the application has already been mailed, posted or published pursuant to the provisions of Section [21A.10.020](#) of this Chapter.

**F. E. Record Of Public Hearing Or Meeting:**

1. **Recording Of Public Hearing:** Except where required otherwise by statute, the body or officer conducting the public hearing shall record the public hearing by any appropriate means. A copy of the public hearing record may be acquired upon request to the Zoning Administrator and payment of a fee to cover the cost of duplication of the record.

2. **The Record:** The minutes, tape recordings, all applications, exhibits, papers and reports submitted in any proceeding before the decision-making

body or officer, and the decision of the decision-making body or officer shall constitute the record.

**3. Location Of Record And Inspection:** All records of decision-making bodies or officers shall be public records, open for inspection at the offices of the decision-making body or officer during normal business hours and upon reasonable request.

**G. F. General Procedures For Findings And Decisions:**

1. **General:** Action shall be taken in compliance with any time limits established in this Title and as promptly as possible in consideration of the interests of the citizens of Salt Lake City and the applicant, and shall include a clear statement of approval, approval with conditions or disapproval.

2. **Findings:** Except for the City Council, whose decision shall be made by motion or ordinance as appropriate, all decisions, shall be in writing and shall include at least the following elements:

a. A summary of the information presented before the decision-making body or officer;

b. A summary of all documentary evidence submitted into the record to the decision-making body or officer and which the decision-making body or officer considered in making the decision;

c. A statement of the general purpose of this Title, the specific purpose of the district where the use is or would be located, and the standards relevant to the application;

d. A statement of specific findings of fact or other factors considered, whichever is appropriate, and a statement of the basis upon which such facts were determined, with specific reference to the relevant standards set forth in this Title; and

e. A statement of approval, approval with conditions or disapproval.

**H. G. Notification:** ~~A letter~~ **The Record of Decision** notifying the applicant of the decision of the decision-making body or officer shall be sent ~~by mail~~ within ten (10) days of the decision. A copy of the decision shall also be made available to the applicant at the offices of the decision-making body or officer during normal business hours, within a reasonable period of time after the decision. (Ord. 26-95 2(5-3), 1995) **The date of the Record of Decision will begin the permitted timeframe for an appeal of the decision-making body.**

## **21A.54.060 Procedures:**

**A.Application:** A complete application shall contain at least the following information submitted by the applicant, unless certain information is determined by the zoning administrator to be inapplicable or unnecessary to appropriately evaluate the application:

1. The applicant's name, address, telephone number and interest in the property;
2. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
3. The street address and legal description of the subject property;
4. The zoning classification, zoning district boundaries and present use of the subject property;
5. A complete description of the proposed conditional use;
6. Site plans, as required pursuant to section 21A.58.060 of this part;
7. Traffic impact analysis;
8. ~~A signed statement that the applicant has met with and explained the proposed conditional use to the appropriate neighborhood organization entitled to receive notice pursuant to title 2, [chapter 2.62](#) of this code~~ **A statement indicating whether the applicant will require a variance in connection with the proposed conditional use;**
9. ~~A statement indicating whether the applicant will require a variance in connection with the proposed conditional use;~~
40. 9. Mailing labels and first class postage for all persons required to be notified of the public hearing on the proposed conditional use pursuant to part II, chapter 21A.10 of this title;
44. 10. Such other and further information or documentation as the zoning administrator may deem to be necessary for a full and proper consideration and disposition of the particular application.

**B.Determination Of Completeness:** Upon receipt of an application for a conditional use, the zoning administrator shall make a determination of completeness of the application pursuant to section [21A.10.010](#) of this title.

**C. Fees:** The application for a conditional use shall be accompanied by the fee established on the fee schedule.

**D. Staff Report Site Plan Review Report:** Once the zoning administrator has determined that the application is complete a staff report evaluating the conditional use application shall be prepared by the planning division and forwarded to the planning commission, or, in the case of administrative conditional uses, the planning director or designee along with a site plan review report prepared by the development review team.

**E. Public Hearing:** The planning commission, or, in the case of administrative conditional uses, the planning director or designee shall schedule and hold a public hearing on the proposed conditional use in accordance with the standards and procedures for conduct of the public hearing set forth in part II, chapter 21A.10 of this title. (See sections [21A.54.150](#) and [21A.54.155](#) of this chapter for additional procedures for public hearings in connection with planned developments and administrative conditional uses.)

**F. Notice Of Applications For Additional Approvals:** Whenever, in connection with the application for a conditional use approval, the applicant is requesting other types of approvals, such as a variance or special exception, all required notices shall include reference to the request for all required approvals.

**G. Planning Commission And Planning Director Or Designee Action:** At the conclusion of the public hearing, the planning commission, or, in the case of administrative conditional uses, the planning director or designee, shall either: 1) approve the conditional use; 2) approve the conditional use subject to specific modifications; or 3) deny the conditional use. (Ord. 69-06 3, 2006: Ord. 26-95 2(27-6), 1995)

## **21A.54.155 Administrative Consideration Of Conditional Uses:**

The purpose of this section is to establish an administrative hearing process for certain categories of low impact conditional uses as authorized by subsection [21A.54.030C](#) of this chapter. Applications for administrative conditional use approval shall be reviewed as follows:

### **A. Preapplication And Application Requirements:**

**1. Preapplication Conference:** The applicant shall first meet with a member of the Salt Lake City planning division to discuss the application and alternatives.

**2. Community Council Review:** ~~The applicant shall meet with the respective community council(s) pursuant to subsection [21A.10.010B](#) of this title.~~

3. 2. **Application:** The applicant shall file an application and associated application fees with the planning office on a form prescribed by the city and consistent with this chapter. After considering information received, the planning director or designee may choose to schedule an administrative hearing or to forward the application to the planning commission.

## B. Administrative Hearing:

1. **Noticing And Posting Requirements:** Notice of the proposed conditional use shall be mailed to all applicable property owners and the property shall be posted pursuant to subsection [21A.10.020B](#) of this title.

2. **Administrative Hearing:** After consideration of the information received from the applicant and concerned residents, the planning director or designee may approve, approve with conditions, or deny the conditional use request.

At the administrative hearing, the planning director or designee may decline to hear or decide the request and forward the application for planning commission consideration, if it is determined that there is neighborhood opposition, if the applicant has failed to adequately address the conditional use standards, or for any other reason at the discretion of the planning director or designee.

The planning director may grant the conditional use request only if the proposed development is consistent with the standards for conditional uses listed in section [21A.54.080](#) of this chapter and any specific standards listed in this title that regulate the particular use.

## C. Appeals:

1. **Objection To Administrative Consideration:** The petitioner or any person who objects to the planning director or designee administratively considering the conditional use request may request a hearing before the planning commission by filing a written notice at any time prior to the planning director's scheduled administrative hearing on the conditional use request. If no such objections are received by the city prior to the planning director's administrative hearing, any objections to such administrative consideration will be deemed waived. The notice shall specify all reasons for the objection to the administrative hearing. Upon receipt of such an objection, the matter will be forwarded to the Salt Lake City planning commission for consideration and decision.

2. **Appeal Of Administrative Consideration:** Any person aggrieved by the decision made by the planning director or designee at an administrative hearing may appeal that decision to the Salt Lake City planning commission by filing notice of an appeal within ~~fourteen (14)~~ **twelve (12) calendar** days

after the planning director's administrative hearing. The notice of appeal shall specify, in detail, the reason(s) for the appeal. Reasons for the appeal shall be based upon procedural error or compliance with the standards for conditional uses listed in section 21A.54.080 of this chapter or any specific standards listed in this title that regulate the particular use. (Ord. 69-06 7, 2006: Ord. 81-01 3, 2001)