

2009

Zoning Text Amendment Project



Salt Lake City Planning Division

Task Force Meeting

March 23, 2009



Process for Topic Review of ZAP

- ❑ Staff planners work together to identify potential solutions to address topic
- ❑ Task Force reviews and provides comments on topic.
- ❑ Public Open House scheduled to provide information to general public and obtain feedback.
- ❑ Business Groups sent information to determine whether they want to provide comments on topic
- ❑ Staff analyzes comments and writes report with recommendation to Planning Commission. Submits summary notes from Task Force and any comments received.
- ❑ Staff report posted on website and notices for public hearing mailed and e-mailed.
- ❑ Planning Commission holds public hearing. Anyone desiring to address Commission on topic may speak.
- ❑ Planning Commission recommendation submitted to City Council.
- ❑ City Council holds public hearing and makes final decision.



Planning Commission

March 25, 2009

Public Hearing

- Criteria for Zoning Map and Zoning Text Amendments
- Noticing and Appeals Regulations

Task Force Reviewed February 9, 2009

Public Hearing February 19, 2009??



Tonight's Topic

■ Special Exceptions

- A special exception can relate to many things. It is an activity or use incidental to or in addition to the principal use(s) permitted in a zoning district.
- It can also be an adjustment to a fixed dimension standard permitted as exceptions to the requirements of the zoning ordinance.
- A Special Exception has less potential impact than a conditional use, but still requires a careful review of such factors as location, design, configuration and/or impacts to determine the desirability of authorizing it on any given site.
- A special exception may or may not be appropriate in a particular location depending on the local impacts, and consideration of ways to minimize adverse impacts through special site planning and development techniques



Types of Special Exceptions

- **‘Use’ related special exceptions:** Arguably these are the more difficult special exception to re-assign, the use is special because we don’t want to simply permit them and/or the use is secondary or minor enough that the conditional use process would be too onerous. One potential solution is to create a new use category “Special Use” this new use category will have a base set of requirements and additional qualifying provisions may be used. The process for a “Special Use” may be handled either administratively, (through an Administrative Hearing Officer) or to the Planning Commission. Additionally notification of the application/decision will be done by mail to the abutting property owners and posted to the web.



Types of Special Exceptions

- **‘Design’ related special exceptions:** Issues such as additional building height, amateur radio antennas, and modifications to noncomplying structures may be referenced to the Conditional Building and Site Design Review Process. Issues such as fence height, barbed and razor wire may be clarified as permitted subject to qualifying provisions.
- **‘Location’ related special exceptions:** these need to be better defined in the ordinance and upon determination of qualifying provisions they will be permitted or subject to a variance, if the provisions can not be met.



Decision Making Authority

- Currently the Board of Adjustment has the authority to review and decide Special Exceptions.
- Authority will be transferred to the Planning Commission.
- Many items will be developed for an Administrative approval. Through the development of qualifying provisions.



Noticing and Processes (Current)

- **Routine and Uncontested Matters:** The applicant obtains an application for a special exception which has been delegated to the zoning administrator to be determined administratively because of its routine and uncontested nature. Once the application has been obtained the applicant will brief the abutting property owners of their request and request a signature of approval. If the applicant is unable to obtain a signature from the abutting property owners the application status is changed to a special exception requiring public notice and public hearings.



Noticing and Processes (Current)

- **Unit Legalizations:** The unit legalization process has been treated similarly to the routine and uncontested matters process, with one addition. By practice not by ordinance, we have required the applicant to brief the applicable community council and obtain a signature from the community council chair. In the event that the signatures can not be obtained or the planner reviewing the file cannot administratively approve the request, because the request does not meet the standards, the request is changed to a special exception requiring public notice and public hearings.



Noticing and Processes (Current)

- **Conditional Home Occupations:** are home occupations which either requires a client to come to the home or which may result in neighborhood impacts if not properly managed. The conditional home occupation process has been treated similarly to the routine and uncontested matters process, with one addition, the property owner is required to sign off on the application request, should the dwelling not be owner occupied. If the applicant is unable to obtain the property owner's signature the request will be denied. If the applicant is unable to obtain a signature from the abutting property owners the application status is changed to a special exception requiring public notice and public hearings.



Changes to Noticing and Processes

- **Routine and Uncontested Matters:** The purpose of this petition is to eliminate special exceptions from the ordinance, which are no longer recognized by state law. This will be accomplished by using a variety of tools and clarifications to the subjects. Each listed special exception in the ordinance has its own issues and requires discussion on how it should best be amended. To give some structure to the debate we are first making the determination as to whether the issue is a use, design or location issue. We will then develop solutions for each group. Should this process be adopted routine and uncontested matters will be eliminated.



Changes to Noticing and Processes

- **Unit Legalizations:** The proposed changes to unit legalizations has two options; First, send a *notice of application* to the abutting property owners and applicable community council seeking comments on the request or second, send a *notice of decision* to the abutting property owners and applicable community council, for a review of the decision and appeal, if requested. Upon receipt of an application the assigned planner will review the information provided and make a determination of approval or denial based upon the standards and requirements of the ordinance, this determination is the final determination. Should the applicant or other concerned party wish to appeal this decision, the appeal will be treated as an appeal of administrative decision, appealable to the Board of Adjustment. It will be the responsibility of the appellant to create an argument contrary to the administrative decision.



Changes to Noticing and Processes

- **Conditional Home Occupations and other “use” related special exceptions:** The proposed changes to conditional home occupations include: establishing standards and provisions for these occupations that must be met in order to maintain the license, and if they can be met the application for the home occupation would be approved administratively. A second option is to create a new use type titled “special use” this use could be viewed as a minor conditional use, and administrated similarly to the special exception process. The “special use” authority would be the Planning Commission; however an administrative review and/or an administrative hearing would be used if delegated by the Planning Commission.



“Use” related Special Exceptions Cont.

- “Use” related special exceptions, arguably are the more difficult special exception to re-assign. The use is special because we do not want to simply permit them and/or the use is secondary or minor enough that the conditional use process would be too onerous. This new use category will have a base set of requirements and additional qualifying provisions specific to the various types of “special uses”. The process for a “special use” may be handled either administratively, through an Administrative Hearing Officer or by the Planning Commission. Notification of the application/decision or hearing may be done by mail to the abutting property owners and/or posted to the web.

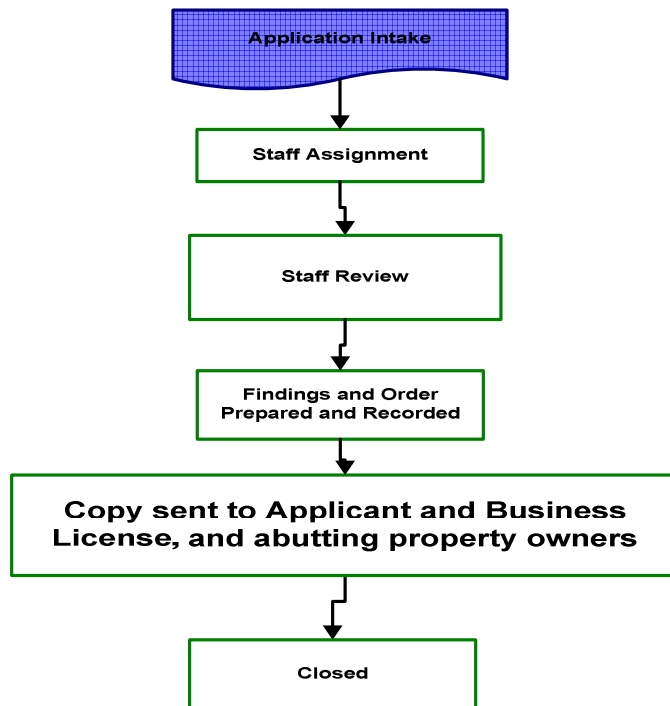


“Use” related Special Exceptions Cont.

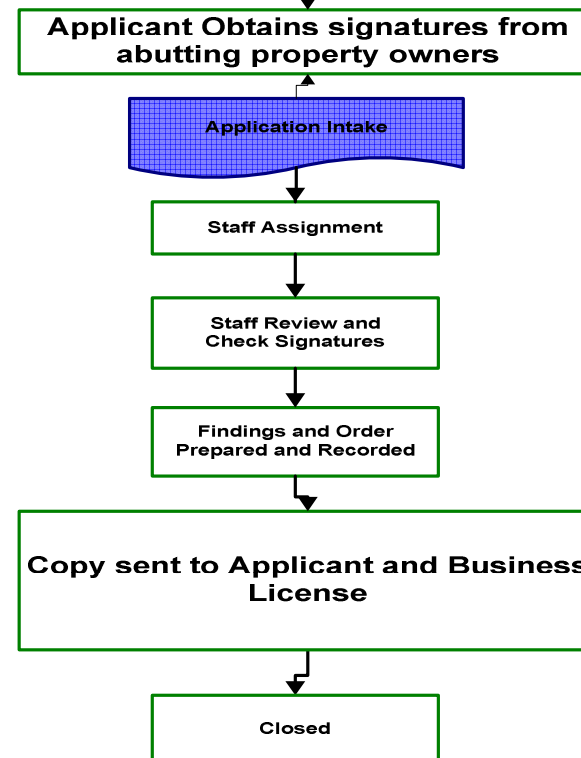
- Examples of other uses which may utilize this process are; home occupations, home daycares, hobby shops in accessory structures, studios in accessory structures, commercial uses in the use tables where there is debate between classifying use as permitted or conditional as a use category, because the impacts may be less than those requiring a full conditional use analysis, but there is the desire for some additional review, or specific standards for that use within a specific zoning district or set of districts. As the standards of review for “special uses” develops we can better assess the appropriateness of this idea. Each “special use” is required to have specific standards or qualifying provisions which must be met for an administrative approval. If the administrative review does not believe the qualifying standards are not met and the applicant wants to forward an appeal to the planning commission or there is an appeal of the administrative decision a set standards of review will be established.

Notification and Processes

Routine and Uncontested Matter Home Occupation, Proposed Process



Routine and Uncontested Matter Home Occupation, Current Process





Special Exceptions Table Discussion

- Please see table of Special Exceptions:
**“Table of Special Exceptions ZAP Task
Force Review March 23, 2009”**



Next Task Force Meeting

- Monday April 6, 2009
- Topic: Purpose Statement Revisions



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