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## Administrative Determinations

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<td>1</td>
<td>Apartments (Commercial), Live / Work Units, Multi-family (Commercial)</td>
<td>C-1 C-2, C-3</td>
<td>An apartment attached to and on the same parcel as any permitted or conditionally permitted retail, service or office use shall be allowed in the C-1 zone subject to conditional use approval so long as that apartment is occupied by the owner, manager, or other full-time employee of that business. Multiple dwellings attached to and on the same parcel as any permitted or conditionally permitted retail, service or office use shall be allowed with conditional use approval in the C-2 and C-3 zones, and as a permitted use in master planned redevelopment areas. The occupancy of those dwellings by persons who may or may not be associated with the business to which they are attached is allowed.</td>
<td>Salt Lake County Redevelopment Agency</td>
<td>9/11/2006</td>
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<td>2</td>
<td>Animal sanctuary,</td>
<td>All FR Zones</td>
<td>Farm rescue and sanctuary shall be allowed in the FR: Forestry and Recreation Zones as a Conditional Use. This use is subject to the limitations applicable to horses, and animals and fowl for family food production, such as: The use is not in a watershed area, will not create unreasonable on-site erosion, etc., Planning commission limitations and conditions (see FR-zone for details).</td>
<td>Faith Ching</td>
<td>5/4/2004</td>
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<td>3</td>
<td>Ceramic firing kilns, Kilns, (Accessory)</td>
<td>C-1 C-2, C-3</td>
<td>The use of “ceramic firing kilns” is sufficiently similar to the nature and character of the use listed in the ordinance as “hobby and/or crafts shop”, and would be accessory to this main use, and therefore warrants its classification and regulation in a like manner. The use conclusions and other requirements will be as follows: Use of ceramic firing kilns as part of a Craft and Hobby Shop will be allowed as a permitted use in the following zones: C-1 zone, C-2 zone, and C-3 zone - allowed as a permitted use.</td>
<td>Staff</td>
<td>8/10/2003</td>
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| 4    | Community Gardens | Community gardens means the exclusive use of a vacant lot(s) for the growing of garden produce and a variety of other garden flowers by a nonprofit organization in which the food produced is consumed or utilized by the local individuals, families or other participating groups. Community gardens will be allowed as a permitted use in the following zones:  
- All R-1 zones, R-2 zones and the A-1 zone - 15,000 sq. ft. maximum area;  
- C-1 zone, C-2 zone, and C-3 zone - 15,000 sq. ft. maximum area;  
- Other Requirements:  
  - One-half of the required front yard setback shall be maintained as a landscape yard consistent with that of property in the neighborhood;  
  - All accessory storage shall be located within one enclosed building;  
  - Temporary storage of materials for activity in progress on the premises shall be excepted;  
  - Recycling and composting storage and garbage containers are permitted;  
  - Fencing shall be consistent with that of property in the neighborhood;  
  - Signage shall be limited to 6 sq. ft. maximum; and,  
  - The produce and other produced crops are not for commercial sale. |
| 5    | Accessory Buildings, 2nd floor; Storage above accessory bldg. | A detached garage or other accessory building is allowed to provide a finished space within the rafter area, provided:  
1. The garage/accessory building comply with the height limit of the zone.  
2. The square footage of the garage/accessory building comply with the limit of the zone.  
3. The use of this area is strictly for storage (i.e. no habitable space, no workshops, etc.).  
4. No plumbing in the storage area.  
5. Comply with all applicable building codes, electrical codes, etc. |
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<td>A-1, M-1, C-2, C-3, F-R, F-M, &amp; S-1-G</td>
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<td>Tanning Studio shall be allowed in the R-M and C-1 Zones as a conditional use and in the C-2 Zone as a permitted use, and shall not be allowed in any other zone. A tanning Studio is defined as: Any business which uses artificial lighting systems to produce a tan on an individual’s body. This use specifically excludes spas, gymnasiums, athletic clubs, health clubs, and any exercise equipment. Deborah Bowyer 1/31/1984</td>
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<td>Beekeeping should remain in the agricultural zone for the following reason: The Salt Lake County Zoning Ordinance already allows apiaries as a permitted use within the agricultural zones because they are not appropriate on small lots, in densely population areas and create potential conflicts between neighbors. Stephen Regan</td>
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<td>Day Spa in an RM zone. Massage and body treatment aspects of the proposed Day Spa could certainly be accommodated in the RM zone, but beauty services and consultation in physical and mental wellness require location in either a C-1 or C-2 Commercial zone. Robert Jacoby 1/4/1999</td>
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<td>57</td>
<td>Your proposed use of incidental storage and processing of used gypsum from demolished buildings is already allowed in the M-2 zone under the following listed use: manufacture, fabrication, assembly, canning, compounding, packaging, processing, treatment, storage and/or maintenance of the following: N. Paper; paint; pulp; pickles; pottery; plaster; plaster of paris; plastic. Mr. Sundell</td>
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<td>It is the determination of the Planning Division that monkeys are not and were not intended to be included as household pets. The Planning Division's determination is based on the wording in the definition which states that household pets are &quot;animals...ordinarily permitted in the house&quot;. Shellie Thomas 9/7/1994</td>
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<td>59</td>
<td>Tree Farming. Any wholesale or retail activities conducted in conjunction with raising and harvesting of trees should only be authorized, if authorized at all, subject to approval of a Conditional Use Permit (similar to greenhouse/nursery). John C. Josephson 3/31/1998</td>
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<td>Pawn shops are specifically listed in the ordinance and require C-3 zoning. The ordinance makes no distinction between pawn operations that are limited to small on jewelry and those which encompass a broader range of items upon which loans could be secured. C-3 zoning is required for a pawn shop, regardless of its scope of operations. Outright sales of jewelry, coins, and secondhand goods are permitted in the C-2 zone. Hector Valdez 7/8/2002</td>
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<td>Automated Retail vending machines (Red Boxes)</td>
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Rolen Yoshinaga 8/26/2009

Rolen Yoshinaga 2/11/2010
September 11, 2006

Holly Robb, Executive Director
S.L. County RDA
2001 South State Street – 52100
Salt Lake City, Utah 84190-4050

SUBJECT: Residential uses in commercial zones

Dear Holly:

Last April you asked me if there were any provisions in Salt Lake County’s zoning ordinance that would allow for both residential and commercial uses to occur on the same lot and in the same building in the county’s C-3 zone. That enquiry related specifically to a proposal for the remodeling of the old Gem Theatre in historic downtown Magna and its’ future mixed use as an ice cream parlor on the ground level with apartments above.

While we discussed a response and you initiated action with a purchaser of the property on the basis of that discussion, no written determination was provided for use in similar instances. This correspondence addresses that need.

The county’s zoning ordinance includes a provision (Section 19.76.030) that allows for what are referred to as administrative determinations for uses not specifically listed in the ordinance. In the instance of historic Main Street Magna nearly all of the properties that are included in the redevelopment area are situated in a C-3: Commercial zone. While that zone accommodates a broad range of nonresidential and residential uses, there are no specific references to both types of uses being either allowed or prohibited on the same lot and in the same building. As a result this situation qualifies for resolution through the administrative determination process.

That process entails a comparison of the nature and characteristics of the proposed use with those of uses specifically listed in the ordinance; a determination of the zone classifications in which the proposed use will be permitted; and an articulation of the findings which established that such use is of the same character as uses permitted in the identified zone classification.
Application of these criteria to your enquiry regarding the concurrent provision of retail, service, office and residential uses on the same lot and in the same building in the C-3 zone is as follows:

1. **Comparison of the nature and characteristics of the proposed use with those of uses specifically listed in the ordinance.**

   A broad range of retail, service and office uses are allowed in all of the county’s commercial zones. While diverse, the nature and characteristics of these uses are well known. A relatively more narrow range of residential uses including multiple dwellings, planned unit developments, apartments for elderly persons, group dwellings, mobile home parks, and apartment hotels are also allowed in the C-2 and C-3 zones subject to conditional use approval. While planned unit developments are most often comprised of residences only, mixed use developments incorporating nonresidential uses are allowed as well.

   Whether or not residential land uses occur in reliance upon an associated retail, service or office use, their nature and characteristics remain essentially the same. The proposed use of the same lot and building for a combination of nonresidential and residential uses would likewise exhibit no inherently different nature and characteristics than those same uses operating independently of each other.

   In terms of its commercial zones Salt Lake County currently applies this principle solely with regards to service stations and, within the C-1 and C-2 zones, solely for use by the manager or other employee of that business. That it should not apply to any business and any occupants in any commercial zone where the proposed combination of land uses are allowed independently of each other is unwarranted strictly from the perspective of comparable nature and characteristics.

2. **Determination of the zone classifications in which the proposed use will be permitted.**

   The county’s C-1 zone is intended to provide areas for neighborhood commercial development. As opportunities for residential land uses unrelated to allowed retail, service or office uses are otherwise limited to larger-scale planned unit developments within this zone, the intensity and impacts of which are greater than are sought with this determination, it is here determined that the extent to which nonresidential and residential uses shall be allowed to occur on the same lot and in the same building in the C-1 zone be as follows:
• An apartment attached to and on the same parcel as any permitted or conditionally permitted retail, service or office use shall be allowed subject to conditional use approval so long as that apartment is occupied by the owner, manager, or other full-time employee of that business.

Similarly, as the C-2 zone is intended to provide areas in the county for community commercial development, and the intent of the C-3 zone is to provide for commercial uses, warehousing and wholesale businesses, and as both zones already accommodate a variety of residential uses with conditional use approval, it is here determined that the extent to which nonresidential and residential uses shall be allowed to occur on the same lot and in the same building in the C-2 and C-3 zones be as follows:

• Multiple dwellings attached to and on the same parcel as any permitted or conditionally permitted retail, service or office use shall be allowed with conditional use approval in the C-2 and C-3 zones, and as a permitted use in master planned redevelopment areas. The occupancy of those dwellings by persons who may or may not be associated with the business to which they are attached is allowed.

3. The findings which established that such use is of the same character as uses permitted in that zone classification.

It can only be assumed that the provision of residential accommodations for automobile service stations in the C-1 and C-2 zones had particular relevance when that provision was originally incorporated into the county’s zoning ordinance. Even if such was the case, those circumstances no longer exist today.

Rather than being confined to relatively remote locations where on-premise residential accommodations are required, service stations, which are today much more frequently provided in combination with a convenience market, grocery store or discount warehouse, are generously interspersed among our communities with easy access from nearby residential neighborhoods. Additionally, we are a much more independently mobile society than when these provisions were first made a part of the county’s zoning code.

That mobility, however, has spawned significantly more urban sprawl than was likely ever anticipated when residential accommodations for service stations were first allowed by ordinance. A myriad of problems associated with sprawl, not the least of which are traffic congestion, air pollution and fossil fuel consumption, now give us new reasons to broaden the opportunities for
combined nonresidential and residential uses on the same lot and in the same building in the county's commercial zones.

In the instance of combined property and building use within Magna's Historic Main Street area the following considerations support joint building use on a permitted rather than conditional use basis:

a. The completion of an area-specific master plan / redevelopment plan and the provision of significant infrastructure improvements as implementation actions for that plan address many of the impact mitigation concerns that would otherwise be addressed through the conditional use review and approval process.

b. Review and approval on a permitted use basis is by no means "carte blanche". Compliance with applicable land use, building safety, fire protection and public health ordinance requirements continues to provide more than adequate protection of public interests.

c. The nature and character of nonresidential and residential land uses, when allowed to operate in combination under the preceding conditions, is essentially the same as when those same uses occur in separate buildings or on separate lots.

In conclusion I hope that this correspondence is sufficiently supportive as documentation of zoning requirements within Magna's Historic Main Street area so as to facilitate your considerable efforts towards the re-establishment of a viable business district at that location. Please advise any individuals who may wish to purchase or lease a property or building in the area to feel free to contact this Office should they have any questions. In that regard the person to whom they should be referred is Tom Schafer, one of our Senior Planners. Tom can be reached by telephone at (801)468-2965 or via e-mail at TSchafer@slco.org.

Respectfully,

Jeffrey B. Daugherty, Director
Planning and Development Services Director
May 4, 2004

Ms. Faith Ching, Executive Director  
Ching Farm Rescue and Sanctuary  
P.O. Box 935  
Riverton, Utah  84065-0935

Dear Ms. Ching:

Tom Schafer, a Senior Planner on our staff, has completed his review of the information you recently provided to him regarding your establishment and operation of the Ching Farm Rescue and Sanctuary at 14322 S. Majestic Oaks Lane in unincorporated Salt Lake County. On the basis of that review Mr. Schafer has informed me that your objectives with this facility are twofold; one, to provide both permanent sanctuary and temporary housing for farm animals in crisis situations, and two, to provide enriching, animal-based experiences for local community groups and organizations. I further understand that this is your home, and that you now care for just under one hundred large and small farm-type animals on the 4.88 acre property on which your home and accessory structures are located, as well as for an additional one hundred poultry.

While undoubtedly of community value and benefit and apparently very strongly supported by many of your immediate neighbors and several community organizations, your current use of the property, farm rescue and sanctuary, is not specifically identified in the County’s Zoning Ordinance. Since that ordinance is “permissive” in nature, uses not specifically listed in any existing zone are customarily prohibited unless found to be similar in nature or character of use to some other use or uses that are permitted.

Fortunately, Salt Lake County’s Zoning Ordinance provides for situations such as this through what is referred to as an Administrative Determination. Section 19.76.030 of the ordinance simply requires “…such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses which are specifically listed in the ordinance.” It further requires a determination of “…the zone classifications in which the proposed use will be permitted…” as well as “…the findings which established that such use is of the same character as uses permitted in that zone classification.”
The property you now own is situated in the FR-5: Forestry and Recreation Zone, the provisions of which are found in Chapter 19.12 of the Zoning Ordinance. Section 19.12.030 G of that Chapter allows for horses, and animals and fowl for family food production, subject to conditional use approval. Although the terms "horses," "animals," and "fowl" need no clarification of definition for the purposes of this Administrative Determination, reference to the phrase "family food production" in the Definitions section of the zoning ordinance (Chapter 19.04) is instructive. That phrase is defined as:

"...the keeping of not more than two cows, two sheep, two goats, twenty rabbits, fifty chickens, fifty pheasants, ten ducks, ten turkeys, ten geese and twenty pigeons, provided that an additional number of animals equal to two times the number listed above, and an additional number of fowl equal to five times the number listed above may be kept for each one-half acre of the lot over and above the minimum number of square feet required for a single-family residential lot in the zone, and provided that not more than three of the above-listed kinds of animals and fowl are permitted at any one time on any lot smaller than one-half acre...."

While your farm rescue and sanctuary is, by design and intent, the polar opposite of the maintenance of animals and fowl for family food production, the "...nature and characteristics..." of the former are, in my opinion, "...sufficiently similar..." to those of the latter to warrant similar regulatory treatment. The keeping of horses is already permitted in the FR-5 zone subject to conditional use approval (see 19.12.030 G).

Accordingly, it is my Administrative Determination, as Director of Salt Lake County's Planning and Development Services Division, that farm rescue and sanctuary shall be allowed in the FR: Forestry and Recreation Zones as a Conditional Use. As such, its establishment and operation are subject to compliance with the procedures and standards of Chapter 19.84: Conditional Uses of the Zoning Ordinance, as well as the following, which are also applicable to horses, and animals and fowl for family food production:

1. The area proposed for animals is not a watershed area, as determined by the health department, and

2. The use will not create unreasonable on-site erosion, downstream siltation, bacteriological or biological pollution in subsurface or surface waters, destruction of vegetation, air pollution, including dust and odors or other detrimental environmental effects. In determining the environmental effects of the use, the planning commission shall seek and consider recommendations from the health department and other concerned agencies, and may require the applicant to submit scientific studies including analysis of slope, soils, vegetative cover, availability of water, and other elements necessary to establish environmental effects of the proposed use, and
3. The planning commission may limit the number of animals and fowl, or limit the amount of ground to be devoted to such use, or make other conditions to ensure environmental protection, and.

4. After the use is established, if the planning commission determines, based on findings of facts, that unreasonable environmental degradation is occurring, the planning commission may, after notification to the applicant and hearing, establish additional conditions or order the use to be abated.

In closing, it is my sincere hope that the preceding information sufficiently clarifies the regulatory standards of Salt Lake County with respect to your request. As there is no record of a prior conditional use approval for the keeping of horses on your property, much less for the establishment and operation of a farm rescue and sanctuary, it will be necessary that you apply for and obtain such approval as soon as possible. Absent conditional use approval your property is now and will continue to be in violation of applicable county zoning ordinance provisions and subject to enforcement procedures, if necessary.

To remedy this situation I strongly recommend that you visit our offices at the Salt Lake County Government Center, 2001 South State Street, Suite N3600 at your earliest convenience. Any of our front counter personnel will be able to assist you with the information and application forms you need to apply for a conditional use. You can also obtain an overview of the application process and submittal requirements by consulting our web site at www.pwpds.slco.org, then to - Zoning and Land Use Approval Process, then to - Conditional Use Permit.

Please note as well that you or anyone else who may disagree with the conclusions of this Administrative Determination have the right to appeal it to the Salt Lake County Planning Commission. To do so requires that an appeal be filed, in writing, with this office no later than ten days from the date of this correspondence.

Should further clarification on this Administrative Determination be needed, please do not hesitate to contact Tom Schafer at 468-2965. He can also be reached via e-mail at tschafer@slco.org.

Sincerely,

Jeffrey B. Daugherty, Director
Planning and Development Services Division
October 8, 2003

Mr. David Marshall
Salt Lake County Chief Administrative Officer
2001 South State Street, N2100
Salt Lake City, Utah 84190-1020

Dear Mr. Marshall:

The purpose of this correspondence is to respond to a recent enquiry regarding the appropriate Salt Lake County zoning classification for use of properties located in the unincorporated areas of Salt Lake County for "inclusion of ceramic firing kilns as accessory to a Craft and Hobby Shop". A basic description of this request would be: "... as part of a typical retail craft shop that produces and sells ceramic items, a ceramic kiln to fire the clay is necessary. These small kilns are electric and generally measure 3 to 4 foot square." A determination is warranted with this request in that manufacturing of products is not allowed in the commercial zone C-2.

Section 19.76.030 of the Zoning Ordinance for Salt Lake County provides for Administrative Determinations of uses not specifically listed in the ordinance. In making determinations of this type, the ordinance requires such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those uses which are specifically listed in the ordinance. It further requires a determination of the zone classifications in which the proposed use will be permitted, as well as the findings, which established that such use is of the same character as uses permitted in that zone classification.

The determination is as follows: The use of "ceramic firing kilns" as described above is sufficiently similar to the nature and character of the use listed in the ordinance as "hobby and/or crafts shop", and would be accessory to this main use, and therefore warrants its classification and regulation in a like manner. The use conclusions and other requirements will be as follows:

Location:

- Use of ceramic firing kilns as part of a Craft and Hobby Shop will be allowed as a permitted use in the following zones:
  - C-1 zone, C-2 zone, and C-3 zone - allowed as a permitted use.

Other Requirements:

- Proper installation and approval by the Fire Department.

In closing, it is my hope that the preceding information sufficiently clarifies the regulatory standards of Salt Lake County with respect to this request. I recommend that any interested parties contact a representative of the Planning and Development Services Division of the Public Works Department of Salt Lake County for an application and guidance in the specific procedural requirements for securing a Permitted Use authorization.
In addition, it is important to note that any party who may disagree with the conclusions of this Administrative Determination have the right to appeal it to the Salt Lake County Planning Commission or appropriate Township Planning Commission. To do so requires that an appeal be filed, in writing, with this office no later than ten days from the date of this correspondence.

Please do not hesitate to contact myself or Tom Roach, with the Planning and Development Services Division staff, at 468-2074 should you wish to discuss this matter further.

Sincerely,

Jeff Daugherty
Division Director
May 9, 2003

Mr. David Marshall
Salt Lake County Chief Administrative Officer
2001 South State Street, N2100
Salt Lake City, Utah 84100-1020

Dear Mr. Marshall:

The purpose of this correspondence is to respond to a recent enquiry regarding the appropriate Salt Lake County zoning classification for use of properties located in the unincorporated areas of Salt Lake County for "Community Gardens". A basic description of this use would be: "... an organization or program to transform empty lots into green, productive and living spaces. The collaborative project would be created by members of the community where the participants share in the maintenance, costs and rewards of the garden." In addition, the use would offer "... education and promotion of environmental stewardship, the creation of gardens that are sustained by community members, and help to shape neighborhoods that share more, waste less, promote safety and beauty, and builds on understanding, tolerance and compassion."

Section 19.76.030 of the Zoning Ordinance for Salt Lake County provides for Administrative Determinations of uses not specifically listed in the ordinance. In making determinations of this type, the ordinance requires such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those uses which are specifically listed in the ordinance. It further requires a determination of the zone classifications in which the proposed use will be permitted, as well as the findings, which established that such use is of the same character as uses permitted in that zone classification.

There are an estimated 10,000 community gardens within U.S. cities. For some families, urban gardens are a potential source of fresh, nutritious produce at relatively low cost. Urban gardens also provide a focal point for people to come together in community and build neighborhood relationships. Community gardens get people talking to one another and can be used for therapeutic benefit and break the isolation for both the elderly and youth, creating a sense of neighborliness among residents. Additionally, community gardens provide an alternative for people in communities to simultaneously improve food security and their participation in a local food system.

The most obvious benefits of community gardens are the beautification of a barren space, and a strengthened sense of community. I also feel the impact of a community garden can reach much further, touching on areas of:

- Sustainable Agriculture
- Urban Revitalization
- Reducing Hunger
- Environmental Concerns
- Cultural Understanding
- Crime Reduction
- Education & Development of Youth (School Gardens)

This type of use provides many positive benefits for neighborhoods if established in a sensitive manner that is compatible with its surroundings. Therefore, my determination is as follows: The use of "Community Garden" as described above is sufficiently similar to the nature and character of the term "agriculture" as defined in Title 19, to warrant its classification and regulation in a like manner. The use definition, conclusions and other requirements will be as follows:

Definition:
For the purpose of this Determination the term community garden shall be defined as follows:

"Community garden" means the exclusive use of a vacant lot(s) for the growing of garden produce and a variety of other garden flowers by a nonprofit organization in which the food produced is consumed or utilized by the local individuals, families or other participating groups.

Location and Size:
Community gardens will be allowed as a permitted use in the following zones:
- All R-1 zones, R-2 zones and the A-1 zone - 15,000 sq. ft. maximum area;
- C-1 zone, C-2 zone, and C-3 zone - 15,000 sq. ft. maximum area; and,

Other Requirements:
- One-half of the required front yard setback shall be maintained as a landscape yard consistent with that of property in the neighborhood;
- All accessory storage shall be located within one enclosed building;
- Temporary storage of materials for activity in progress on the premises shall be excepted;
- Recycling and composting storage and garbage containers are permitted;
- Fencing shall be consistent with that of property in the neighborhood;
- Signage shall be limited to 6 sq. ft. maximum; and,
- The produce and other produced crops are not for commercial sale.

Fee:
The Planning and Development Services Division will assess a fee of $150.00 for the Permitted Use review and approval. This fee amount is reduced 50% from a typical permitted use fee in that many of the standard reviews from outside agencies that may have included fire, traffic, engineering, flood control, etc., are not necessary, and that the nature of the request is determined to be simple.

Additional Information:
Submittal requirements necessary at the time of application for permitted use review.
- Sponsor, or Organization Name including proof of non-profit association;
- Sponsor, or Organization Mission Statement;
- Bylaws and rules for the garden association;
Contact information for person who will be responsible on a on-going basis;
Property owner affidavit;
Lease agreement “minimum of two (2) years” if property is not owned;
Availability of water and other necessary municipal services; and,
A site plan of the proposed garden; indicating the type, size and location of signage, location of trash canisters and composting bin, location of accessory storage structure, and the location, type and height of all fencing.

In closing, it is my hope that the preceding information sufficiently clarifies the regulatory standards of Salt Lake County with respect to this request. I recommend that any interested parties contact a representative of the Planning and Development Services Division of the Public Works Department of Salt Lake County for an application and guidance in the specific procedural requirements for securing Permitted Use authorization.

In addition, it is important to note that any party who may disagree with the conclusions of this Administrative Determination have the right to appeal it to the Salt Lake County Planning Commission or appropriate Township Planning Commission. To do so requires that an appeal be filed, in writing, with this office no later than ten days from the date of this correspondence.

Please do not hesitate to contact myself or Tom Roach, with the Planning and Development Services Division staff, at 468-2074 should you wish to discuss this matter further.

Sincerely,

Jeff Daugherty
Division Director
MEMORANDUM

TO: All Planning and Development Services Staff
FROM: Cal Schneller, Director
DATE: November 14, 2000

SUBJECT: ADMINISTRATIVE DETERMINATION FOR ALLOWING STORAGE AREAS ABOVE ACCESSORY BUILDINGS IN RESIDENTIAL ZONES

DETAILS: We have had over the past several years, property owners who want to put some kind of storage area above their detached garages/accessory buildings. The zoning ordinance prohibits accessory buildings to main dwellings from having more than one story. Still, we get inquiries, and periodically property owners are issued violation notices, so it continues to be an issue. A Division Policy has been prepared listing criteria that would allow attic storage spaces but not be considered a second story.

A “Detached Garage” or other “Accessory Building” designed or used for general storage, or for the storage of automobiles used by the occupants of the building to which it is accessory; is allowed to provide a finished space within the rafter area, provided:

1. The “garage/accessory building” comply with the height limit of the zone.
2. The square footage of the “garage/accessory building” comply with the limit of the zone.
3. Use of this area is strictly for storage. (i.e., no habitable space, no workshops, etc.)
4. No plumbing in the storage area.
5. Comply with all applicable building codes, electrical codes, etc.

NOTE: For pitched roofs, dormers for the purposes of light and exterior aesthetics are allowed.
MEMORANDUM

TO: All Planning & Development Services Staff

FROM: Cal Schneller, Director

DATE: April 28, 2000

SUBJECT: ADMINISTRATIVE DETERMINATION FOR ALLOWING A SECOND KITCHEN IN A SINGLE FAMILY DWELLING

DETAILS: It is my determination that a second kitchen is allowed in a single family dwelling subject to the following as stated in Ordinance #19.04.215:

Buildings with more than one kitchen or set of cooking facilities are considered to contain more than one dwelling unit unless the additional cooking facilities are clearly accessory to a dwelling unit as determined by the development services director. Factors for determining whether cooking facilities are accessory to a dwelling unit may include but are not limited to:

1. A building design which allows all occupants ready access to all portions of the building including cooking facilities;
2. No portion of the building containing cooking facilities can be separated from the remaining rooms to form a separate dwelling unit;
3. There is only one electric and/or gas meter for the building;
4. Comply with applicable building codes.

In addition, no door separating the units shall be allowed, it must be an opening with no door frame.
March 15, 1999

Mr. Brandon Austin  
Nothin' but Net  
2015 East 3300 South  
Salt Lake City, Utah 84109

Dear Mr. Austin:

The purpose of this correspondence is to respond to your recent enquiry regarding the appropriate Salt Lake County zoning classification for your business, Nothin' but Net, located at 2015 South 3300 East. You have described your business as: "... a multi-service computer facility offering custom-designed computers to the public, networking, repairs, and retail sales." In addition, you offer "... computer access to the Internet, graphical art productivity applications, word processing, and interactive computer games " on a membership / rental fee basis. I further understand that, on the basis of this latter aspect of your services (interactive computer games), it has been alleged that your business is in fact an "arcade".

Section 19.76.030 of the Zoning Ordinance for Salt Lake County provides for Administrative Determinations of uses not specifically listed in the ordinance. In making determinations of this type, the ordinance requires such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses which are specifically listed in the ordinance. It further requires a determination of the zone classifications in which the proposed use will be permitted, as well as the findings which established that such use is of the same character as uses permitted in that zone classification.

My determination is as follows: Nothin' but Net, as currently managed and operated, is sufficiently similar to the nature and character of use of a Copy Service (such as Kinko's) to warrant its classification and regulation in a like manner. Copy Services are now permitted subject to approval of a Conditional Use Permit in the C-1 or C-2 Commercial zones. Copy Services are also permitted outright in the C-3 Commercial zone. My Administrative Determination is that Computer Sales, Service, and Access facilities are to be likewise permitted subject to approval of a Conditional Use Permit in the C-1 or C-2 Commercial zones, and permitted outright in the C-3 Commercial zone. The basis for this conclusion is as follows:

The sales and service aspects of Computer Sales, Service, and Access facilities are no different than those associated with Radio and Television Sales and Repair, a permitted
use in the C-1, C-2, and C-3 Commercial Zones. They are likewise similar to the same operational characteristics of Electrical and Heating Appliances and Fixtures Sales and Repair, a permitted use in the C-2 and C-3 Commercial Zones. Computer Sales and Service facilities so operated would therefore also be a permitted use in the C-1, C-2, and C-3 Commercial Zones.

The provision of "...Internet access, graphical art productivity applications, and word processing" services in a Computer Sales, Service, and Access facility (emphasis added) sufficiently alters the character and nature of the business so as to make it more like a Service. Copy Services, which are permitted subject to the approval of a Conditional Use Permit in the C-1 and C-2 Commercial zones, commonly incorporate such services in today's market. Computer Sales, Service, and Access facilities, therefore, would also require approval of a Conditional Use Permit in the C-1 or C-2 Commercial zones, and would be permitted outright in the C-3 Commercial zone.

The "...interactive computer games..." aspect of your business that has led to the allegation that it is in fact an Arcade incorrectly assumes so on a misinterpretation of the term amusement device as now defined in Salt Lake County's Zoning Ordinance. That definition reads as follows:

"Amusement device" means any video game, pinball or other machine, whether mechanically or electronically operated that, upon insertion of a coin, trade-token, slug or similar object, or upon payment of money or other consideration for use of a metered or similar device, operates or may be operated as a game or contest of skill or amusement of any kind or description, and that contains no automatic payoff for the return of money or trade-tokens, or that makes no provision whatever for the return of money to the player. An amusement device is further defined as any machine, apparatus or contrivance that is used or that may be used as a game of skill and amusement wherein or whereby the player initiates, employs or directs any force generated by the machine. An amusement device shall exclude billiard, pool or bagatelle tables.

Since computers that allow access to Interactive computer games require no "...insertion of a coin, trade-token, slug or similar object...", and further entail no "...payment of money or other consideration through use of a metered or similar device..." (emphasis added), they cannot on that aspect alone reasonably be classified as amusement devices. The latter part of the definition is, in addition, so all-encompassing that a great many machines and devices commonly available in our society today could inappropriately be classified as amusement devices should one wish to do so. I don't believe that was the intent of the ordinance when it was adopted.

The assertion that your business fits Salt Lake County's definition of an Arcade is
similarly flawed. Arcades are defined as "...any business catering to minors (emphasis added), containing four or more amusement devices." On the basis of the preceding, the computers at Nothin' but Net are no more amusement devices than those found in any other business, public facility, or home in Salt Lake County. In addition, your representation that, through membership requirements and hourly service charge rates, your clientele is not comprised of minors further distinguishes you from an Arcade as a business which "...caters to minors". Were eligibility for membership in Nothin' but Net to include a requirement that members be eighteen years of age or older, all doubt as to "...catering to minors" would be effectively removed.

In closing, it is my sincere hope that the preceding information sufficiently clarifies the regulatory standards of Salt Lake County with respect to your request. In the event a Conditional Use Permit has not previously been secured for your business, and in recognition that the property that you now occupy is situated in the C-1 Commercial zone, I recommend that you contact a representative of the Development Services Division of the Public Works Department of Salt Lake County for an application and guidance in the specific procedural requirements for securing a Conditional Use Permit.

In addition, it is important to note that you or anyone else who may disagree with the conclusions of this Administrative Determination have the right to appeal it to the Salt Lake County Planning Commission. To do so requires that an appeal be filed, in writing, with this office no later than ten days from the date of this correspondence.

Please do not hesitate to contact Tom Schafer, a member of our Planning Division staff, at 468-2061 should you wish to discuss this matter further.

Sincerely,

Calvin K. Schneller
Planning Division Director
February 8, 1999

Mr. Gregg Gay, M.S
Marriage and Family Therapist
Comprehensive Psychological Services
1200 East 3300 South
Salt Lake City, Utah 84106

Dear Mr. Gay:

The purpose of this correspondence is to respond to your request of January 29, 1999 regarding a clarification of the Zoning Ordinance for Salt Lake County. Specifically, your inquiry relates to the zoning regulations and procedures associated with the establishment of a **Residential Treatment Facility** for children who are experiencing behavioral or emotional difficulties. My understanding of the services that you would provide at such a facility would include individual counseling, group activities, and various types of programmatic tools to help your clients deal with their behavior problems. I further understand that residential accommodations are an essential component of the services you wish to provide for these children.

Section 19.76.030 of the Zoning Ordinance for Salt Lake County provides for Administrative Determinations of uses not listed in the ordinance. In making such determinations, the ordinance requires such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in the ordinance. It further requires a determination of the zone classifications in which the proposed use will be permitted, as well as the findings which established that such use is of the same character as uses permitted in that zone classification.

While **Residential Treatment Facilities** are not now specifically listed as a permitted or conditionally permitted use in Salt Lake County's Zoning Ordinance, it is my determination, as Planning Division Director for Salt Lake County, that the nature and use characteristics of such facilities are sufficiently similar to those associated with **Hospitals**, which are permitted subject to the approval of a **Conditional Use Permit** in the C-2 and C-3 Commercial Zones, as well as in the R-M Residential Zone, to warrant their regulation in a like manner.

In addition, the residential aspects of such treatment facilities are not unlike the use characteristics of **Apartments for Elderly Persons, Bed and Breakfast Inns, Hotels and Apartment Hotels, and Motels**, which are also permitted in the C-2 and C-3 Commercial Zones subject to the approval of a **Conditional Use Permit**.
It is my further conclusion, upon completion of the investigation required by ordinance for Administrative Determinations such as this that Residential Treatment Facilities are similar in nature and characteristic of use to those commonly associated with Sanitariums and Nursing Homes. Both of these uses are permitted subject to the approval of a Conditional Use Permit in the A-2 Agriculture Zone. To a certain extent, depending upon the emotional condition and behavioral profiles of the clients treated in such facilities, and the security measures that may be required as a result, Residential Treatment Facilities might also reasonably be construed to be similar in nature to Correctional Institutions, which are likewise permitted in the A-2 Agriculture Zone subject to approval of a Conditional Use Permit.

Other uses deemed to be similar in nature and characteristic of use as those commonly associated with Residential Treatment Facilities include Residential Health Care Facilities, Nursing Homes, and Hospitals. These uses, as well as Lodging houses, which have a similar occupancy characteristic, are permitted subject to the approval of a Conditional Use Permit in the R-M Residential Zone.

It is my sincere hope that the preceding information sufficiently clarifies the regulatory standards of Salt Lake County with respect to your request. I recommend that you contact a representative of the Development Services Division of the Public Works Department of Salt Lake County for specific procedural requirements and an application for a Conditional Use Permit should you desire to further pursue establishment of a Residential Treatment Facility in any of the aforementioned zone categories within the unincorporated area of Salt Lake County.

On a final note, you have the right to appeal the conclusions of this Administrative Determination for further consideration by the Salt Lake County Planning Commission, should you so desire. To do so requires that you file such appeal, in writing, with this office no later than ten days from the date of this correspondence.

Please do not hesitate to contact Tom Schafer, a member of our Planning Division staff, at 468-2061 should you wish to discuss this matter further.

Sincerely,

Calvin K. Schneller
Planning Division Director
Dear Mr. Hammond:

In reviewing Title 19 of the Salt Lake County Code of Ordinances (Zoning) relative to your February 6, 1998 request regarding a public fish out pond, it would appear that the use you describe would reasonably fall within the definition of "commercial recreation" as included in the ordinance. This definition addresses "recreational facilities operated as a business and open to the general public for a fee...", which is what it sounds like you would like to do on the property you reference at 3527 South, 500 West.

Said property is currently situated in the M-2, Manufacturing Zone, which does not authorize commercial recreation either as a permitted use or as a use allowed subject to the approval of a conditional use permit.

Should you desire a change in zoning for the property in question, an M-1 Manufacturing Zone, which does allow for commercial recreation as a permitted use, or with a conditional use permit for properties over one acre in size, would be the appropriate zone category to request.

In the event you would prefer to locate another property in the unincorporated area of Salt Lake County that is already properly zoned for your intended use, I would recommend looking for land in the following zone classifications:
- C-2 or C-3 (Commercial)
- FR (Forestry and Recreation)
- FM (Forestry Multifamily)
- S-1-G (Residential)

Please note that approval of a conditional use permit is a prerequisite to establishing a commercial recreation use in the preceding zones.

As previously indicated, a property zoned M-1 (Manufacturing) would also accommodate commercial recreation, as would any property in the A-1 (Agriculture) zone.

I trust that the preceding information adequately addresses the questions you raised in your February 6, 1998 correspondence. Please let me know if you need additional assistance.

Calvin K. Schneller
Planning Division Director
Mr. Robert Slinger  
1601 West 400 South, Apt. 41  
Salt Lake City, Utah 84104

February 10, 1998

Dear Mr. Slinger:

Upon consideration of your February 6, 1998 letter requesting an interpretation of the Salt Lake County Zoning Ordinance that would permit you to construct a storage shed on your property in “Lost Acres,” I have concluded a review of the ordinance and determined that your request cannot be accommodated for the following reasons:

1. It is not possible to classify your proposed storage shed as an accessory building without there first existing on your property a main building that it would be accessory to;

2. The construction and use of a storage shed as an accessory building to an agriculture land use is only permitted in an agriculture zone, and even then, only on properties at least one acre in size.

The preceding conclusions are based on the following ordinance provisions:

Section 19.04.090 “Building, accessory” - “a detached, subordinate building clearly incidental to and located upon the same lot occupied by the main building. Also, a building clearly incidental to an agriculture or animal care land use located on a lot in an agriculture zone, which lot meets the minimum lot size for such zone and is not under one acre in area.”

Section 19.04.100 “Building, main” - “the principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing a principal use upon a lot.”

Section 19.04.020 “Agriculture” - “the tilling of the soil, the raising of crops, horticulture, and gardening…”

Since your property in “Lost Acres” is currently situated in the FR-0.5 “Forestry and Recreation Zone” and not in an agriculture zone, and further, since it is not at least one acre in size, your requested construction and use of a storage shed as an accessory building to an agricultural land use is not permitted under current regulations. The location of your property in a “Forestry and Recreation Zone”, will however, continue to authorize the recreational use that you now make of the property and the previously-permitted deck that supports that use. Should you decide to establish and use a garden on your property, as you have indicated that you might wish to do, that use too continues to be authorized by current zoning regulations.

The structure you now request a building permit for, however, is once again not permitted.

Calvin K. Schneller  
Planning Director
Cary D. Jones  
Snell & Wilmer L.L.P.  
111 East Broadway, Suite 900  
Broadway Centre  
Salt Lake City, UT 84111

December 9, 1997

Mr. Jones:

Pursuant to 19.76.030, Salt Lake County Code of Ordinances (SLCCO), "Uses not listed - Administrative determination", the Planning Division Director has reviewed your request for an administrative determination to allow brew pubs in the C-2 zone.

After reviewing the information you have supplied and researching state and county regulations, the Planning Division Director now makes the following determination:

A. "Brew Pubs" are regulated under Chapter 6.20, SLCCO, "Alcoholic Beverages":

6.20.084 Brew Pubs
A. A brew pub license may be issued to a business that produces beer for consumption in connection with an on-premises restaurant. It is unlawful for a brew pub to manufacture beer for sale at wholesale or for retail sales other than in conjunction with an on-premises restaurant. At least fifty percent of the beer sold on the premises shall also be brewed on the premises.
B. A brew pub shall abide by all requirements imposed by this chapter on Class B retail establishments. (Ord. 1258-10, 1994)

B. "Class B beer outlet" is defined in the zoning ordinance as follows:

19.04.130 Class B beer outlet. "Class B beer outlet" means a place of business in connection with a bona fide restaurant wherein beer is sold in original containers for consumption on the premises; provided, that the sale of beer is less than forty percent of the gross dollar value, subject to the provisions of the licensing ordinance of the county. (Prior code 22-1-6(75))

Current county ordinances commonly refer to a brew pub being similar to a Class B beer outlet and regulated in the same manner. In addition, from a land use perspective, a brew pub is operated in a similar manner to a Class B beer outlet with the exception of the actual brewing. The scale, location, and the method of
brewing is really subordinate to the restaurant or Class B beer outlet and could be
defined as an “accessory use” as defined in the zoning ordinance:

19.04.0550 Use, accessory.
"Accessory use" means a subordinate use customarily incidental to
and located upon the same lot occupied by a main use. (Prior code
22-1-6(68))

Therefore, it is the Planning Division Director’s determination that a brew
pub is similar in intensity to and is of the same nature and character as a
“Class B beer outlet” and that the brewing itself is an “accessory use”.

As a result, the use “brew pub”, subject to Title 32A Alcoholic Beverages Utah
Code and Salt Lake County licensing regulations, shall be allowed in all zones that
allow “Class B beer outlets,” as an “accessory use”. Brew pubs shall be allowed as
a conditional use in the C-2, C-3, C-V, ORD, MD-1 and MD-3, M-1, M-2,
FM-10, and FM-20 zones.

If you have questions, feel free to call 468-2061.

Calvin K. Schneller
Planning Division Director

cc: Mike Reberg
    Bill Marsh

CS/ss
Mr. Gartman:

Pursuant to 19.76.030, Salt Lake County Code of Ordinances (SLCCO), "Uses not listed - Administrative determination", the Planning Division Director has reviewed your request for an administrative determination to allow "pet mortuaries" in certain zones.

After researching state and county regulations for the information you requested, the Planning Division Director now makes the following determination:

A. "Pet Mortuaries" are regulated under Title 19, of the Salt Lake County Code, entitled "Zoning":

A "pet mortuary" is considered a similar use to cemeteries, mortuaries, etc. listed as conditional uses in the A-5: A-10, A-20, MD-1, MD-3, M-1, M-2, C-2, and C-3 zones of the Salt Lake County Zoning Ordinance.

B. "Pet Mortuaries" shall provide for refrigeration of animal remains not cremated within twenty-four hours of arrival at pet mortuary.

Animals left for a period of more than twenty-four hours may cause decomposition and odor problems, and could become a health and safety hazard.

Therefore, it is the Planning Division Director's determination that a pet mortuary is similar in intensity to and is of the same nature and character as a "Cemetery, mortuary, etc."

If you have questions, feel free to call 468-2061.

Glen Goins
Senior Planner

cc: Mike Reberg
Bill Marsh
Mr. Lal Sheller, Director
Planning Services Division - SLC
Salt Lake County
2071 East 3195 South
Salt Lake City, Utah

Dear Mr. Sheller,

The purpose of this letter is to request an Administrative Determination of the Zones which our business in Utah would be located in. I intend to establish could be located in this request is made upon the suggestion of Bill Marsh, who is currently going to the town on this matter.

The business would function as a pet mortuary. Services which would be offered on the premises would include display and sale of burial caskets and cremation urns, preparation of pets for burial or cremation (without embalming), viewing of pets by owners prior to burial or cremation, and cremation. The cremation equipment is a proven, state of the art design which has features such as a hot hearth, multi-chambers and monitoring devices to assure that it well exceeds all emissions requirements.

We would also appreciate knowing if the zoning parameters for our business would be different if it also featured:

a. A garden area into which remains could be scattered by the pet owners.

b. Structures which could permanently house urns containing remains.

Please let us know if there are any further details or information you need from us in order to issue your determination.

Sincerely,

Don Cottman
2071 East 3195 South
Salt Lake City, Utah 84109

RECEIVED
SEP 19 1997
SALT LAKE COUNTY
PLANNING DIVISION
Edith Byrd  
African American Task Force  
For Substance Abuse Prevention  
615 South 300 East  
Salt Lake City, UT 84111

July 1, 1997  

Ms. Byrd:

The Planning Division staff has reviewed your request for a “group home” to be located at 6826 South Highland Drive.

Based on the information you supplied us, Development Services Division and the County Attorney’s Office have concluded that the use you are proposing does not fit the definition of a “quasi-public use” as defined in the Salt Lake County Zoning Ordinance.

Because the use “group home” is not considered a “quasi-public use”, and is not listed in the zoning ordinance, it is necessary to do an administrative determination.

After reviewing all the information, including other jurisdiction’s ordinances, as well as our own, it is the Planning Division’s determination that a “group home” is similar in land use intensity to a “Residential Health Care Facility” already allowed in the Zoning Ordinance as a conditional use and shall be allowed in a similar manner.

In the zones, R-1-6, R-1-8, R-1-10, R-1-21, R-1-43, R-2-6.5, R-2-8, R-2-10, and A-1 a “group home” shall be allowed as a conditional use as follows:

**Group Home**

A residential facility set up as a single housekeeping unit and shared by up to five residents on streets less than eighty feet in width, and up to ten residents on streets eighty feet and wider, exclusive of staff, who require assistance and supervision. A group home is licensed by the State of Utah and provides counseling, therapy and specialized treatment through this temporary living arrangement, along with habilitation or rehabilitation services for physically or mentally disabled persons. A group home shall not include persons who are diagnosed with substance abuse problems or who are staying in the home as a result of criminal offenses. The use shall not change the residential appearance and character of the property.

In the R-4-8.5 and RM zones, a “group home” shall be allowed as conditional use without the road width restrictions and be allowed as follows:
Group Home
A residential facility set-up as a single housekeeping unit for residents who require assistance and supervision. A group home is licensed by the State of Utah and provides counseling, therapy, and specialized treatment through this temporary living arrangement, along with habilitation or rehabilitation services for physically or mentally disabled persons. A group home shall not include persons who are diagnosed with substance abuse problems or who are staying in the home as a result of criminal offenses.

If residents with criminal offenses will be housed in the facility then it shall be defined as a "halfway home" as follows:

Halfway Home
A facility, licensed or contracted by the State of Utah to provide for the supervision, counseling, training, or treatment of residents to facilitate their transition from a correctional institutional environment to independent living.

The Salt Lake County zoning ordinance allows "halfway homes" in the C-G zone which is similar to our C-2 and C-3 zones. Therefore, we determine that the use of "halfway home" shall be allowed as a conditional use in the C-2 and C-3 zones.

If you have questions, feel free to call 468-2061.

Calvin K. Schneller
Planning Division Director

John H. Newell
Land Use Section Planner
Joan Rushton-Carlson  
Realty Brokers Preference  
150 East Vine St.  
Salt Lake City, UT 84107  

November 14, 1996  
Re: K and L Courier Service  

Ms. Joan Rushton-Carlson:  

The Planning Division staff has reviewed your request for an administrative determination to allow the use "messenger service" in the RM zone.

After reviewing the information you supplied us and visiting the site, we have determined that it is similar in intensity to the use "office, business and/or professional" already allowed in the RM zone as a conditional use.

It is the Planning Division's determination that the use "messenger service" be classified as "office, business and/or professional" and be allowed as a conditional use in the RM zone.

It is important to understand that the "messenger service" use does not allow deliveries at the site. In addition, the Planning Commission will determine whether there is ample parking on the site for employee vehicles and for evening storage of delivery trucks.

If you have questions, feel free to call 468-2061.

John H. Newell  
Senior Planner  

cc: Bill Marsh
Robert Button
Terry D. Mayhew
497 East 3900 South
Salt Lake City, UT 84107

July 17, 1996

Dear Mr. Button and Mayhew,

I have reviewed your request for an administrative determination to expand the definition of an Automobile Service Center in the C-1 zone. Your request includes emission testing (including use of a dynamometer), state inspections, tuneups, lube and oil change, brake repair, air conditioning service and repair, and minor repair of electrical, cooling, fuel, suspension, and exhaust systems.

Currently, an automobile service center is allowed as a conditional use in the C-1 zone and is defined as follows:

- Automobile service center which is limited to tuneups, lubrication and oil change, front-end alignment and brake repair, providing there is not outside storage of parts or material;

After reviewing your request, I have determined that the following uses are similar in intensity to the uses currently allowed under this definition and will be allowed: emission testing (including use of a dynamometer), state inspections, air conditioning service and repair, and minor repair of electrical, cooling, fuel, and suspension systems. This determination does not include repair of exhaust systems.

It is the Planning Division's determination that the above uses be added to the definition of an Automobile Service Center in the C-1 zone and for similar reasons be added to the definition in the C-2 zone as well.

John Newell
Senior Planner

cc: Debbie Gibson
Diaz and Associates
Attorneys and Counselors at Law
350 South 400 East Suite 205
Salt Lake City, UT 84111

July 16, 1996

Re: Elvia Fernandez

Dear Mr. Diaz,

I have reviewed your request for an administrative determination for inclusion of parrots, parakeets, and cockatoos into the definition of Household Pets.

Currently, section 19.04.305 defines Household Pets as:

"Household pets" — animals and/or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats and canaries, including not more than two dogs or two cats over four months in age, and not more than a total of four animals. "Household pets" does not include inherently or potentially dangerous animals, fowl or reptiles. (Prior code 22-1-6(38))

After reviewing your request, I have determined that parrots, parakeets, and cockatoos are similar in intensity to the uses currently allowed under this definition.

It is the Planning Division's determination that parrots, parakeets, and cockatoos fall under the definition of Household Pets.

John Newell
Senior Planner

cc: Cheryl Robinson,
Curtis Woodward,
Development Services Div.
To: DEVELOPMENT SERVICES STAFF  
Re: ADMINISTRATIVE DETERMINATION

Please add to your ordinances. Thank you.

Robert Bagley  
3400 South 2700 East  
Salt Lake City, UT 84109

April 10, 1996

Mr. Bagley:

The Planning Division staff has reviewed your request for an administrative determination to allow the keeping of falcons in the R-1-8 zone.

After reviewing the information you supplied us and visiting the site, we have determined that it is similar in intensity to the keeping of pigeons already allowed in the R-1-8 zone as a conditional use. In addition, the keeping of falcons is tightly regulated by the State of Utah Division of Wildlife Resources.

It is the Planning Division’s determination that the use: falcons, subject to State of Utah Division of Wildlife Resources’ regulations be added to the R-1-8 zone as a conditional use, and for the same reason, be added to all zones that list pigeons as a conditional use which includes the following: A-1, A-2, A-5, A-10, A-20, F-1, FA-2.5, FA-5, FA-10, FA-20, R-1-6, R-1-7, R-1-10, R-1-15, R-1-21, R-1-43, R-2-6.5, R-2-8, R-2-10, R-2-10C, R-4.8.5, RM, and RMH.

If you have questions, feel free to call 468-2061.

Jerold H. Barnes  
Planning Division Director

John H. Newell  
Senior Planner
28 March 1990

Pruitt, Gushee & Fletcher
ATTN: O. W. Gushee, Jr.
Suite 1850 Beneficial Life Tower
Salt Lake City, Utah 84111

Re: Administrative Determination for Off-site Parking for Single-family dwellings

Dear Mr. Gushee:

I have reviewed your request to make an administrative determination for off-site parking for single-family dwellings. After reviewing the Zoning Ordinance and conducting an investigation, the following Administrative Determination is made:

Off-site parking for single-family dwellings shall be allowed in the FR zones as a conditional use. This use shall not be allowed in any other zone.

This determination was based on the fact that off-site parking for single-family dwellings is similar to and/or compatible with accessory uses and structures customarily incidental to a conditional use, bed and breakfast, dwelling group, and planned unit development which are presently allowed in the FR zones.

An appeal period of ten days is provided in the Zoning Ordinance wherein any citizen may appeal this decision to the Planning Commission.

Respectfully,

William A. Marsh

William A. Marsh, Manager
Land Use Administration
March 14, 1996

Salt Lake County Development Services Division
ATTN: Debbie Gibson
2001 South State Street #N-3600
Salt Lake City, Utah 84190-4050

Re: Administrative Determination for Automobile Detailing

Dear Debbie:

I have reviewed your request to make an administrative determination for Automobile Detailing. Automobile Detailing is the cleaning and finishing of the interior and exterior of automobiles. After reviewing the Zoning Ordinance and conducting an investigation, the following Administrative Determination is made:

Automobile Detailing will be allowed in the C-2, C-3, M-1 and M-2 zones as a permitted use, provided the detailing is performed within a building and there is no outside storage in conjunction with the use. It will be a conditional use, if it requires outside storage or is not totally within a building. This use will not be allowed in any other zone.

This determination was based on the fact that Automobile Detailing is similar to and/or compatible with Automobile Service Station which is presently allowed in the C-2 and C-3 as a permitted use. Motor vehicles, trailers, bicycles, and machinery assembling, painting, upholstering, rebuilding, repairing, rentals, sales, and reconditioning are allowed in the M-1 and M-2 zones as a permitted use.

An appeal period of ten days is provided in the Zoning Ordinance wherein any citizen may appeal this decision to the Planning Commission.

Respectfully,

Calvin K. Schneller
Land Use Section Manager, AICP
March 13, 1996

Dear Mr. Gavre:

I have reviewed your request for an administrative determination to allow temporary employee housing and food facilities in the M-2 zone. After reviewing your intended use, I have determined that the use falls under: "Accessory uses and buildings customarily incidental to permitted uses" listed in Section 19.68.020 - Permitted uses in the M-2 zone.

As conditions of approval, the use shall meet three requirements:

1. The use shall be temporary (less than six months). Extensions in time will require review and approval by Development Services.
2. The use shall be used only to accommodate employees due to necessary adjustments in work requirements.
3. The use shall be approved by the Salt Lake County Health Department, Fire Department, Building Inspection, etc.

If you have questions please feel free to contact me at 468-2061.

John H. Newell
Senior Planner

cc: Ken Jones
    Bill Marsh
March 7, 1996

VIA HAND-DELIVERY

Mr. Jerold H. Barnes  
Director of Planning  
Salt Lake County  
2001 South State Street, Suite N 3700  
Salt Lake City, Utah 84190-4200

Re: Request for Administrative Determination on Proposed Use (Temporary Housing and Food Facilities During Labor Strike) on M-2 Zoned Property

Dear Mr. Barnes:

On behalf of a client, which has an industrial facility within Salt Lake County, I request an administrative determination approving the use of M-2 zoned property for temporary housing and food facilities for employees during a possible labor strike.

My client is now engaged in contingency planning with respect to a possible work stoppage and labor strike at its industrial facility in Salt Lake County. My client hopes that there will not be a labor strike, and if there is one, that it will be peaceful. However, it is necessary to consider the possibility that there may be violence or the threat of violence in connection with the strike and labor picketing outside my client's industrial facility. As is
September 28, 1995

Dear Mr. Funaro,

I have reviewed your request for an administrative determination to allow manufacturing of pasta, pasta products, and delicatessen foods for both retail and wholesale distribution in the C-3 zone.

After reviewing your intended use based on the information provided, I have determined that it is similar in intensity to the following use already allowed in the C-3 zone as a Conditional Use: Baking, ice cream making and or candy making.

It is the Planning Division’s determination that the manufacturing of pasta, pasta products, and delicatessen foods for both retail and wholesale distribution be added to the C-3 zone as a conditional use and for similar reasons be added to the M-1 and M-2 zones as a permitted use.

Calvin K. Schneller
Land Use Section Manager
Oxford Tire Recycling of Utah, Inc.
c/o Professional Accounting, Inc.
110 West 300 South, #100
Salt Lake City, UT 84101

November 2, 1995

Dear Mr. Kirkland,

This letter is in response to your request for a Tire Processing permit for a use located at 7359 South State St. After a site visit and review of the zoning ordinance, the Planning Division Staff has determined that your use fits within the following definition listed in the Salt Lake County Zoning Ordinance:

Manufacturing, compounding, assembling and treatment of articles of merchandise from the following previously prepared materials: Bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fish, glass, hair, horn, leather, paper, paint, plastics, precious or semiprecious metals or stones, rubber, shell, straw, textiles, tobacco, wood or yarn;

This use is allowed in the M-1 and M-2 zones as a conditional use. You are currently located in a C-2 zone which does not allow this use.

You have the option to try to rezone your property to a M-1 or M-2 zone, although the Union Community General plan suggests a commercial use for this area or you should find an alternative location in an M-1 or M-2 zone. Our office has the zoning maps for the unincorporated county. We would be glad to assist you in finding a properly zoned parcel.

John Newell
Senior Planner
January 13, 1994

Radiation, Safety & Nuclear Products, Inc.
3855 South 500 West, Suite G
Salt Lake City, Utah 84115

Attention Mr Edd Johnson

Dear Mr Johnson,

Based on discussions with you and the materials submitted to the Salt Lake County Planning Division, we understand your proposed use to be the storage of up to 3,200 barrels of low level radioactive materials. The materials would be received from medical and other laboratories and include gloves, wipes, lab wear, plastic vials, flasks, test tubes and other similar materials. Liquids such as urine would be in a solidified form or absorbed. The materials are contaminated with low level radioactive isotopes such as iodine 125 and 131, phosphorous 32, sulfur 35, carbon 14 and tritium 3. When the radioactive characteristics of the materials reach background levels (approximately ten half lives over two years), they would be sent to the landfill. As an alternative, they could be sent to a regulated facility such as the East Carbon Development facility in Carbon County, the incinerator in Davis County, or the USPCI facility.

The M-2 zone under conditional uses includes the following group of uses:

- Uses which follow, provided they are located at least three hundred feet from any zone boundary)

F. Manufacturing, processing, refining, treatment, distillation, storage or compounding of the following: Acid, ammonia, asphalt, bleaching powder and chlorine, bones, chemicals of an objectionable or dangerous nature, coal or wood, creosote, disinfectants or insecticides, fireworks or explosives, furs, gas, gelatine or size, potash, pyroxylin, roofing or waterproofing materials, rubber or guttapercha, tar and wool."
The above uses were placed in the M-2 zone with a distance barrier because they are often objectionable and/or potentially dangerous. Arguably, your use specifically fits under the storage of "chemicals of an objectionable or dangers nature." If not, specifically included within that definition, we find that it is closely related because the materials are also of an objectionable or dangerous nature. The above listed uses clearly are more closely related to your proposed use than the general use of "warehouse".

This proposed use is to be listed after "...and wool..." as "low level radioactive materials" as defined in the Utah Administrative Code. The Salt Lake County zoning ordinance has segregated these uses 300 feet from any zone boundary to give a safety factor to uses in other zones. This is further emphasized by requiring the use to be reviewed by the Planning Commission as a conditional use. The Planning Commission would have to find that the use meets all the requirements for a conditional use before approving it.

Because this use is closely monitored by the Utah Department of Environmental Quality, Division of Radiation Control, the applicant for this use shall also be required to have a current permit from the Utah Division of Radiation Control. The use also must comply with any requirements of the Salt Lake City-County Health Department.

Sincerely yours,

[Signature]

Jerold H. Barnes
Planning Division Director
August 24, 1994

Panelflo
Attn: Matt LaBruzza
3855 S. 500 W., Suite K
Salt Lake City, Utah 84115

Dear Mr. LaBruzza

SUBJECT: Administrative Determination for assembling portable wall panels

I have reviewed your request to make an administrative determination for assembling portable wall panels. After reviewing the Zoning Ordinance and conducting an investigation, the following Administrative Determination is made:

Assembling of portable wall panels shall be allowed in the M-1 and M-2 zones as a conditional use. This use shall not be allowed in any other zone.

This determination was based on the fact that assembling of portable wall panels is similar to the following use which is listed in the M-1 and M-2 zones as a conditional use:

"Manufacturing, compounding, assembling and treatment of articles of merchandise formed of the following previously prepared materials: Bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fish, glass, hair, horn, leather, paper, paint, plastics, precious or semiprecious metals or stones, rubber, shell, straw, textiles, tobacco, wood or yarn;"

An appeal period of ten days is provided in the Zoning Ordinance wherein any citizen may appeal this decision to the Planning Commission.

Respectfully,

Calvin K. Schneller
Section Manager
Diane Brown
Development Services Division
2001 S State Street #N3600
Salt Lake City, Utah 84190-4050

Re: Administrative Determination for rodeo grounds.

Dear Ms. Brown:

I have reviewed your request to make an administrative determination for rodeo grounds. After reviewing the Zoning Ordinance and conducting an investigation, it was determined that the use of rodeo grounds is presently allowed as a conditional use in the A-2, A-5, A-10, and A-20 zones.

Section 19.76.030 of the Salt Lake County Zoning Ordinance allows an administrative determination to be made for uses not listed in the Ordinance. Since this use is now allowed in the Zoning Ordinance an administrative determination cannot be made.

An appeal period of ten days is provided in the Zoning Ordinance wherein any citizen may appeal this decision to the Planning Commission.

Respectfully,

William A. Marsh
Manager
Land Use Administration
October 28, 1992

Georgia Brady
7466 S Randall Circle
Midvale, Utah 84047

SUBJECT: Small School Bus Kept at Residence

Ms. Brady:

I have reviewed your request that you be allowed to park a small school bus at your residence. In reviewing this request I have discussed this issue with other staff members including a deputy county attorney, reviewed ordinances from seven other planning departments, talked to Trans Spec to obtain information regarding bus size and weight, and visited your home to see the bus at the property.

Vehicles allowed to be parked in residential areas are normally personal vehicles of the residents or personal vehicles used as part of a business operated from a home. Vehicles parked at a residence should be a type that is customarily at the home. Since the bus is a commercial vehicle not associated with a business in the home it is not accessory to the residential use, and in my opinion is not allowed.

If I can provide additional information please contact me.

Respectfully,

William A. Marsh
William A. Marsh, Manager
Land Use Administration Section

cc: Development Services Division
September 10, 1992

Terry Bullington
833 East 7800 South
Midvale, Utah 84047

Re: Administrative Determination for raising Llamas.

Dear Mr. Bullington:

I have reviewed your request to make an administrative determination for raising Llamas. After reviewing the Zoning Ordinance and conducting an investigation, it was determined that the use of raising Llamas is the same as raising and grazing of horses, cattle, sheep or goats, provided that such raising or grazing is not a part of, nor conducted in conjunction with, any livestock feedyard, or commercial riding academy which is presently allowed as a permitted use in the A-1, A-2, A-5, A-10, and A-20 zones.

Section 19.76.030 of the Salt Lake County Zoning Ordinance allows an administrative determination to be made for uses not listed in the Ordinance. Since this use is now allowed in the Zoning Ordinance an administrative determination cannot be made.

An appeal period of ten days is provided in the Zoning Ordinance wherein any citizen may appeal this decision to the Planning Commission.

Respectfully,

William A. Marsh
Manager
Land Use Administration
August 27, 1992

Brooke Andersen
6125 South 1382 East
Sandy, Utah 84093

Re: Administrative Determination for rental of formal gowns from the home.

Dear Ms. Andersen:

I have reviewed your request to make an administrative determination for rental of formal gowns from the home. After reviewing the Zoning Ordinance and conducting an investigation, it was determined that the use of rental of formal gowns from the home is a home occupation which is allowed as a conditional use in residential zones.

Section 19.76.030 of the Salt Lake County Zoning Ordinance allows an administrative determination to be made for uses not listed in the Ordinance. Since this use is now allowed in the Zoning Ordinance an administrative determination cannot be made.

An appeal period of ten days is provided in the Zoning Ordinance wherein any citizen may appeal this decision to the Planning Commission.

Respectfully,

William A. Marsh
William A. Marsh, Manager
Land Use Administration
May 28, 1992

Curt Gord
Palisade Propane Inc.
1400 E State Street
Lehi, Utah 84043

Re: Administrative Determination for Propane Sales

Dear Mr. Gord:

I have reviewed your request to make an administrative determination for propane sales. After reviewing the Zoning Ordinance and conducting an investigation, it was determined that the use of propane sales, limited to a tank of 1,000 gallons or less, is accessory to the sales of propane equipment such as heaters, camping equipment, barbecues, and propane cylinders and is allowed in the C-2 and C-3 zones.

An appeal period of ten days is provided in the Zoning Ordinance wherein any citizen may appeal this decision to the Planning Commission.

Respectfully,

William A. Marsh

William A. Marsh, Manager
Land Use Administration
March 11, 1992

James S. Brooks, M.D.
CPC Olympus View Hospital
1430 East 4500 South
Salt Lake City, Utah 84117

Re: Administrative Determination for Ayurveda Health Center

Dear Dr. Brooks:

I have reviewed your request to make an administrative determination for an ayurveda health center. After reviewing the Zoning Ordinance and conducting an investigation, it was determined that the use of an ayurveda health center is similar to a physical therapist or other general health clinic which is allowed as a business and/or professional office in the FM, FR, R-M, C-1, C-2, C-3, M-1, & M-2 zones.

Section 19.76.030 of the Salt Lake County Zoning Ordinance allows an administrative determination to be made for uses not listed in the Ordinance. Since this use is now allowed in the Zoning Ordinance an administrative determination cannot be made.

An appeal period of ten days is provided in the Zoning Ordinance wherein any citizen may appeal this decision to the Planning Commission.

Respectfully,

William A. Marsh
William A. Marsh, Manager
Land Use Administration
February 13, 1992

Alexis K. de Azevedo
Embryo Music
180 South 300 West Suite 450
Salt Lake City, Utah 84101

Re: Administrative Determination for a sound recording studio

Dear Mr. de Azevedo:

I have reviewed your request to make an administrative determination for a sound recording studio. After reviewing the Zoning Ordinance and conducting an investigation, the following Administrative Determination is made:

Sound recording studio shall be allowed in the MD-3 zone as a conditional use, and in the C-2, C-3, and M-1 zones as a permitted use. This use shall not be allowed in any other zone.

This determination was based on the fact that a sound recording studio is similar to and/or compatible with uses presently allowed in the MD-3, C-2, C-3, and M-1 zones.

An appeal period of ten days is provided in the Zoning Ordinance wherein any citizen may appeal this decision to the Planning Commission.

Respectfully,

William A. Marsh

William A. Marsh, Manager
Land Use Administration

cc: Mike Reberg
    Neil Stack
    Ken Jones
    Glenn Graham
Tom Lloyd
Union Park Center Associates
6925 Union Park Center, Suite 500
Midvale, Utah 84047

Re: Administrative Determination for commercial uses accessory to and/or supporting a business and/or professional office

Dear Mr. Lloyd:

I have reviewed your request to make an administrative determination for commercial uses accessory to and/or supporting a business and/or professional office. After reviewing the Zoning Ordinance and conducting an investigation, the following Administrative Determination is made:

Commercial uses accessory to and/or supporting a business and/or professional office shall be allowed in the R-M zone as a conditional use. These uses shall only be allowed within an office complex containing a minimum of one hundred thousand square feet of floor space. The total area occupied by these uses shall not exceed five percent of the complex's gross floor area. Customer access to these uses shall be from the central building core area. This use shall not be allowed in any other zone.

This determination was based on the fact that commercial uses accessory to and/or supporting a business and/or professional office are similar to and/or compatible with banks, medical, optical, and dental laboratories, and reception and/or wedding chapel which are presently allowed in the R-M zone.

An appeal period of ten days is provided in the Zoning Ordinance wherein any citizen may appeal this decision to the Planning Commission.

Respectfully,

William A. Marsh
William A. Marsh, Manager
Land Use Administration

cc: Neil Stack, Ken Jones, Glenn Graham
April 10, 1991

James R. Child Associates Architects
ATTN: James R. Child
3809 South West Temple Office 1A
Salt Lake City, Utah 84115

Re: Administrative Determination for poultry packaging

Dear Mr. Child:

I have reviewed your request to make an administrative determination for poultry packaging. After reviewing the Zoning Ordinance and conducting an investigation, it was determined that the use of poultry packaging is the same as meat products smoking, curing and packing, provided that no objectionable fumes are emitted, which is a permitted use in the M-1 zone, and manufacture, fabrication, assembly, canning, compounding, packaging, processing, treatment, storage, and/or maintenance of meats, which is a permitted use in the M-2 zone.

Section 19.76.030 of the Salt Lake County Zoning Ordinance allows an administrative determination to be made for uses not listed in the Ordinance. Since this use is now allowed in the Zoning Ordinance an administrative determination cannot be made.

An appeal period of ten days is provided in the Zoning Ordinance wherein any citizen may appeal this decision to the Planning Commission.

Respectfully,

William A. Marsh

William A. Marsh, Manager
Land Use Administration
July 10, 1990

Peter W. Souvall  
Agent for Athas/Kumarelas Estates  
3701 South 700 West  
Salt Lake City, Utah 84119  

Re: Administrative Determination for brine shrimp egg processing

Dear Mr. Souvall:

I have reviewed your request to make an administrative determination for brine shrimp egg processing. After reviewing the Zoning Ordinance and conducting an investigation, the following Administrative Determination is made, which amends a previous Administrative Determination made on April 20, 1990:

Brine shrimp egg processing shall be allowed in the A-5, A-10, A-20, C-3, M-1, and M-2 zones as a conditional use. This use shall not be allowed in any other zone.

This determination was based on the fact that brine shrimp egg processing is similar to and/or compatible with fur farm, plant for storage or packing of fruits or vegetables, baking, ice cream making and/or candy making and bottling works, soft drinks which are presently allowed in the A-5, A-10, A-20, C-3, M-1, or M-2 zones.

An appeal period of ten days is provided in the Zoning Ordinance wherein any citizen may appeal this decision to the Planning Commission.

Respectfully,

William A. Marsh

William A. Marsh, Manager  
Land Use Administration

cc: J K Brine Shrimpers  
ATTN: Jerry Rigby
March 1, 1990

Ari Diamonds
ATTN: Panna Goott
7070 S Union Park Center #380
Midvale, Utah 84047

Re: Administrative Determination for a diamond/jewelry brokerage

Dear Ms. Goott:

I have reviewed your request to make an administrative determination for a diamond/jewelry brokerage. After reviewing the Zoning Ordinance and conducting an investigation, it was determined that the use of a diamond/jewelry brokerage is the same as a jewelry store allowed in the C-2 and C-3 zones, or as a wholesale business allowed in the C-3, M-1, and M-2 zones.

Section 19.76.030 of the Salt Lake County Zoning Ordinance allows an administrative determination to be made for uses not listed in the Ordinance. Since this use is now allowed in the Zoning Ordinance an administrative determination cannot be made.

An appeal period of ten days is provided in the Zoning Ordinance wherein any citizen may appeal this decision to the Planning Commission.

Respectfully,

William A. Marsh, Manager
Land Use Administration
27 April 1989

Salt Lake County Development Services Division
ATTN: Jerry Rankin
2001 South State Street #N3600
Salt Lake City, Utah 84190-4050

Re: Administrative Determination for Tattoo Shop

Dear Ms. Rankin:

I have reviewed your request to make an administrative determination for a tattoo shop. After reviewing the Zoning Ordinance and conducting an investigation, the following Administrative Determination is made:

Tattoo shop shall be allowed in the C-3 zone as a conditional use. This use shall not be allowed in any other zone.

This determination was based on the fact that a tattoo shop is similar to and/or compatible with bath and massage, and athletic club and/or health club which are presently allowed in the C-3 zone.

An appeal period of ten days is provided in the Zoning Ordinance wherein any citizen may appeal this decision to the Planning Commission.

Respectfully,

William A. Marsh, Manager
Land Use Administration

cc: R. T. Holsworth
23 June 1989

Conjoy Enterprises
ATTN: Gilbert E. Blake
5350 South Jordan Canal Road
Salt Lake City, Utah 84118

Re: Administrative Determination for evaporative cooler sales

Dear Mr. Blake:

I have reviewed your request to make an administrative determination for evaporative cooler sales. After reviewing the Zoning Ordinance and conducting an investigation, the following Administrative Determination is made:

Evaporative cooler sales, provided there is no outside storage or display shall be allowed in the C-2 zone as a conditional use, and in the C-3 zone as a permitted use. This use shall not be allowed in any other zone.

This determination was based on the fact that evaporative cooler sales is similar to and/or compatible with a plumbing shop which is presently allowed in the C-2, and C-3 zones.

An appeal period of ten days is provided in the Zoning Ordinance wherein any citizen may appeal this decision to the Planning Commission.

Respectfully,

William A. Marsh, Manager
Land Use Administration
Salt Lake County Development Services Division
ATTN: Daniel P. Jensen
2001 South State Street #N3600
Salt Lake City, Utah 84190-4050

Re: Administrative Determination for Computer Sales and Repair

Dear Mr. Jensen:

I have reviewed your request to make an administrative determination for computer sales and repair. After reviewing the Zoning Ordinance and conducting an investigation, the following Administrative Determination is made:

Computer sales and repair shall be allowed in the C-1, C-2, and C-3 zones as a permitted use. This use shall not be allowed in any other zone.

This determination was based on the fact that computer sales and repair is similar to and/or compatible with radio and television sales and repair, office machine sales and repair, office supply, and sale of photographic supplies which are presently allowed in the C-1, C-2, and C-3 zones.

An appeal period of ten days is provided in the Zoning Ordinance wherein any citizen may appeal this decision to the Planning Commission.

Respectfully,

William A. Marsh
Manager
Land Use Administration

cc: R. T. Holzworth
27 April 1989

Salt Lake County Development Services Division
ATTN: Glenn R. Graham
2001 South State Street #N3600
Salt Lake City, Utah 84190-4050

Re: Administrative Determination for Video Rental and/or Sales

Dear Mr. Graham:

I have reviewed your request to make an administrative determination for video rental and/or sales. After reviewing the Zoning Ordinance and conducting an investigation, the following Administrative Determination is made:

Video rental and/or sales shall be allowed in the C-2 and C-3 zones as a permitted use, and in the C-1 and C-V zones as a conditional use. This use shall not be allowed in any other zone.

This determination was based on the fact that video rental and/or sales is similar to and/or compatible with bookstore, film exchange, gift shop, and handicraft shop which are presently allowed in the C-1, C-V, C-2, and C-3 zones.

The number of off-street parking spaces required for a video rental and/or sales use shall be one space for each one hundred fifty square feet of retail floor space.

An appeal period of ten days is provided in the Zoning Ordinance wherein any citizen may appeal this decision to the Planning Commission.

Respectfully,

William A. Marsh, Manager
Land Use Administration

cc: R. T. Holzworth
August 17, 1988

Cynthia Pokezwinski
1076 South 1100 West
Salt Lake City, Utah 84104

Re: Administrative Determination for a doll and toy hospital and museum

Ms. Pokezwinski:

I have reviewed your request to make an administrative determination for a doll and toy hospital and museum. After reviewing the Zoning Ordinance and conducting an investigation, the following Administrative Determination is made:

Toy sales and/or repair shall be allowed in the C-2 & C-3 zones as a permitted use, and museum shall be allowed in the C-2 & C-3 zones as a conditional use. These uses shall not be allowed in any other zone.

This determination was based on the fact that toy sales and/or repair and museum are similar to and/or compatible with fix-it shop, five-and-ten cent store, hobby and/or crafts shop, private school, and reception center and/or wedding chapel which are presently allowed in the C-2, and C-3 zones.

An appeal period of ten days is provided in the Zoning Ordinance wherein any citizen may appeal this decision to the Planning Commission.

Respectfully,

William A. Marsh

William A. Marsh, Manager
Land Use Administration

cc: Development Services Division
    R. T. Holzworth
April 21, 1988

Bodily & Associates Realtors
ATTN: Kerry D. Bodily
5130 South State Street Suite A
Salt Lake City, Utah 84107

Re: Administrative Determination for a Passive Body Toning Service

Mr. Bodily:

I have reviewed your request to make an administrative determination for a passive body toning service. After reviewing the Zoning Ordinance and conducting an investigation, the following Administrative Determination is made:

Passive body toning service shall be allowed in the C-1 zone as a conditional use, and in the C-2 & C-3 zones as a permitted use. This use shall not be allowed in any other zone.

This determination was based on the fact that a passive body toning service is similar to and/or compatible with a tanning studio, beauty shop, and barbershop which is presently allowed in the C-1, C-2, and C-3 zones.

An appeal period of ten days is provided in the Zoning Ordinance wherein any citizen may appeal this decision to the Planning Commission.

Respectfully,

William A. Marsh
Manager
Land Use Administration

cc: Development Services Division
February 17, 1988

Wasatch Helicopters
ATTN: Kenneth W. Hosking
P.O. Box 160
Bountiful, Utah 84010

Re: Administrative Determination for a Heliport

Mr. Hosking

I have reviewed your request to make an administrative determination for a heliport. After reviewing the Zoning Ordinance and conducting an investigation, the following Administrative Determination is made:

Heliport shall be allowed in the C-V, M-2, A-5, A-10, and A-20 zones as a conditional use. This use shall not be allowed in any other zone.

This determination was based on the fact that a heliport is similar to and/or compatible with an establishment for the service of visitors, and an airport which is presently allowed in the C-V, M-2, A-5, A-10, and A-20 zones.

An appeal period of ten days is provided in the Zoning Ordinance wherein any citizen may appeal this decision to the Planning Commission.

Respectfully,

William A. Marsh

William A. Marsh, Manager
Land Use Administration

cc: Development Services Division
May 18, 1987

Villa Serena
ATTN: Janice Wise
2085 East Third Street
Long Beach, California 90814

Re: Administrative Determination for a Transitional Living Center

Mrs. Wise:

I have reviewed your request to make an administrative determination for a Transitional Living Center. After reviewing the Zoning Ordinance and conducting an investigation, the following Administrative Determination is made:

Transitional Living Center (minimum area of one acre) shall be allowed in the R-2-6.5, R-2-8, R-2-10, R-2-10C, R-4-8.5, R-M, A-1, & A-2 zones as a conditional use. This use shall not be allowed in any other zone.

Transitional Living Center.
A. "Transitional Living Center" means a facility that provides a short term program (up to eighteen months) for head injured adults with treatments that promote evaluation and development of the clients' practical and psychological independence within a supervised residence that provides the clients with daily living activities and adult responsibilities leading to re-entry into the community or to a long-term supervised program.
B. "Transitional Living Center" shall include the care of not more than sixteen patients, twelve of which may be inpatients.

The number of off-street parking spaces required for a transitional living center shall be one space for each person employed on the highest employment shift plus one space per each two patients.
This determination was based on the fact than a transitional living center is similar to and compatible with the below listed uses allowed in the R-2-6.5, R-2-8, R-2-10, R-2-10C, R-4-8.5, R-M, A-1, & A-2 zones:

Private educational institutions having an academic curriculum similar to that ordinarily given in public schools, Public and quasi-public use, and Nursing home.

An appeal period of ten days is provided in the Zoning Ordinance wherein any citizen may appeal this decision to the Planning Commission.

Respectfully,

Clayne J. Ricks
Planning Director

William A. Marsh
William A. Marsh, Manager
Land Use Administration

WAM/wm

cc: Dick Bezzant
Development Services Division
November 25, 1986

Kendrick Brothers Construction
ATTN: Randolph C. Welch
P.O. Box 7820
Salt Lake City, Utah 84107

Re: Administrative Determination for an Overnight Delivery Parcel Service

Mr. Welch

I have reviewed your request to make an administrative determination for an overnight delivery parcel service. After reviewing the Zoning Ordinance and conducting an investigation, the following Administrative Determination is made:

**Overnight Delivery Parcel Service shall be allowed in the C-1, C-2, and C-3 zones as a conditional use. This use shall not be allowed in any other zone.**

This determination was based on the fact that an overnight delivery parcel service is similar to and compatible with the below listed uses allowed in the C-1, C-2, and C-3 zones:

- Copy service, Packaging service, and Private post office box service.

An appeal period of ten days is provided in the Zoning Ordinance wherein any citizen may appeal this decision to the Planning Commission.

Respectfully,

Clayne J. Ricks
Planning Director

William A. Marsh
Manager
Land Use Administration
October 10, 1986

Mr. Glenn S. Tillotson  
1490 E Creekview Cove  
Salt Lake City UT 84121

Re: Administrative Determination for a Paint Gun Game Range

Mr. Tillotson:

I have reviewed your request to make an administrative determination for a paint gun game range. After reviewing the Zoning Ordinance and conducting an investigation, the following Administrative Determination is made:

Paint Gun Game Range (minimum area of 5 acres) shall be allowed in the A-1, A-2, A-5, A-10, and A-20 zones as a conditional use. This use shall not be allowed in any other zone.

This determination was based on the fact that a paint gun game range is similar to and compatible with the below-listed uses allowed in the A-1, A-2, A-5, A-10, and A-20 zones:

- Golf driving range, miniature golf course, gun club, and hunting club.

An appeal period of ten days is provided in the Zoning Ordinance wherein any citizen may appeal this decision to the Planning Commission.

Respectfully,

Clayne J. Ricks  
Planning Director

William A. Marsh

William A. Marsh, Manager  
Land Use Administration

WAM/bja
October 3, 1986

Mr. Gregory B. Anderson
740 E 3900 S
Salt Lake City UT 84107

Re: Parking Determination for Aerobics Classes

Mr. Anderson:

I have reviewed your request to make a determination for the number of parking spaces for aerobics classes. After reviewing the Zoning Ordinance and other information, the following determination is made:

Aerobics classes, one (1) space per one-hundred (100) square feet of aerobics floor area.

If you have any questions regarding this determination, please contact me.

Respectfully,

Clayne J. Ricks
Planning Director

William A. Marsh
Manager
Land Use Administration

WAM/bja
Registered Letter
#P225 671 028

May 15, 1986

Mr. Dix Waddell
5280 Cottonwood Club Drive
Salt Lake City, UT  84117

Dear Mr. Waddell:

SUBJECT: Skateboard Ramp as an Accessory Use to a Residence

In the past few years skateboard ramps have occasionally become a source of complaint because of the noise generated by their use. After evaluating the problem and comparing the ramp with other accessory uses customarily subordinate to residential lots such as swimming pools, trampolines, play equipment, tennis courts, etc. it has been determined that the above-ground skateboard ramp is not a compatible accessory use to a residential lot. The noise created during use is not consistent with the customary subordinate uses of residential lots because of the sustained, repetitive level of noise.

Complaints about a skateboard ramp at your residence have recently been received. Removal of the ramp by May 23, 1986, will be appreciated to prevent the necessity of any further action.

An appeal of this decision may be made to the Board of Adjustment under Section 22-5-2(2)(c)2. that states: "2. The Board may hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made in the enforcement of this ordinance.

Thank you for your time and consideration. If you have any questions or need assistance, please contact the Information Section of Development Services (488-5000).

Sincerely,

KEN JONES, Director
Development Services Division

KJ/ jb

cc: Information Section
Inspection Section
City-County Board of Health
County Attorney
Planning Division

RECEIVED
MAY 16 1986
SALT LAKE COUNTY PLANNING DIVISION
May 27, 1986

Salt Lake County
Development Services Division
Attn: Robert E. Cates, Manager
Information Services
2033 S. State Street
Salt Lake City, Utah 84115

Re: Administrative Determination for Glass Shops

Mr. Cates:

I have reviewed your request to make an administrative determination for a glass shop. After reviewing the Zoning Ordinance and conducting an investigation, the following Administrative Determination is made:

Glass shop excluding fabrication shall be allowed in the C-2 zone as a conditional use. Glass shop shall be allowed in the C-3 and M-1 zones as a permitted use. This use shall not be allowed in any other zone.

This determination was based on the fact that a glass shop is similar to and compatible with the below listed uses allowed in the C-2, C-3, and M-1 zones:

- Plumbing shop, printing shop, and manufacture of light sheet metal products.

An appeal period of ten days is provided in the Zoning Ordinance wherein any citizen may appeal this decision to the Planning Commission.

Sincerely,

Clayne J. Ricks
Planning Director

William A. Marsh
Manager, Land Use Administration

WAM/drj
November 29, 1985

Hyland Pharmacy
Attn: Bill Heatherwood
3291 Highland Dr
Salt Lake City UT 84106

Re: Administrative Determination for Packaging Service

Mr. Heatherwood:

I have reviewed your request to make an administrative determination for a packaging service. After reviewing the zoning ordinance and conducting an investigation, the following Administrative Determination is made:

Packaging Service shall be allowed in the C-2 and C-3 Zones as a conditional use and shall not be allowed in any other zone.

This determination was based on the fact that a packaging agency is similar to and compatible with the below listed uses allowed in the C-2 and C-3 Zones:

Printing Shops, Copy Service and Private Post Office Box Service

An appeal period of ten days is provided in the zoning ordinance wherein any citizen may appeal the decision of the Zoning Administrator to the Planning Commission.

Sincerely,

Clayne J. Ricks
Planning Director

William A. Marsh
Zoning Administrator

WAM/bja
March 20, 1983

Wasatch Sailboats, Inc.
Attention: Carl W. Jones
4010 Highland Drive
Salt Lake City, UT. 84117

RE: Administrative Determination for Sailboat Sales and Repair

Mr. Jones:

I have reviewed your request to make an Administrative Determination for sailboat sales and repair. After reviewing the Zoning Ordinance and conducting an investigation, the following administrative determination is made.

Sailboat sales and repair shall be allowed in the C-2, C-3 and M-1 zones as a conditional use, and shall not be allowed in any other zone.

This determination was based on the fact that sailboat sales and repair is similar to and compatible with the below listed uses allowed in the C-2, C-3 and M-1 zones: Agency for the sale or rental of new or used motor vehicles, trailers or campers; and automobile repair.

An appeal period of ten (10) days is provided in the Zoning Ordinance wherein any citizen may appeal the decision of the Zoning Administrator to the Planning Commission.

Sincerely,

Clayne J. Ricks
Planning Director

William A. Marsh
Zoning Administrator

cc: Land Use Information & Enforcement
December 6, 1984

Dell Herrin
B489 South 700 East
Sandy, Utah, 84070

Re: Administrative Determination for Lawn and Garden Equipment Sales and Service.

Ms. Herrin:

I have reviewed your request to make an Administrative Determination for lawn and garden equipment sales and service. After reviewing the Zoning Ordinance and conducting an investigation, the following Administrative Determination is made:

Lawn and garden equipment sales and service shall be allowed in the C-1, C-2 and C-3 zones as a conditional use, and shall not be allowed in any other zone.

This determination was based on the fact that lawn and garden equipment sales and service is similar to and compatible with the below listed uses allowed in the C-1, C-2 and C-3 Zones: Bicycle shop, Key and Lock Service, Radio and Television Sales and Repair, and Automobile Service Station.

An appeal period of ten (10) days is provided in the Zoning Ordinance wherein any citizen may appeal the decision of the Zoning Administration to the Planning Commission.

Sincerely,

Clayne J. Ricks
Planning Director

William A. Marsh
Zoning Administrator
Salt Lake County
Development Services Division
Attn: Ken Jones
2033 South State Street
Salt Lake City, UT 84115

Re: Administrative Determination for Relaxation and Meditation Center

Mr. Jones:

I have reviewed your request to make an Administrative Determination for Relaxation and Meditation Center. After reviewing the Zoning Ordinance and conducting an investigation, the following Administrative Determination is made:

Relaxation and Meditation Center, which exclude minors from admittance, shall be allowed only in the C-3 Zone as a conditional use and shall be subject to Section 22-28-13 which regulates adult establishments.

The determination was based on the fact that the three relaxation and meditation centers in question exclude minors and are, by definition, adult establishments which are only allowed in the C-3 Zone as a conditional use.

An appeal period of ten (10) days is provided in the Zoning Ordinance wherein any citizen may appeal the decision of the Zoning Administrator to the Planning Commission.

Sincerely,

Clayne J. Ricks
Planning Director

William A. Marsh
Zoning Administrator

WAM/my
cc: Budgen, Collins & Keller/Larry Keller
The Beach Tan Studio
Attn: Deborah Bowyer
1310 South 100 East
Salt Lake City, Utah 84105

Re: Administrative Determination for a Tanning Studio

Ms. Bowyer:

I have reviewed your request to make an Administrative Determination for a tanning studio. After reviewing the Zoning Ordinance and conducting an investigation, the following Administrative Determination is made:

Tanning Studio shall be allowed in the R-M and C-1 zones as a conditional use and in the C-2 zone as a permitted use, and shall not be allowed in any other zone.

A Tanning Studio is defined as: Any business which uses artificial lighting systems to produce a tan on an individual's body. This use specifically excludes spas, gymnasiums, athletic clubs, health clubs, and any exercise equipment.

This determination was based on the fact that a tanning studio is similar to and compatible with the below listed uses allowed in the R-M or C-1 or C-2 zones: Office, business and/or professional; gymnastics, dance, dramatics, and art studios, for instructional purposes only; Day care/pre-school center; and modeling studio, for instructional purposes only.

An appeal period of ten (10) days is provided in the Zoning Ordinance wherein any citizen may appeal the decision of the Zoning Administrator to the Planning Commission.

Sincerely,

Clayne J. Ricks
Planning Director

William A. Marsh
Zoning Administrator
Stephen A. Regan  
3031 E. Morning Side Drive  
Salt Lake City, Ut., 84124

Re: Beekeeping

Dear Mr. Regan

This is in response to your letter dated June 1, 1994, requesting beekeeping be allowed in the R-1-8 zone. The Planning Division staff has reviewed your request and believe that beekeeping should remain in the agricultural zone for the reasons listed below.

The Salt Lake County Zoning Ordinance allows apiaries as a permitted use within the agricultural zones. We have reviewed the ordinances of other local Cities (W. Jordan, W. Valley, S. Salt Lake, Murray, and Salt Lake City) also communities outside Utah (Jefferson Parish in Louisiana, Scottsdale in Arizona, and Bellevue in Washington). None of these Cities allow aviaries in the residential zones because they are not appropriate on small lots, in densely population areas and create potential conflicts between neighbors.

You have the right to appeal the decision of the Planning Division to the Salt Lake County Planning Commission at the above address. The appeal should be done in writing and list your reasons for the appeal. If you have questions regarding this letter, please call.

Sincerely,

Glenn R. Graham  
Planner
June 4, 1999

Mr. Robert Jacoby  
Jacoby Architects and Associates  
Suite 4005  
307 West 200 South  
Salt Lake City, Utah 84101

Dear Mr. Jacoby:

The purpose of this correspondence is to respond in writing to your May 17, 1999 request regarding the feasibility of establishing a **Day Spa in an RM zone**. The uses proposed for your client's facility, as set forth in your letter, are currently addressed in Salt Lake County's Zoning Ordinance. Just for the record, Administrative Determinations are for uses **not** specifically listed. Unfortunately, not all of the uses identified in your letter are permitted in the RM zone (with or without a conditional use permit).

While the **massage and body treatment** aspects of the proposed Day Spa could certainly be accommodated in the portion of your client's property that is now zoned RM, the remaining aspects of the proposed business (**beauty services and consultation in physical and mental wellness**) require location in either a C-1 or C-2 Commercial zone, together with the approval of a conditional use permit.

Establishment of all of the anticipated services in the same facility would, therefore, require C-2 zoning and a conditional use permit. Since your clients have already developed the C-2 portion of the property you reference in your letter, their available options for the remainder of the property (e.g. that portion now zoned RM) are to either:

- a) Confine the proposed services to **massage and body treatments** (subject to a conditional use permit);
- b) Request a change of zoning from RM to C-2; or
- c) Locate and acquire another property already appropriately zoned.

I trust that this correspondence satisfies your client's need for clarification regarding the zoning requirements of Salt Lake County. Please do not hesitate to contact me if further information is needed.

Sincerely,

Tom Schafer  
Land Use Planner
A. Drywall Recyclers Center
P. O. Box 2045
Sandy, Utah 84091

Re: letter dated Jan. 13, 1994

Mr. Sundell

Based on discussions with you and the materials submitted to Salt Lake County Planning Division, I understand your proposed use to be some incidental storage and processing of used gypsum from demolished buildings. You stated that the storage could be either outside or inside and that the processing operation is proposed to be inside a building.

If the used building material is stored inside or outside, provided the storage is clearly incidental to the processing, this type of use is mentioned in the ordinance. The M-2 zone under permitted use includes the following:

- Manufacture, fabrication, assembly, canning, compounding, packaging, processing, treatment, storage and/or maintenance of the following:

  N. Paper; paint; pulp: pickles; pottery; plaster; plaster of paris; plastic,

There is no a need to add this to the Salt Lake County Zoning Ordinance because it is already allowed in the M-2 zone.

Respectfully,

Glenn R. Graham
Planner
September 07, 1994

Shellie Thomas
3475 West Crown Street
Kearns, Ut. 84118

Re: Administrative Determination for keeping Monkeys

Dear Ms. Thomas

I have reviewed your request to make an administrative determination on keeping monkeys, as a household pet. After reviewing the Zoning Ordinance, and discussing this matter with the Development Services Division and the Board of Health, it is the determination of the Planning Division that monkeys are not and were not intended to be included as household pets.

The definition of household pets in as follows:

19.04.305: Household pets.
"Household pets" means animals and/or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats and canaries, including not more than two dogs or two cats over four months in age, and not more than a total of four animals. "Household pets" does not include inherently or potentially dangerous animals, fowl or reptiles.

The Planning Division's determination is based on the wording in the definition which states that household pets are "animals...ordinarily permitted in the house" (19.04.305).

If you disagree with our position you have the right to appeal this determination to the Board of Adjustment. If you agree but wish to pursue the matter further you may request that the Planning Commission review adding monkeys to the zoning ordinance as household pets.

Sincerely,

Glenn R. Graham
Planner
To: Board of County Commissioners  
From: Calvin K. Schneller  
        Director of Planning  
Date: March 31, 1998  
Subject: Request from Mr. John C. Josephson  
        RE: amendment of County Zoning regulations so as  
        to allow tree farms as a permitted use in the A-1 zone.

At your direction our staff has contacted Mr. Josephson, who has operated a tree farm on Danish Road for the past 18+ years, relative to his recent correspondence to you regarding the above. We have also visited his property and reviewed pertinent County files.

It is our opinion that the Salt Lake County Zoning Ordinance should not be amended to allow tree farms, together with incidental wholesale and retail activities from the property, as a permitted use in the A-1 zone. To do so would, in staff's opinion, perpetuate land use conflicts and create opportunities for future conflicts as formerly rural areas of the county become more heavily populated with residential developments.

Such is now the case on Danish Road. Not only have trespassing and intrusions on the peace and privacy of adjacent residential property owners been an unwelcome result of the introduction of "customers" on Mr. Josephson's tree farm, but the nature of the care and watering of the trees has in its own course been intrusive to area residents. This is not to say that the two uses cannot coexist peacefully, but only that such conflicts are precisely why Conditional Use Permits are needed in instances such as this...to provide the opportunity to identify and mitigate area impacts.

As the Board may know, Mr. Josephson has been apprized of his need to obtain a Conditional Use Permit in conjunction with his desire to conduct both wholesale and retail sales from his property. To amend the ordinance to eliminate this requirement is not, in our opinion, a viable solution.

c.c. Lonnie Johnson  
       Mike Reberg  
       Jeff Thorpe
July 8, 2002

Mr. Hector Valdez
1155 South Glendale Drive
Suite A
Salt Lake City, Utah 84104

Dear Mr. Valdez;

The purpose of this correspondence is to respond to your request of June 27, 2002 regarding the zoning ordinance requirements of Salt Lake County for the establishment and operation of a pawn shop. As you correctly indicate in your letter, C-3 zoning is required for such use. In that same letter you asked if you might be able to modify your normal operation and instead limit it to small loans on jewelry.

While there are provisions in the County zoning ordinance for administrative determinations regarding uses not listed in the ordinance, your request is not of this nature. Pawn shops are specifically listed in the ordinance and require C-3 zoning. The ordinance makes no distinction between pawn operations that are limited to small loans on jewelry and those which encompass a broader range of items upon which loans could be secured.

In reviewing the ordinance I note for your attention that outright sales of jewelry, coins, and secondhand goods are permitted in the C-2 zone should you have a desire to open a retail commercial business of any of these types in the Kearns area. All other retail activities permitted in both the C-1 and C-2 zones are of course available as well.

Unfortunately, however, C-3 zoning is required for a pawn shop, regardless of its scope of operations.

Sincerely,

Calvin K. Schneller
Director
INTERPRETATION OF THE WORD “SUBORDINATE” IN THE DEFINITION OF ACCESSORY BUILDING

There has been a request that the staff reconsider its interpretation of the word “subordinate” as it is used in the definition of accessory building.

Traditionally the staff has relied upon the definition of accessory building to limit the size of accessory buildings in the FR, FA, F, A-1 and A-5+ zones when they are accessory to a Single Family Dwelling. If they are accessory to an agricultural or animal care use in an agricultural zone (FA and A) there is no restriction other than setbacks and building height. The definition of accessory building is as follows:

19.04.090 Building, accessory.
"Accessory building" means a detached, subordinate building clearly incidental to and located upon the same lot occupied by the main building. Also, a building clearly incidental to an agriculture or animal care land use located on a lot in an agriculture zone, which lot meets the minimum lot size for such zone and is not under one acre in area. (Prior code § 22-1-6(11)) [emphasis added]

Staff has interpreted the word, "subordinate" to mean smaller in footprint square footage than the Single Family Dwelling (SFD). This means that any one interested in building an accessory building on their property in these zones is required to limit the accessory building to a footprint which is less than the footprint of the residence. In zones which have large lots FR, FA and A zones (2.5, 5, 10 etc. minimum lot size) this seems unnecessarily limiting since often a larger accessory building would have no negative effect on any adjacent parcel (because of the overall size of the lots). Thus a private property owner is restricted in what can be built on the property without really achieving a better situation for the community as a whole.

It is important to note that in the second sentence of the definition the word subordinate is not used, thus why we do not regulate the size of accessory buildings in agricultural zones if the accessory building is accessory to an agriculture or animal care land use.

One recent example of the extent to which a property owner is willing to go in order to build a larger accessory structure the owner of 5 acres in the Southwest area, located within an FR-5 zone, but is not located in the Foothills and Canyons Overlay Zone, and therefore the only factor which would limit the size of his structure would be the “subordinate” interpretation. He wanted to build an approximately 5,000 square foot (footprint) accessory building. Because of the rural area in which he resides he had designed this building to look like a traditional barn. However the intended use was for storing personal items, personal equipment, recreational vehicles, etc. rather than being used for an agricultural / animal purpose. The size of his house (footprint) is 2100 sq. ft. In order to comply with the “subordinate” interpretation, he proposed to reduce the size of the accessory building down to 3,700 sq. ft. (effectively “cutting off” 1/4 of the
structure rather than redesigning to an overall smaller building) and then adding on a
1,600 square-foot detached garage. In order for this garage to be included in the square
footage of the home he proposed to attached it to the home with by a small enclosure /
hallway which would qualify under the building code as living space. In this way his
proposed storage accessory building footprint would be equal to the size of his home
footprint.

Essentially, the square footage that would have been part of the accessory building would
be transferred to an addition onto the home. Thus the homeowner is “forced” into an
addition to the home that was not desired at this time, and had to reduce the size of the
proposed accessory building and thus its storage capacity in order to be in compliance
with this section of the ordinance. This impact to the property owner seem unduly
burdensome given the fact that he owns a 5 acre parcel and that the accessory structure
would not be out of character for the area, and that the accessory structure would have
been allowed without question had he proposed to use it for an agricultural or animal use,
rather than for storage of recreational vehicles.

According to Webster’s Online Dictionary, the word “subordinate” is defined as follows:

1. Lower in rank or importance.
2. Subject or submissive to authority or the control of another; “a subordinate
   kingdom”.
3. (grammar) of a clause; unable to stand alone syntactically as a complete
   sentence; “a subordinate (or dependent) clause functions as a noun or adjective or
   adverb within a sentence”.
4. Inferior in rank or status; “the junior faculty”; “a lowly corporal”; “petty
   officialdom”; “a subordinate functionary”.

No where does it refer to size in this definition.

It is staff’s recommendation that the interpretation of “subordinate” should refer to the
use. In which case, the size of the structure would not be the focus, but the use of that
structure. We would want to ensure that the use was subordinate to the primary use of
the property for a single family dwelling. In the example given above, the owner would
be allowed to build the accessory building to the size he chooses, but would be limited to
using that building for personal non-commercial uses; storing personal items, but not
storing or using the structure for any commercial use.

The only place this new interpretation may cause some conflict is in the A-1 zones. The
A-1 zone allows lots as small as 10,000 square feet for single family dwellings and 5,000
square feet for each half of a two-family dwelling. This modification in interpretation
would allow accessory structures on smaller lots. This is less of a concern when the
properties are over an acre in size, but could conceivably allow quite dense development
of the smaller lots in the A-1 zone.
It is staff’s opinion that changing the way we interpret subordinate from meaning size and use to only use is still an appropriate approach. It will help reduce pointless modifications to projects that do not really benefit the health, safety and general welfare of the community as a whole.

Additionally if the concern for the A-1 zones proves to be a significant issue we could begin the process to modify that zone to restrict the size of accessory structures in the same manner that they are regulated in the R (residential zones), that is that for lots under $\frac{1}{2}$ acre the accessory structure is limited to no more than 800 sq. ft, for lots larger than $\frac{1}{2}$ acre they are limited to no more that 1200 sq. ft, and in no case can all accessory structures on the lot exceed more than 25% of the rear yard.

Note: In the FR, FA, F, A-1, A-2 and A-5+ zones, maximum square footage for Accessory buildings is not specifically regulated; as is the case in the R-1 zones. The R-1 zones in the listing of Accessory buildings as a Permitted or Conditional Use, specifically indicates, "the total square footage of all accessory buildings does not exceed eight hundred square feet on lots under one-half acre or one thousand two hundred square feet on lots one-half acre or larger" (19.14.202 and 030). The A-2 zone indicates "no building or structure or group of buildings, with their accessory buildings, shall exceed more than seventy percent of the lot area" (19.50.100). The FR and FA zones restrict the total amount of area that can be disturbed on a property under the Foothills and Canyons Overlay Zone (FCOZ) 19.72.040 which indirectly affects the size of all structures within the approved Limits of Disturbance. In the F, A-1 and A-5 zones, Accessory buildings are only regulated by location and setbacks (19.08, 19.48 and 19.52).
Conditional Use Approval for Horses in FR & FA Zones
Review and Approval Procedure

For the keeping of horses for private use in FR and FA Zones, primarily in the non-watershed southwest area, but not necessarily limited to only that area, the following is the review and approval procedure that was determined by management and staff during 2007.

Application and Fees:
Submit the Conditional Use application using the regular CU form, but staff will waive the pre-application meeting and input in Hansen as a Director's Approval on the back tab to charge a total application fee of $300.

Site Plan and Documentation:
Along with the application form (signed and notarized) the applicant must submit the legal description of the property, and 4 copies of a site plan showing their whole property, location of their house and any accessory structures on the property, location of their septic system and all associated components including replacement drainfield areas, and the outline of the proposed pasture areas where horses will be kept.

While it does not need to be an engineered drawing, the site plan must be drawn accurately and reasonably to scale, and include all the elements mentioned above in order for staff to review the file properly.

Please also note that the owner does need to have a primary use on the property. Therefore, they can't have a conditional use for horses if they don't have a house (primary use) on a property.

Planner Review Procedure:
This application will not go to the County PC for review, and will be handled at a staff approval level.

Upon receipt of the file, the planner will schedule a field trip/site visit to the property to document the existing conditions, and verify the accuracy of the site plan to ensure that horses are kept away from the septic system components, and that there have been physical measures (i.e. - fencing) taken to confine them to the areas delineated on the site plan. It is also important to observe that the proposed location at which horses will be kept is downslope of the septic system and drainfield to prevent impacts to that system.

If the planner observes through field verification that the submitted information appears accurate, and that all necessary steps to prevent impacts to the septic system have been taken, no information will be sent to the Health Department for review, and the use may be approved at the staff level.
If the conditions cannot be determined, site-specific review by the Health Department will be required along with the applicable review fees.

**Conditions of Approval:**
The following conditions pertaining to the approval of horses using these procedures should be specified as part of the approval:

1. Horses kept on the property are approved for personal use only, and will not be kept in conjunction with any commercial use or be boarded.

2. Horses will be kept in accordance with locations outlined on the approved site plan. In order to prevent damage to components of the septic system, horses must be kept away and down slope of the septic system and drainfield, otherwise site-specific review by the Health Department will be required.

3. The horses must be kept such that the use will not create unreasonable on-site erosion, bacteriological or biological pollution in subsurface or surface waters, destruction of vegetation, air pollution, including dust and odors or other detrimental environmental effects.

4. Comply with all Salt Lake Valley Health Department regulations pertaining to the keeping of animals. (Regulation #7, General Sanitation, General Requirements for the Keeping of Animals). Attach a copy to the approval.
19.04.265 Garage, private.

"Private garage" means an accessory building designed or used for the storage of not more than four automobiles owned and used by the occupants of the building to which it is accessory; provided, that on a lot occupied by a multiple dwelling, the private garage may be designed and used for the storage of one and one-half times as many automobiles as there are dwelling units in the multiple dwelling. A garage shall be considered part of a dwelling if the garage and the dwelling have a roof or wall in common. A private garage may not be used for storage of more than one truck for each family dwelling upon the premises, and no such truck shall exceed two and one-half tons capacity. (Prior code 22-1-6(32))

**DEFINITION**

**Attached:** Means the physical connection of at least three (3) feet between buildings by a common interior wall, or if the roof of the accessory building is a continuation of the roof of the main building, with the area beneath, either enclosed or unenclosed.

**USATIONS:**
19.04.090 Building, accessory.

"Accessory building" means a detached, subordinate building clearly incidental to and located upon the same lot occupied by the main building. Also, a building clearly incidental to an agriculture or animal care land use located on a lot in an agriculture zone, which lot meets the minimum lot size for such zone and is not under one acre in area. (Prior code 22-1-6(11))

**DEFINITION**

*Detached:* Means a physical separation between two buildings. The buildings are free standing and do not share any structural elements or foundation.

**ILLUSTRATIONS:**

![Diagram of detached accessory building and detached trellis or patio cover]

**NOTES:**

a) All of the yard requirements for both a detached building or an attached building must meet the minimum for the zone.
b) All utility or public facility easements must be identified on the site plan. Building in any easement is not allowed.
c) Building height for a detached accessory structure is 15' to the mid point of the roof.
d) Building height for a structure attached to a main building is determined by the zone.
Question: Is automobile painting allowed in the C-3 zone?

Answer: Yes

C-1 lists **Automobile Service Station** as a conditional use and adds restrictions which specifically prohibit “repairing, painting, or upholstering” of motor vehicles.

19.56.040 Conditional uses.

Conditional uses in the C-1 zone include:

- Ambulance service;
- An apartment attached to and on the same parcel as an automobile service station and occupied by a manager or other employee;
- Antiqua shop without outside display;
- Automobile service center which is limited to tune-ups, lubrication and oil change, front-end alignment and brake repair, providing there is not outside storage of parts or material;
- Automobile service station, excluding the repairing, painting or upholstering of motor vehicles; automatic automobile carwash, not to exceed four wash bays;

Therefore auto repair is not allowed in the C-1 zone.

And, auto painting and upholstering are not allowed in the C-1 zone.

C-2 lists **Automobile Service Station** as a permitted use but does not list the exclusions.

19.62.030 Permitted uses.

Permitted uses in the C-2 zone include:

- Accessory uses and buildings customarily incidental to permitted uses;
- Addressograph shop;
- Antique shop without outside display;
- Archery shop and range, providing the use is conducted within a completely enclosed building;
- Art needlework shop;
- Art shop and/or artist supply;
- Athletic goods store;
- Automobile service station;

It is reasonable to conclude that since the exclusions are not listed they are therefore allowed.

However, C-2 lists **Automobile Repair** as a conditional use: “-- Automobile repair, including incidental body and fender work, painting and upholstering and/or welding; automatic automobile wash;”

Since there are now two separate uses listed: Automobile Service Station and Automobile Repair it is reasonable to assume that the intent was to ensure additional review for auto repair through the conditional use process but since the other two exclusions have not been separately listed as conditional uses and are not listed as exclusions from the permitted uses they are still permitted.
Therefore auto repair can only be considered as a conditional use in the C-2 zone.

However auto painting and upholstering are still allowed as permitted uses in the C-2 zone and are also allowed as part of auto repair facilities.

C-3 also lists **Automobile Service Station** as a permitted use also without the exclusions but it also lists Automobile Repair Shop as a conditional use. (Similar to the C-2 automobile repair but with different specifics.) "-- Automobile repair shop, including body and fender work, tire recapping and/or vulcanizing; automatic automobile wash;"

19.64.030 Permitted uses.

Permitted uses in the C-3 zone include:
-- Accessory uses and buildings customarily incidental to permitted uses;
-- Addressograph shop;
-- Air conditioning and ventilating equipment sales and repair;
-- Antique shop without outside display;
-- Archery shop and range, providing the use is conducted within a completely enclosed building;
-- Art needlework shop;
-- Art shop and/or artist supply;
-- Athletic goods store;
-- Automobile service center, which is limited to tune-ups, lubrication and oil change, front end alignment, brake repair and muffler repair, providing there is no outside storage of parts or materials;
-- Automobile service station;

Again, it is reasonable to conclude that since the primary use Automobile Service Station is listed in all three zones but the exclusions are not listed in the C-2 zone or the C-3 zone "painting and upholstering" continue to be permitted uses in the C-3 but auto repair becomes a conditional use as in the C-2.

Therefore: auto repair can only be considered as a conditional use in the C-3 zone.

However auto painting and upholstering are still allowed as permitted uses in the C-3 zone.

Interpretation: Per Del Swensen December 17, 2007
Current Policy

October 1, 2002

Question: Do we issue land use approvals on property which has a current violation?

Answer: No. You can process an application but no new decisions should be finalized until the violations have been corrected.

Ordinance Reference:

Decision Per: Tom Roach
Recreational Vehicle Storage in a C-3 Zone

In the Salt Lake County Code of Ordinances, Title 19 establishes permitted and conditional uses for each zone that is established in the County. The following excerpt from the C-2 zone identifies open storage of recreational vehicles as a conditional use with the same pre-established conditions:

19.62.040 Conditional uses.
- Open storage for recreational vehicles only (campers, snowmobiles, etc.), but not to include the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery, or parts thereof, as in an impound lot or junkyard, etc.; and such use will be required to install a six-foot solid visual barrier fence or masonry wall around the entire storage area (chain-link with slats is acceptable) as a conditional use in the commercial C-2 zone, and as an accessory use only to a main use, such as a service station, carwash or similar use. Gravel or grass surfacing will be allowed for the storage area;

The C-3 zone, which allows more intense uses than C-2, lists storage in section 19.64.030 as a permitted use without the limitations to recreational vehicles listed in the C-2 zone.

Therefore it is clarified that exterior storage of recreational vehicles as outlined in the C-2 zone as a conditional use, is allowed in the C-3 zone as a permitted use with the development standards that could apply.
The question came up about a man who wanted to build a biodiesel machine at his house to turn restaurant grease into biodiesel for cars etc.

If he applies for a business license we should deny the application because:

19.85.010B states: “Home Business” shall not include the following business activities taking place at the home.....2. Any use involving the storage or sale of flammable, explosive or hazardous materials”

Per. D. Riddle
Sept 2006
Salt Lake County Land Use Policy Decisions

Title: Commercial Condominiums: Building Over a Property Line

Date First Established: January 14, 2009

Question(s): Can an applicant do a tenant change that crosses over property lines without having to amend the condo mylar?

Issue: A single business wishes to occupy more than one unit (lot) of a condominium which business would therefore span across the property lines unless the condo mylar were amended to remove those property lines.

State law indicates that a condo mylar is a legal method for subdividing property and therefore the division creates property lines. Each lot/unit is assigned an individual address and is taxed separately.

Answer: Yes, the applicant can proceed with the tenant change without amending the condo mylar provided there are no changes being made to the exterior structure of the building or the property (building footprint, landscaping, parking, etc.).

Justification: The concern was that allowing the use to span across lot lines would cause a violation of the building code. However, the building code only requires setbacks from lot lines with respect to exterior wall location. [IBC Table 602]

Additionally, the building code is regulating structures and not uses. In this case the applicant's use would be spanning across interior lot lines.

Would this scenario violate the zoning ordinance? Once again the answer is no because the setbacks (from property lines) are for structures, not uses.

The applicant should be advised that the individual addresses for each unit must stay intact for taxing purposes. Note that this does not exclude the business from using a single address from one of the lots for business identification purposes. Also note that our records must list all the addresses that the business encompasses.

If the applicant were asking to increase the number of units within the building the condo mylar would need to be amended as this type of change would require review for compliance with parking, occupancy loads, etc.

Ordinance References:
- IBC (International Building Code) Table 602
- Salt Lake County Code of Ordinances Title 19, see specifically sections which describe yard setbacks.
- Utah State Code 57-8 Condominium Ownership Act

Committee Members: Debbie Riddle, Mike Durfee, Todd Draper, Brittany Grimes

Decision Per: Phil Bernal, Acting Planning and Development Services Director

Director's Signature: [Signature]

Date: 2-14-09
5 October 1988

Young Electric Sign Company
ATTN: Kirk Brimley
P.O. Box 25728
Salt Lake City, Utah 84125

Re: Off-premises signs in C-V zone.

Dear Mr. Brimley:

I have reviewed the sign ordinance to determine if off-premises signs are allowed in the C-V zone. A review of the chart in the sign ordinance pertaining to signs allowed in the C-1, C-1L, and C-V zones only lists off-premises signs in the C-1 zone. The Salt Lake County Zoning Ordinance is a positive ordinance in that if a use is listed it is allowed, and if it is not listed it is not allowed. Since off-premises signs are not listed for the C-V zone they are not allowed.

If I can be of further assistance with this matter please contact me.

Sincerely,

William A. Marsh
William A. Marsh, Manager
Land Use Administration Section

cc: Glenn Graham
    Dan Jensen
MEMORANDUM

TO: All Planners & Staff
FROM: Jeff Daugherty & Tom Roach

RE: Clarification of Ordinance "Definition - Ordinance Reference: 19.04.210"

19.04.210 Dwelling, two-family.

"Two-family dwelling" means a single building under a continuous roof containing two dwelling units completely separated by either: 1) a common interior wall, where the units are side by side; or 2) a common interior floor, where the units are one above the other. A common wall may be located within an attached garage used for the storage of private automobiles.

Question: How does the division apply the definition of two-family dwellings relative to the "continuous roof line"?

Answer: While it may be common for the roof line (roof plane) to step up or down at other points along the building, the point at which the two units are connected must be continuous (unbroken) as shown in the following illustrations.
American Development Co.
Attn: Glen Sexton
550 E. South Temple
Salt Lake City, Ut 84102

Re: Administrative Determination for
Model Home Display Center

Mr. Sexton:

I have reviewed your request to make an Administrative Determination for a model home display center. After reviewing the Zoning Ordinance and conducting an investigation, the following Administrative Determination is made:

Model home display center shall be allowed in the G-2 and G-3 zones as a conditional use, and shall not be allowed in any other zone.

This determination was based on the fact that a model home display center is similar to and compatible with the below listed uses allowed in the G-2 and G-3 zones:

Office, business and professional; unoccupied model buildings for display, accessory to a sales office.

An appeal period of ten (10) days is provided in the Zoning Ordinance wherein any citizen may appeal the decision of the Zoning Administrator to the Planning Commission.

Sincerely,

Clayne J. Ricks
Planning Director

William A. Marsh
Zoning Administrator

[Signature]
July 8, 1986

Mr. Fred Sundberg
2257 South 1100 East, Suite 10
Salt Lake City, Utah 84106

Mr. Sundberg:

This letter will confirm our previous discussions regarding a laboratory for blood research. In an M-1 zone a laboratory for blood research is a permitted use on a parcel of land one acre or smaller that existed at that size prior to 1965, otherwise, the use requires conditional use approval. The keeping of 10-12 goats or 5-10 goats and 1 horse in a confined pen for use with the laboratory would be accessory to the laboratory use. These pens must be maintained in a clean and sanitary condition, and meet all the requirements of the Salt Lake City-County Health Department so as not to pose a health hazard.

If you need additional information regarding this matter, please contact me.

Sincerely,

Clayne J. Rick
Planning Director

William A. Marsh
Manager, Land Use Administration
Salt Lake County Planning and Development Services
Land Use Policy Decision

Title: Lot Consolidation Process

Date First Established: April 2008
Dates Amended: April 14, 2009

Question(s): Does the lot consolidation review process require that the applicable subdivision plat be amended?

Issue: A disagreement has arisen amongst the staff regarding the interpretation of the Subdivision Ordinance, title 18, as it relates to state law UCA 17-27a-603

Decision: A subdivision plat amendment is not required in all cases. After careful review and consideration the review processes outlined in title 18 were upheld. For clarification the two processes will be referred to as

1. Simple Lot Consolidation, which is exempt from the platting requirement.
   Applications are subject to a planning division review (Director Review). The review process is described in 18.18.030 and
   note that the process may or may not require that a surveyor prepare the legal description(s). It would depend upon the complexity of the application. Generally, a surveyor should not be necessary for lots within a recorded subdivision as the lot boundaries would have already been established and verified as part of the recording plat.

2. Complex Lot Consolidation, which does require amending the subdivision plat and requires Planning Commission Approval. The review process is described in 18.06.010

Justification: UAC 17-27a-103 under the definition of subdivision states

(c) "Subdivision" does not include
- (i) a bona fide division or partition of agricultural land for agricultural purposes;
- (ii) a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
  (A) no new lots are created; and
  (B) the adjustment does not violate applicable land use ordinances;
- (iii) a recorded document executed by the owner of record
  (A) revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property, or
  (B) joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joiner does not violate applicable land use ordinances;
- (iv) a bona fide division or partition of land in a county other than a first class county for the purpose of siting, on one or more of the resulting separate parcels
  (A) an unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or intrastate pipeline company; or
  (B) an unmanned telecommunications microwave, fiber optic, electrical, or other utility service regeneration, transmission, or retransmission, or amplification facility; or
- (v) a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
  (A) no new dwelling lot or housing unit will result from the adjustment, and
  (B) the adjustment will not violate any applicable land use ordinance;
- (d) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this Subsection (54) as to the
unsurveyed parcel of property or subject the unsurveyed parcel to the county's subdivision ordinance.

Because these adjustments are not considered a subdivision they are not subject to that portion of state law which outlines the process for subdivision amendments. They are subject however to the Salt Lake County Code of Ordinances, Title 18 Subdivisions.

Title 18 exempts the following from platting (subdivision) requirements:

A. A recorded agreement between owners of adjoining properties adjusting their mutual boundary.
B. A recorded document that revises the legal description of more than one contiguous unsurveyed parcel(s) of property into one legal description.
C. The consolidation of two or more subdivided lots for the purpose of developing them as one lot provided:
   1. The consolidation does not affect an existing street, alley, walkway, or right-of-way, and
   2. No public utility, drainage, or trail easements exist along the mutual boundary of any two lots being consolidated.

Attorney's Summary

Simple Lot Consolidation

1. 17-26a-608 applies when amending a subdivision plat, including all that contains in a subdivision plat. If all one is doing with a consolidation is to join two lots for tax purposes to reflect in the official record what already exists on the ground (namely one property owner owning two parcels), a preparation of a plat and thus subdivision amendment seems unnecessary or not required under 17-27a-608.

2. County Ordinance, 19 18 020(C) already recognizes simple lot consolidations exempt from platting and amendment processes. A simple lot consolidation process that does not involve an exorbitant fee and public process might encourage individuals to clear their consolidation with the division rather than doing it on their own. By following a 608 process for the complex or possibly controversial lot consolidations and a simple process for the less controversial ones, the County avoids legal challenges.

3. 17-27a-608 is designed to protect property owners in subdivisions from neighbors changing their subdivision without notice or approval. Simple lot consolidations however do not impact neighbors since there is nothing to stop one from buying and occupying two adjoining lots. The simple lot consolidation simply acknowledges that the two lots are joined on the public record. Even complex lot consolidations which may impact neighbors do not require public hearings under 17-27a-608(3).

4. In terms of historical precedent, it is my understanding that lots have been consolidated for years by deed for tax purposes throughout the county without incident. The record's office merely indicates on the recorded subdivision plat where lots have been consolidated, leaving the prior line on the plat. A strong argument can be made that where line ors lines are not actually removed, the 608 plat amendment process is not invoked.

5. It is also arguable that lot consolidations should be exempt from the subdivision amendment process under the definition of subdivision which does not include boundary adjustments between adjoining subdivided property owners "adjusting their mutual boundary" (17-27a-103c). Shouldn't one who owns both parcels have the
same rights with respect to the two parcels as two strangers?

Ordinance References:
- 17-28a-608
- 17-27-608
- 17-27a-608(3)(a)
- 17-27a-103c(5)
- 16 08 010
- 18 08 020 (C)
- 18 18 030
- 18 12 030

Committee Members:
- Tim Beavers
- Darlene Jeffnes
- Patrick Leary
- Debora Riddle
- Spencer Sanders
- Curtis Woodward
- Attorney: Tom Christensen

Decision Per:
- Linda Hamilton, Public Works Director
- Acting Planning and Development Services Director

Director’s Signature: _________________________________ Date ___________________
17-27a-403 (54-18) "Subdivision" means any land that is divided, resubdivided, or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

(a) "Subdivision" includes:

(i) the division or development of land whether by deed, metes and bounds description, devise and testament, map, plat, or other recorded instrument; and

(ii) except as provided in Subsection (3), the division of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

(b) "Subdivision" does not include:

(i) a homestead division or partition of agricultural land for agricultural purposes.

(ii) a recorded agreement between owners of adjoining properties adjusting their mutual boundary if

(A) no new lot is created, and

(B) the adjustment does not violate applicable land use ordinances;

(iii) a recorded document, executed by the owner of record, revising the legal description of more than one contiguous undivided parcel of property into one legal description encompassing all such parcels of property; or

(iv) joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joining does not violate applicable land use ordinances.

(i) a homestead division or partition of land in a county other than a first class county for the purpose of selling, on one or more of the resulting separate parcels;

(ii) an unowned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or intrastate pipeline company, or

(iii) an unowned telecommunication, microwave, fiber optic, electrical, or other utility service recreation, transmission, retransmission, or amplification facility; or

(iv) a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if

(A) no new dwelling lot or housing unit will result from the adjustment, and

(B) the adjustment will not violate any applicable land use ordinances.

(d) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this subsection (3) as to the undivided parcel of property or subject the undivided parcel to the county's subdivision ordinance.

17-27a-608. Vacating, altering, or amending a subdivision plat.

(1) (a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition with the land use authority to have one or all of the plats vacated, altered, or amended.

(b) If a petition is filed under subsection (1)(a), the land use authority shall hold a public hearing within 45 days after the petition is filed.

(i) any owner within the plat notifies the county of the owner's objection in writing within ten days of mailed notification, or

(ii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.

(2) The public hearing requirement of subsection (1)(b) does not apply and a land use authority may consider at a public meeting an owner's petition to alter a subdivision plat if

(a) the petition seeks to join two or more of the owner's contiguous, residential lots, and

(b) notice has been given to adjacent property owners and pursuant to local ordinance;

(3) Each request to vacate or alter a plat that contains a request to vacate or alter a public street right-of-way or easement is also subject to Section 17-27a-609.5

(4) Each petition to vacate, alter, or amend an entire plat or a portion of a plat shall include

(a) the name and address of each owner of record of the land contained in the entire plat; and

(b) the signatures of each of these owners who consents to the petition.

(5) (a) The owners of record of adjacent parcels that are described by either a metes and bounds description or a recorded plat may exchange title to portions of these parcels if the exchange of title is approved by the land use authority in accordance with subsection (5)(b).

(b) The land use authority shall approve an exchange of title under subsection (5)(a) if the exchange of title
will not result in a violation of any land use ordinance.

(c) If an exchange of title is approved under Subsection (5)(b):
(i) a notice of approval shall be recorded in the office of the county recorder which
(A) is executed by each owner included in the exchange and by the land use authority
(B) contains an acknowledgment for each party executing the notice in accordance with the provisions of
Title 57, Chapter 2a, Recognition of Acknowledgments Act, and
(C) recites the descriptions of both the original parcels and the parcels created by the exchange of title, and
(i) a conveyance of title reflecting the approved change shall be recorded in the office of the county
recorder.

(d) A notice of approval recorded under this Subsection (5) does not act as a conveyance of title to real
property and is not required for the recording of a document purporting to convey title to real property
(6)(a) The name of a recorded subdivision may be changed by recording an amended plat making that
change, as provided in this section and subject to Subsection (6)(b)
(b) The surveyor preparing the amended plat shall certify that the surveyor,
(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land
Surveyors Licensing Act,
(ii) has completed a survey of the property described on the plat in accordance with Section 17-23-17 and
has verified all measurements, and
(iii) has placed monuments as represented on the plat
(c) An owner of land may not submit for recording an amended plat that gives the subdivision described in
the amended plat the same name as a subdivision in a plat already recorded in the county recorder’s office
(d) Except as provided in Subsection (6)(a), the recording of a declaration or other document that purports
to change the name of a recorded plat is voidable

18.08.010 Procedure generally.

The planning commission shall be the land use authority for subdivisions. In order to assure that each
subdivision fully complies with the provisions of this title, the director or director's designee shall administer formal
application and review procedures for subdivisions. An application shall not be deemed complete until the full
application fees and all required materials have been submitted. The payment of a partial fee and submission of
preliminary plans for a pre-submittal review does not constitute a complete application.

Each process shall include the following components

A. An application procedure, which shall include
1. Submission of an application form, as designed by the director or director’s designee, to clearly indicate the
type of application, property address, applicant information, and other pertinent information
2. Submission of supplementary materials, including a legal description, property plat, the required number of
plans, preliminary plats, and mailing labels (if required) for notifications
3. Payment of fees, as required under Title 3, Revenue and Finance

B. A review procedure, which shall include
1. An on-site review by the director or director's designee as provided by Utah Code 17-27b-303,
2. Review of the submitted site plan/preliminary plat for compliance with county land use ordinances
3. Reference of the application and site plan/preliminary plat to any other government agency and/or affected
entity which the director or director's designee deems necessary to protect the health, safety, and welfare of the
public and to ensure the project's compliance with all applicable ordinances and codes
4. The processing of any exception requests that have been made in conjunction with the subdivision application
C. A preliminary plat approval procedure, which shall include
1. Confirmation that all necessary agencies have responded to the requests for recommendation with a
recommendation of approval or approval with conditions
2. Integration of the recommendations from the other government agencies and affected entities involved above
into the preliminary plat
3. Receipt of a recommendation from the planning staff
4. Approval of the preliminary plat as outlined in Section 18-12-305, and issuing a preliminary plat approval letter
D. A final plat approval procedure, which shall include
1. An engineering review to ensure that the final plat complies with all conditions of approval of the preliminary
plat and to ensure that the final plat complies with the design standards, codes, and ordinances and with minimum
engineering/surveying requirements
2. A check of appropriate background information, such as lot access, property title, record of survey, field
boundary verification, etc.
3. The collection of the necessary approval signatures (planning commission representative, director or director's designee, health department, district attorney, county mayor or their designees) on the final plat.
4. Payment of final fees and bond;
5. Recordation of the plat
   (Ord. 1626 § 4, 2008; Ord. 1473 (part), 2001; Ord. 1222 § 3, 1993; Ord. 1073 § 2, 1989; Ord. 879 (part), 1983; Ord. 795, 1982; prior code § 19-2-1)

18.18.020 Boundary line adjustments--Exempt from platting requirement.
   A subdivision plat is not required for any of the following:
   A. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if
      1. No new lot is created; and
      2. The adjustment does not violate applicable zoning ordinances
   B. A recorded document executed by the owner of record that
      1. Revises the legal description of more than one contiguous unsubdivided parcel(s) of property into one legal
         description encompassing all such parcels of property; or
      2. Joins a subdivided parcel of property to an unsubdivided parcel of property and does not violate applicable
         zoning ordinances
   C. The consolidation of two or more subdivided lots for the purpose of developing them as one lot provided
      1. The consolidation does not affect an existing street, alley, walkway, or right-of-way; and
      2. No public utility, drainage, or trail easements exist along the mutual boundary of any two lots being
         consolidated
   (Ord. 1626 § 9 (part), 2008)

18.18.030 Boundary line adjustments--Review.
   Boundary line adjustments that are exempt from subdivision platting requirements are subject to a planning
   division review process which shall include:
   A. Submission of an application, including an application form, application fee, survey/legal descriptions of
      the proposed adjustment, and other supplemental materials;
   B. Review of the application materials for accuracy and for compliance with applicable zoning ordinances;
   C. Issuance of a written approval or denial from the planning and development services division with stated reasons;
   D. Recordation of an appropriate document in the office of the county recorder if the application is approved
      (Ord. 1626 § 9 (part), 2008)
July 30, 2009

Erin Litvack, Director
Community Services Department
2001 South State Street, N4200
Salt Lake City, Utah 84109

Re: Business Licensing of County Recreation Facilities

Dear Ms. Litvack,

Recently, the question arose regarding whether county operated recreation facilities located in the unincorporated county are required to have business licenses. Our review of this matter focused upon two areas 1) legal requirements for business licenses, and 2) pragmatic value of business licensing.

State law requires business licenses for "gain or economic profit" enterprises (UCA §17-53-216(1) http://www.utah.gov/health/publications/pdf/Section17_53_216.pdf). While our recreation programs are expected to make a profit to be sustainable, the core purpose of their existence is for the public good. While the statute does not specifically exempt government programs (and indeed, there may be county operated recreation facilities located in municipalities that are required by the city government to purchase business licenses), it seems that there is no legal requirement for the County to license itself for its own operations.

While no legal requirement is necessary, we inquired whether the business license added value, that is, does the business license act as a catalyst for annual reviews of those facilities by the Health Department or Fire Department? If it did, then practically speaking, the business license would add value. Unfortunately, however, the business license does not serve this purpose.

In conclusion, despite our best efforts to require business licenses for County operated recreation facilities, it appears there is no legal requirement to do so, nor any practical requirement. Therefore, we will no longer request licensure occur.

However, if private businesses or concessionaires operate within those facilities, they will need to be licensed by the County.

With respect to the licensure and late penalties for the Holladay Lions Recreation Center, licensure is not required and any/all fees are waived.

Respectfully,

/PATRICK W. LEARY
Acting Associate Director
Planning & Development Services

Cc: Michele Nakota, Parks & Recreation File
July 30, 2009

Jean Nielsen, Director
Human Services Department
2001 South State Street, N4300
Salt Lake City, Utah 84100

Re: Business Licensing of County Senior Centers

Dear Ms. Nielsen,

Recently, the question arose regarding whether county operated senior centers located in the unincorporated county are required to have business licenses. Our review of this matter focused upon two areas 1) legal requirements for business licenses, and 2) pragmatic value of business licensing.

State law requires business licenses for "gain or economic profit" enterprises (UCA §17-53-216(1) http://www.legup.by/app/1115/Chapter517Section216/Code1/53/216). Because senior centers are for the public good and are not "profit-making" enterprises, no licensure is required. While the statute does not specifically exempt government programs it seems that there is no legal requirement for the County to license itself for its own operations.

While no legal requirement is necessary, we inquired whether the business license added value, that is, does the business license act as a catalyst for annual reviews of those facilities by the Health Department or Fire Department. If it did, then practically speaking, the business license would add value. Unfortunately, however, the business license does not serve this purpose.

In conclusion, despite our best efforts to require business licenses for County operated senior centers, it appears there is no legal requirement to do so, nor any practical requirement. Therefore, we will no longer request licensure occur.

Respectfully,

PATRICK M. LEARY
Acting Associate Director
Planning & Development Services

Cc: Shauna O'Neil, Director Aging Services
Salt Lake County Planning and Development Services
Building License Policy Decision

Title: Calculation of the Penalty Fees for Business Licenses

Date First Established: May 7, 2009

Dates Amended: None

Question: Are “basic license fee”, “regular license fee” and “annual license fee” the same thing or does the regular license fee and annual license fee also include the regulatory fees?

Issue: The business license application lists a “basic license” fee of $130.00. The ordinance refers to a “regular license fee” or an “annual license fee” and does not provide definitions for either and does not refer to a basic fee. Thus it is unclear whether the regular license fee/annual license fee includes the regulatory fees such as number of employees, amusement devices, vehicles etc.

This issue is important because whether we do, or do not include the regulatory fees when calculating a penalty fee has a significant impact on business owners. For instance, we had a business that failed to pay their license timely this year. Their normal license including regulatory fees is approximately $3500.00. In this case the ordinance requires a 100% penalty making the total $7000.00. However if the penalty was calculated on the “basic license fee” and did not include the regulatory fees the total would only be $3630.00 ($3500.00 plus $130.00)

Decision: “Basic License Fee”, “regular license fee” and “annual license fee” will be considered to mean the same thing and do not include the regulatory fees.

Justification: Currently the annual licensing fee for any business is $150.00. In addition to that fee each business may incur regulatory fees with respect to number of employees, number of vehicles, number of amusement devices etc. These regulatory fees are variable in that they may change each year depending on the business and how is it being operated, and they are different for different businesses.

This decision ensures that any penalty will be charged equally to all businesses since the penalty fee will be calculated solely on the $130.00.

Ordinance Reference: Salt Lake County Code of Ordinances: 5.04.040 and 5.16.040

Committee Members: Linda Hamilton, Phil Bernal, Debora Riddle

Decision Per: Linda Hamilton

Director’s Signature: __________________________ Date: 6/7/2009
Limited Food Services (Specialty Restaurants) and Carry-out Establishments

Issue:
An administrative determination has been requested as to: 1) coffee shops, espresso stands, bagel shops, and other limited food service, and carry-out only food establishments; and, 2) carry-out only food and beverage service establishments.

Decision:
Coffee shops, bagel shops, cafes, and other limited-service food service businesses, and carry-out food and beverage services shall be allowed as permitted uses in the C-1, C-2, C-3 zones and as conditional uses in the C-V zone.

Justification:
Restaurants are defined by county ordinance as "a place of business where a variety of hot food is prepared and served and the customer is served by the general public for consumption on the premises primarily in forms during accommodations. Coffee shops, bagel shops, cafes, and other limited-service food service establishments are not restaurants because they do not prepare and cook a variety of hot food but do serve complete meals. They are similar in nature to bakeries and ice cream stands, which are allowed as permitted uses in the C-1, C-2, and C-3 zones, and as conditional uses in the C-V zone as establishments "for the service of visitors. Carry-out food and beverage services do not involve the consumption of food on the premises. They are similar in nature to bakeries, fruit and fruit juice stands, produce stands, and hot dog stands, which are allowed as permitted uses in the C-1, C-2, C-3 zones, and as conditional uses in the C-V zone as "for the service of visitors."

Ordinance Reference:
19.03.160, 19.04.19, 19.05.19, 19.06.19, 19.07.19

Decision Per:
Rebie Yegeluzer, Planning and Development Services Director

Date:
8/24/09
Salt Lake County Planning and Development Services
Land Use Policy Decisions

Title: Automated Retail (Vending Machines)

Date First Established: January 29, 2010

Dates Amended:

Question(s): Are DVD rental machines (RedBox) classified as a retail Kiosk or a Vending Machine? What land-use regulations typically apply to vending machines?

Issue: Planning and Development Services Staff has questioned the interpretation of the County Zoning and Business Licensing Ordinances that have required Redbox automated DVD rental machines to obtain both zoning approval for their location, and a regular business license for their operation. Although initial installations of Redbox machines included changes to the building and the site plan, more recently the overall apparatus has been scaled back and contained into a machine very similar in size to soft drink (large) vending machines.

Answer: Redbox machines and other similarly operating automated DVD rental machines will be treated as vending machines for purposes of business licensing and land-use review.

Vending Machines are allowed in commercial, industrial, public and institutional locations as accessory to the main business on the site, except where specifically prohibited through conditions imposed by the Planning Commission. Machines that are accessory to the main business must either be placed inside the building, or immediately adjacent to an exterior wall of the building, and may not create a nuisance for neighboring properties.

Any proposed changes to the approved site or building to accommodate a vending machine will require land-use approval. A building permit is required for any changes or modifications to the building (particularly electrical work).

Justification: Although the machines do not operate like traditional vending machines where the transaction between the business and the customer is complete once the product is vended, the impact on land-use is nearly identical to that of traditional large vending machines. Also, the use of a credit card to secure payment could meet the criteria of "other means" for triggering the dispensing of a product, as contained in the ordinance definition of a vending machine.

As vending machines are a commercial use, they must be located with other compatible uses. This would exclude them from private residential locations, or other locations where they would likely create a nuisance for other properties in the vicinity. Locating these machines on the interior of a building is preferred in order to reduce the visual impact on the site; however locating them immediately adjacent to the exterior of an existing approved building is acceptable. There are some documented instances where the Planning Commission has prohibited vending machines from being located on the exterior of a building as condition of approval for that building to mitigate visual impacts on the neighboring properties. Another concern is the potential impact on neighboring uses (mainly residential uses) created by internal lighting from the machine, which is essentially a large illuminated sign.

Determination: Redbox units and other similar DVD rental machines will now be classified as vending machines. To meet County Licensing requirements the operator will need to purchase a vending license sticker for each machine and affix those stickers to the machines.
A separate land-use application will not be required for any interior vending unit, or for any vending unit placed against an existing building and for which no changes are being made to the site (except where prohibited by specific conditions of the Planning Commission).

If any changes are made to or proposed for a site (i.e. addition of concrete, reconfiguring of landscaping, or placement in a manner that affects parking or traffic flow, etc.), in order to place a vending unit on that site, land-use approval through an Amended Site Plan application will continue to be required.

Any electrical work or remodeling of a building required to facilitate installation of a Redbox unit will require a building permit and appropriate inspections.

Ordinance References:

5.62.010 Vending machine defined.
"Vending machine" means any self-service device offered for public use which, upon insertion of a coin, coins or tokens, or by other means dispenses unit servings of food or beverage, or other articles or items, either in bulk or in package, without the necessity of replenishing the device between each vending operation.
(Prior code § 13-9-1)

5.62.020 Licensing requirements—Inspection fee.
A. In addition to the general business license fee, the annual license fee for a vending machine dispensing packaged food or drink shall be six dollars per machine. The annual license fee for vending machines dispensing unpackaged foods shall be one dollar per machine. The annual license fee for vending machines dispensing items other than food or drink shall be six dollars per machine, except for vending machines dispensing cigarettes, which are subject to the provisions of Chapter 5.64 of this code.
B. These fees shall accompany the annual license application filed with the license office.
(Prior code § 13-9-3)

19.82.130 Lighted signs.
A. A lighted sign shall not be installed which permits the light to penetrate beyond the property in such a manner as to annoy or interfere with the use of adjacent properties.
B. Such lights alleged to violate subsection A of this section by the adjacent property owners or development services division director shall be subject to a public hearing before the planning commission as to the validity of the alleged violation. If such light is determined to be in violation, the owner of the light shall take appropriate, corrective action as directed.
(Crd. 1034 § 1 (part), 1988)

Committee Members: Rolen Yoshinaga, David White, Tom Schaffer, Katrena Freeman, Todd Draper, Carol Wong, Travis Van Ekenburg, Jim Nakamura, Billie Lujan

Decision Per: Rolen Yoshinaga, Planning and Development Services Director

Director's Signature: [Signature]
Date: 2/11/10