
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: April 15, 2005

SUBJECT: Petition 400-03-34 – Legislative Action sponsored by Council Member Christensen – request to reevaluate the Zoning Ordinance relating to Non-conforming use and Non-complying structure regulations

AFFECTED COUNCIL DISTRICTS: If the ordinance is adopted the Zoning Ordinance will affect Council Districts citywide and the master plan amendment will affect Council District 3

STAFF REPORT BY: Janice Jardine, Land Use Policy Analyst

ADMINISTRATIVE DEPT. AND CONTACT PERSON: Community Development Department, Planning Division
Everett Joyce, Principal Planner

NOTICE REQUIREMENTS: Newspaper advertisement and written notification to surrounding property owners 14 days prior to the Public Hearing

OPTIONS AND MOTIONS:

1. ["I move that the Council"] Adopt an ordinance amending the Zoning Ordinance relating to Non-conforming Uses, Non-complying Structures, Special Exceptions, and Definitions and amending the Avenues Community Master Plan as recommended by the Planning Commission. *(This option would implement the recommendation from the Planning Commission.)*
2. ["I move that the Council"] Not adopt ordinance.
3. ["I move that the Council"]
 - a. Continue the public hearing to a future Council meeting.
 - b. Refer the proposal for 'enlargement, alteration or intensification' of non-complying uses or non-complying structures back to the Planning Commission for additional refinement.
 - c. Request that the proposal be returned for Council consideration by July 1, 2005.
 - d. I further move that the Council adopt an ordinance amending the Zoning Ordinance relating to Non-conforming Uses and Non-complying Structures to allow 100% reconstruction of structures when damaged by fire or other natural causes, without also addressing Enlargement and/or Intensification of Use, and amend the Avenues Community Master Plan. *(See attached ordinance. This option was discussed at the Council Work Session on March 15, 2005. In order to maintain continuity in the ordinance, the Attorney's office did include the section relating to enlargement/intensification as it currently exists in the Zoning Ordinance. It does not contain any of the changes regarding enlargement/intensification recommend by the Planning Commission and Planning staff. The portion underlined relates to reconstruction and is new. The enlargement/intensification section will simply remain as is until the council considers changes after July 1.)*

WORK SESSION SUMMARY/NEW INFORMATION:

- A. At the March 15th Work Session, the Council discussed the proposed text changes. Council Members indicated their preference to move this item forward to a public hearing and:
 - 1. Consider action on an ordinance that would allow total reconstruction of structures with non-complying uses or non-complying structures if destroyed by fire or other natural causes, and
 - 2. Defer action until July on the proposal for 'enlargement, alteration or intensification' of non-complying uses or non-complying structures to allow time for additional refinement of the guidelines/criteria used for intensification and enlargement to address neighborhood impacts and concerns.
- B. The Planning Director has indicated that if the Council chooses to split the proposed changes, he would like to recommend that the issue to go back to the Planning Commission. His reasoning is that since the Planning Commission will be implementing any additional standards it would help for them to be involved in development of the standards.
- C. Additional refinement of the guidelines/criteria used for intensification and enlargement could include but not be limited to items such as:
 - 1. Neighborhood compatibility including consideration of:
 - a. Building scale, size, orientation, and yard area setbacks. (For example, the potential of a property owner removing an existing building and constructing a new building that is out of scale with the neighborhood and not oriented to the street, such as a large building with a blank wall along the street frontage and entrances on the side or back of the building, or a 'box car' - long, narrow multi-family structure with entrances oriented to the side.)
 - b. Building materials and architectural features, such as roof pitch, facades, etc. (For example, the potential of a property owner removing an existing structure and constructing a new cinder block, flat-roofed structure or the 'box car' type structure mentioned above.)
 - 2. Parking and traffic impacts. (For example, replacing an existing, low-impact use with a more intense use such as a small grocery store replaced with a restaurant.)
 - 3. Housing mitigation and protecting the residential/commercial balance in a neighborhood. (This would address the potential of losing residential uses if a property owner expands a non-residential use to occupy an entire structure or constructs a new structure for a non-residential use in place of an existing structure that contains residential and non-residential space. For example, a corner commercial building where the commercial space is located on the street frontage and the residential dwelling is located behind or above the commercial space.)
 - 4. Define and establish parameters or limits for "intensification."

The following information was provided previously for the Work Session on March 15, 2005. It is provided again for your reference.

KEY ELEMENTS:

- A. This action would amend the Zoning Ordinance Non-conforming Use and Non-complying Structures Chapter (21A.38), Special Exceptions section (21A.52.Q) and Definitions section (21A.62.040). (Please refer to Attachment A for a comparison of current and proposed text for the Non-conforming Use and Non-complying Structures Chapter.) In addition, the Administration notes that the proposed text changes will

require amending the Avenues Community Master Plan relating to non-conforming use policy. An ordinance has been prepared for Council consideration.

- B. The proposed text changes would establish the following three-tier classification system and processes:
 - 1. Reconstruction of structures containing legal non-conforming residential uses and residential structures that may be legally non-complying with current zoning standards would be considered through an Administrative process.
 - 2. Reconstruction of structures with legal non-residential non-conforming uses and non-residential structures that may be legally non-complying with current zoning standards would be considered through the Board of Adjustment Special Exception process.
 - 3. Enlargement or reoccupation of a structure with a more intensive non-conforming use would be considered through the Planning Commission Conditional Use process.
- C. The Legislative Action adopted by the Council requested a reevaluation of the non-conforming use and non-complying structure section of the Zoning Ordinance with a particular focus on the following:
 - 1. Eliminate the current percentage limitations for reconstruction, improvement or expansion of non-conforming uses and non-complying structures.
 - 2. Establish refined standards, public notification and review processes that include:
 - a. Replacement, reconstruction, improvement or expansion of certain types of non-conforming uses and non-complying structures.
 - b. Establish categories of non-conforming uses and non-complying structures with a different level of review and public notification depending upon the impact to the surrounding neighborhood.
 - 3. Other options that may be identified by the Administration.
- D. The purpose of the Non-conforming Use and Non-complying Structure Chapter (21A.38) is to regulate the continued existence of:
 - 1. Principal and accessory uses established prior to April 12, 1995 that do not conform to the use regulations in the zoning districts in which such uses are located. (Non-conforming uses)
 - 2. Buildings, structures and property improvements constructed prior to April 12, 1995 that do not comply with the applicable bulk and/or yard area regulations in the zoning districts in which such buildings or structures are located. (Non-complying structures)
- E. The Administration's transmittal and Planning staff report note:
 - 4. The disadvantages of the current non-conforming approach is that it does not:
 - a. Encourage maintenance and/or reinvestment.
 - b. Ensure marketability of the property.
 - c. Encourage reuse of non-conforming sites.
 - 5. The advantages of the proposed multi-tier classification approach is that it provides for:
 - a. Reduction in the number of uses expected to be eliminated.
 - b. Stabilizing uncertainty in future land use.
 - c. Reuse of existing buildings and retention of desirable uses.
 - d. Reduction in the number of properties being confronted with difficulties associated with financing, refinancing and obtaining reasonably priced insurance.
 - 6. Until recently, financing for purchase or reinvestment in non-conforming structures was not an issue.
 - 7. Currently, many financial institutions are requiring letters from the City that specify that a structure that contains a nonconforming use or a structure that is non-complying with current zoning standards would be allowed to be completely rebuilt if destroyed. Due to this requirement and the current zoning regulations relating to non-conforming uses and non-complying structures other non-traditional financing alternatives are required. This jeopardizes potential sales or reinvestment, limits the amount of reinvestment and minimizes improvements in the properties.

8. Mortgage loans for acquisition and major reinvestment of non-conforming properties often require higher interest rates or substantial cash down-payments. In addition, insurance companies require higher premium payments. These factors affect housing affordability and reinvestment in existing housing stock.
9. Research has shown that this is a national issue, not just a local phenomenon. Nationwide cities are modifying non-conforming regulations to address financing issues caused by local zoning codes.
10. Recent trends in land use planning concepts are replacing the zoning concept of separate, distinct land uses with regulations that encourage mixed-use, transit-oriented, more compact development patterns.
11. State statutes allow continued use of non-conforming uses and non-complying structures.
12. The proposed text amendments do not completely remove the ability to eliminate non-conforming uses. For example, analysis of the lower Avenues community indicates that from 1988 to 2004 approximately 84 properties converted from 3 and 4 dwelling unit structures to single-family or duplex structures. Voluntary demolition in excess of 50% of the cost of reconstruction or changing the non-conforming use to a conforming use eliminates the non-conforming status of the property.
13. The proposed text changes related to reconstruction and expansion are similar to existing elements of zoning ordinances of various Utah cities. Most zoning ordinances allow total reconstruction or reconstruction if up to 50-60% destruction or damage occurs to a non-conforming use or non-complying structure.

F. The Planning staff report included the following tables that provide a summary of the number of residential and non-residential non-conforming uses within the City. In addition, the attached map identifies the location of the non-conforming uses

Nonconforming Residential Multi-Family Dwellings In Single-Family – Duplex Zoning Districts								
Dwelling Units per Structure	Avenues	East Bench	Sugar House	Capitol Hill	Northwest	Central	West Salt Lake	SLC Total
3-4	36	3	96	39	78	256	34	542
5-9	66	20	34	16	5	74	12	227
10-19	32	26	20	25	4	23	2	132
20 plus	3	1	1	9	2	28	27	71
Multi-family					25	49		74
Condominiums	247							247
TOTAL	384	50	151	89	114	430	75	1293

Source: Comparison of Salt Lake County Assessor land use classification and existing zoning.

Nonconforming Commercial, Office, and Industrial Uses In Residential Zoning Districts								
Type of Use	Avenues	East Bench	Sugar House	Capitol Hill	Northwest	Central	West Salt Lake	SLC Total
Commercial	19	6	58	25	15	107	21	251
Office	7		9			20		36
Industrial				3	2	8	11	24
TOTAL	26	6	67	28	17	135	32	311

Source: Comparison of Salt Lake County Assessor land use classification and existing zoning.

- G. The public process included an open house on September 16, 2004. Notice was mailed to all Community Council Chairs, approximately 1300 owners of non-conforming properties and representatives of real estate, financial and business groups. Please refer to the Administration's transmittal for details.
- H. The City's Police, Public Utilities and Transportation Departments/Divisions reviewed the request. Property owners will be required to comply with City development standards and current codes or regulations. It is likely that some owners will need to upgrade utilities and infrastructure to rebuild replacement facilities.
- I. On October 27, 2005, the Planning Commission voted to forward a positive recommendation to the City Council to amend the Zoning Ordinance text and amend the Avenues Master Plan.
- J. Issues discussed at the Planning Commission hearing included:
 - 1. Commercial or non-residential non-conforming uses are not distributed evenly throughout the City.
 - 2. Neighborhoods throughout the City have different characteristics and the proposed changes do not establish standards for determining compatibility with the character of the neighborhoods in which they are located.
 - 3. People who are purchasing properties are small investors who purchase one or two properties.
 - 4. Many property owners rely on income generated from their properties and would have no way to recover the loss if the structures are destroyed by natural disaster.
 - 5. Lending institutions have established strict loan requirements due, in part, to Utah's high rate of loan fraud and foreclosures. For example, requiring a letter from the City that states that the structures could be rebuilt if destroyed by fire or other types of natural disasters or lending at a higher interest rate to finance or refinance loans for the property.
 - 6. Due to current lending and insurance practices that have stricter requirements for non-conforming properties, property owners either do not or find it difficult to reinvest in the properties.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:

- A. During the recent State Legislative session, S.B. 60S02 – Local Land Use Development and Management Act Amendments – was passed in both the House and the Senate. This bill made several changes to the State Code relating to land use, planning and zoning. (Please see Attachment B for the changes from the bill that applies to non-conforming uses.) Key changes made to the regulation of nonconforming uses include:
 - 1. A municipality may not prohibit the reconstruction or restoration of a non-conforming structure or terminate the non-conforming use of a structure that is involuntarily destroyed in whole or in part due to fire or other calamity. *(The proposed zoning ordinance text changes would comply with this section.)*
 - 2. A municipality may prohibit the reconstruction or restoration of a non-conforming structure or terminate the non-conforming use of a structure when:
 - a. The structure is allowed to deteriorate to the extent that renders it uninhabitable.
 - b. Written notice is provided to the property owner noting that the structure is uninhabitable and that the nonconforming structure or use will be lost if the structure is not repaired or restored within 6months, or
 - c. The property owner has voluntarily demolished a majority of the non-conforming structure or the building that houses the non-conforming use.
 - 3. Burden of proof:
 - a. The property owner shall have the burden of establishing the legal existence of a non-conforming structure or use.
 - b. Any party claiming abandonment of a non-conforming use shall have the burden of establishing such abandonment.

- c. The property owner may rebut the presumption of abandonment and shall have the burden of establishing that abandonment has not occurred.
- B. The Planning staff report notes:
 1. The Executive Director of the Utah Apartment Association identified that the Association supports the zoning policy change for non-conforming rental properties. The Association has been working with the State Property Rights Ombudsman and the State Legislature to address this problem.
 2. The State Ombudsman has provided an opinion that local ordinances prohibiting reconstruction without the payment of just compensation for the non-conforming use are illegal and unconstitutional.
- C. Council Members Christensen, Saxton and Turner recently met to discuss the proposed text changes. They have noted that there is strong support for the changes that address residential non-conforming uses/non-complying structures. However, issues have been raised through the public review process concerning potential unintended impacts or consequences relating to the proposed changes for non-residential non-conforming uses/non-complying structures. They have noted that these issues could be addressed through further refinement of the proposed changes. For example:
 1. A non-residential non-conforming uses/non-complying structure that contains both a non-residential and residential use could be allowed to expand the non-residential use and eliminate the residential use. This could result in loss of the City's affordable housing stock.
 2. The conditional use process is proposed for enlargement (including additional parking area) or replacement of a current non-conforming use with a more intensive non-conforming use. It has been noted that the current conditional use criteria are general in nature and would not address specific design issues for expansion or intensification.
- D. The Council may wish to consider the following options to address this issue:
 1. Delay action on the proposed ordinance and request that the issues which have been identified relating to non-residential non-conforming uses/non-complying structures be addressed in further detail.
 2. Forward this issue to a public hearing.
 3. Forward this issue to a public hearing and request the City Attorney to prepare an additional ordinance that includes proposed text changes for residential non-conforming uses/non-complying structures only; express the intent to consider the residential non-conforming uses/non-complying structures at the hearing and continue the hearing for a later discussion of the non-residential non-conforming uses/non-complying structures.
 4. Other options identified at the Council Work Session briefing.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Administration's transmittal and Planning staff report note:
 1. Most master plans do not contain specific policy regarding non-conforming uses and non-complying structures.
 2. The Capitol Hill Community Master Plan contains policy recognizing a decrease in area density as non-conforming single-family structures that contain 3 or more units are converted back to single-family use. The Plan recommends phasing out incompatible industrial uses by rezoning the properties and encouraging relocation to industrially zoned land in appropriate areas of the City.
 3. The East Central Neighborhood Plan identifies encouraging compatible infill housing on lots containing non-conforming uses.
 4. The Avenues Master Plan land use section provides the following information:
 - Policy Regarding Nonconforming Uses
 - The City should not grant variances to rebuild structures containing nonconforming uses. Once the structure has deteriorated, as defined in the nonconforming use ordinance (*Salt Lake City*

Zoning Ordinance), or is lost because of fire or other act of God, the property should revert to a use conforming to present zoning.

- *As previously noted, the ordinance prepared for Council consideration includes an amendment to the Avenues Master Plan.*

- B. The City's Comprehensive Housing Plan policy statements address a variety of housing issues including quality design, public and neighborhood participation and interaction, transit-oriented development, encouraging mixed-use developments, housing preservation, rehabilitation and replacement, zoning policies and programs that preserve housing opportunities as well as business opportunities.
- C. The City's Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The Plans emphasize placing a high priority on maintaining and developing new affordable residential housing in attractive, friendly, safe environments and creating attractive conditions for business expansion including retention and attraction of large and small businesses.
- D. The Council's growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
1. Is aesthetically pleasing;
 2. Contributes to a livable community environment;
 3. Yields no negative net fiscal impact unless an overriding public purpose is served; and
 4. Forestalls negative impacts associated with inactivity.
- E. The City's 1990 Urban Design Element includes statements that emphasize preserving the City's image, neighborhood character and maintaining livability while being sensitive to social and economic realities.

CHRONOLOGY:

The Administration's transmittal provides a chronology of events relating to the proposed rezoning and master plan amendment. Key dates are listed below. Please refer to the Administration's chronology for details.

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|----------------------|---------------------------------------|
| • March 8, 2004 | Council adopts Legislative Action |
| • September 16, 2004 | Planning sponsored Open House |
| • October 27, 2004 | Planning Commission hearing |
| • November 2004 | Ordinance received from City Attorney |

cc: Sam Guevara, Rocky Fluhart, DJ Baxter, Ed Rutan, Lynn Pace, Louis Zunguze, Brent Wilde, Doug Wheelwright, Cheri Coffey, Everett Joyce, Jennifer Bruno, Jan Aramaki, Marge Harvey, Sylvia Jones, Annette Daley, Barry Esham, Gwen Springmeyer

File Location: Community Development Dept., Planning Division, Zoning Ordinance Text Amendment, Non-conforming uses and Non-complying structures

SALT LAKE CITY ORDINANCE

No. _____ of 2005

(Amending Nonconforming Uses and Noncomplying Structures, Special Exceptions and Definitions to Allow for 100% Reconstruction of Structures When Damaged by Fire and Other Natural Causes, Without Also Addressing Enlargement and/or Intensification of Use, and Amending the Avenues Master Plan)

AN ORDINANCE AMENDING CHAPTER 21A.38, *SALT LAKE CITY CODE*, PERTAINING TO NONCONFORMING USES AND NONCOMPLYING STRUCTURES, SECTION 21A.52.030, *SALT LAKE CITY CODE*, PERTAINING TO SPECIAL EXCEPTIONS, SECTION 21A.62.040, *SALT LAKE CITY CODE*, PERTAINING TO DEFINITIONS, AND THE AVENUES COMMUNITY MASTER PLAN, PURSUANT TO PETITION NO. 400-03-34.

WHEREAS, the City Council adopted legislative action requesting that the Administration review the nonconforming uses and noncomplying structures section of the zoning code relating to the current percentage limitations for reconstruction, improvement or expansion of nonconforming uses and noncomplying structures; and establish refined standards, public notification, and review processes that include: a) replacement, construction, improvement or expansion of certain types of nonconforming uses and noncomplying structures; b) establishment of categories of nonconforming uses and noncomplying structures with a different level of review and public notification depending upon the impact to the surrounding neighborhood; and c) identification of other options.

WHEREAS, the Salt Lake City Code contains regulations regarding nonconforming uses and noncomplying structures.

WHEREAS, the regulations regarding nonconforming uses and noncomplying structures encourage elimination of these structures, which has made it difficult for property owners or

investors to obtain financing for these types of properties when damage by fire or natural disasters may prohibit replacement.

WHEREAS, allowing some flexibility in addressing nonconforming and noncomplying structures will allow property owners and investors options, not heretofore available, to repair or rebuild property damaged, greater than fifty percent (50%), by fire or natural disasters, and will serve the citizens as well as the community.

WHEREAS, the policy of allowing reconstruction of nonconforming uses when destroyed by fire or natural disasters would require an amendment to the Avenues Community Master Plan, which currently states that nonconforming uses should not be rebuilt.

WHEREAS, the proposed amendments contained herein are consistent with the citywide Salt Lake City Community Housing Plan.

WHEREAS, the City Council of Salt Lake City, Utah, has held public hearings before its own body and before the Planning Commission, and has taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and any local master plan as part of its deliberation. Pursuant to these deliberations, the City Council has concluded that the proposed amendments to nonconforming uses and noncomplying structures regulations and amendment of the Avenues Community Master Plan are appropriate for the development of the community.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Chapter 21A.38, *Salt Lake City Code*, pertaining to nonconforming uses and noncomplying structures be, and the same hereby is, amended to read as follows:

21A.38.010 Purpose Statement and Intent:

The purpose of this chapter is to regulate the continued existence of:

A. Legal nonconforming pPrincipal and accessory uses established prior to April 12, 1995, which do not conform to the use regulations of this title in the zoning districts in which such uses are located ~~are referred to as nonconforming uses;~~ and

B. Legally constructed noncomplying Bbuildings, structures and property improvements constructed prior to April 12, 1995, that do not comply with the applicable bulk and/or yard area regulations of this title in the zoning districts in which such buildings or structures are located, ~~for the purposes of this chapter, are referred to collectively as noncomplying structures.~~

The intent of this chapter is to allow continued use of legal nonconforming uses and noncomplying structures, while at the same time protecting existing conforming development and furthering orderly development and improvement of the community. Certain nonconformities are permissible as is their continued use so long as in their particular location they are not detrimental to the surrounding neighborhood.

A. Uses of nonconforming and noncomplying buildings, structures or land which are compatible and complement existing or planned development patterns, should be allowed to continue. Improvement for better integration into the surrounding neighborhood should be sought as much as possible.

B. Nonconforming and noncomplying situations which hinder the attainment of the City's master plan, create a nuisance, or are a hazard to a community or neighborhood, should be eliminated or brought into compliance with the provisions of this title.

21A.38.020 Scope Of Regulations:

This chapter applies to nonconforming uses, noncomplying structures and noncomplying lots.

21A.38.030 Determination Of Nonconforming Use Status:

A. Burden Of Owner To Establish Legality Of Nonconforming Use: The burden of establishing that any nonconforming use lawfully exists under the provisions of this title shall, in all cases, be the owner's burden and not the city's. Building permits, business licenses and similar documentation may be considered as evidence establishing the legality of use.

B. Determination Of Nonconforming Status: The zoning administrator shall determine the nonconforming use or noncomplying structure status of properties pursuant to the provisions of this chapter.

21A.38.040 Nonconforming Parking, Signs And Landscaping:

Nonconforming parking, signs and landscaping, as accessory uses, are regulated by the provisions set forth in chapters 21A.44, 21A.46 and 21A.48 of this part.

21A.38.050 Authority To Continue:

A. Continuation Of Nonconforming Use: A nonconforming use that lawfully occupies a structure or lot ~~on the effective date hereof, April 12, 1995, or of any subsequent amendment to this title,~~ may be continued so long as it remains otherwise lawful, subject to the standards and limitations in this chapter.

B. Continuation Of Noncomplying Structure: A noncomplying structure that was legally constructed ~~with a permit prior to April 12, 1995, or of~~ on the effective date of any subsequent amendment to this title, that ~~does~~makes the structure not comply with the applicable bulk regulations and/or with the standards for front yards, side yards, rear yards, buffer yards, lot area, lot coverage, height, floor area of structures, driveways or open space for the district in which the

structure is located may be used and maintained, subject to the standards and limitations in this chapter.

21A.38.060 Ordinary Repair And Maintenance And Structural Safety:

Normal maintenance and incidental repair may be performed on a complying structure which contains a nonconforming use or on a noncomplying structure. This section shall not be construed to authorize any violation of section 21A.38.080 or 21A.38.090 of this chapter. This section shall not prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of the building official who declares a structure to be unsafe and orders its restoration to a safe condition.

21A.38.070 Abandonment Or Loss Of Nonconforming Use:

A. Abandonment Of Nonconforming Use: A nonconforming use of land or of a structure in a district that is discontinued or remains vacant for a continuous period of one year, shall be presumed to be abandoned and shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of the structure or site must conform with the regulations for the district in which it is located. ~~This provision shall not apply to a nonconforming detached single-family dwelling in a residential district.~~

B. Rebuttal Of Presumption Of Abandonment: The presumption of abandonment may be rebutted upon a showing, to the satisfaction of the zoning administrator, that during such period the owner of the land or structure: 1) has been maintaining the land and structure in accordance with the building code and did not intend to discontinue the use, or 2) has been actively and continuously marketing the land or structure for sale or lease, with the use, or 3) has been engaged in other activities evidencing an intent not to abandon.

C. Calculation Of Period Of Discontinuance: Any period of such discontinuance caused by government actions, without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance pursuant to subsection A of this section.

21A.38.080 Moving, Enlarging Or Altering Nonconforming Uses Of Land And Structures:

No nonconforming use may be moved, enlarged or altered and no nonconforming use of land may occupy additional land, except as provided in this section.

A. Enlargement: A nonconforming use may not be enlarged, expanded or extended to occupy all or a part of another structure or site, that it did not occupy on the effective date hereof, April 12, 1995. A nonconforming use may be extended as an addition to the same structure, provided the addition does not increase the parking requirement.

B. Exterior Or Interior Remodeling Or Improvements To Structure: Exterior or interior remodeling or improvements to a structure containing a nonconforming use shall be allowed provided the improvements do not increase the parking requirement.

C. Relocation Of Structure: A structure containing a nonconforming use may not be moved unless the use shall thereafter conform to the regulations of the zoning district into which the structure is moved.

D. Change Of Nonconforming Nonresidential Use To Another Nonconforming Use: Upon application to the zoning administrator pursuant to part II, chapter 21A.12 of this title, a nonconforming use may be changed to another nonconforming use of the same or similar land use type as defined in part VI, chapter 21A.62 of this title. Whenever any nonconforming nonresidential use is changed to a less intensive nonconforming nonresidential use, such use shall not be changed back to a more intensive nonconforming nonresidential use. A nonresidential use

requiring more parking than the existing nonconforming use shall be considered a more intensive use. Whenever any nonconforming nonresidential use is changed to a conforming use, such use shall not later be changed to a nonconforming use.

E. Destruction Of Structure With Nonconforming Use: No structure containing a legal nonconforming use may be reconstructed for a nonconforming use, except in the manner provided in subsections E1 and E2 of this section or unless required by law. Restoration of a damage or destroyed structure with a nonconforming use shall be started within one (1) year and diligently pursued to completion. Any delay in starting such restoration that is caused by government actions and without contributing fault by the owner, may, upon, application to and determination by the zoning administrator, be deducted in calculating the starting date of restoration.

1. Destruction Of Structure To The Extent Of Fifty Percent: If a structure that contains a legal nonconforming use is destroyed to the extent of fifty percent (50%) by fire or natural calamity, or is voluntarily razed ~~or is required by law to be razed~~, the nonconforming use ~~may~~ shall not be resumed, and the structure ~~shall not be restored unless it is restored to accommodate a conforming use~~. The determination of the extent of damage or destruction under this subsection, shall be determined by the building official and based on the ratio of the estimated cost of restoring the structure to its condition before the damage or destruction to the estimated cost of duplicating the entire structure as it existed prior to the damage or destruction. The estimate shall be based on the current issue of "Building Standards" published by the International Conference of Building Officials.

2. Destruction Of Structure Greater Than Fifty Percent: If a structure that contains a legal nonconforming use is destroyed, greater than fifty percent (50%), by fire or natural calamity, the nonconforming use may be resumed, and the structure may be restored to accommodate the nonconforming use subject to subsections E2a and E2b of this section.

a. Nonconforming Residential Uses. The zoning administrator may authorize the reconstruction and reestablishment of a legal nonconforming residential structure subject to consideration of the following:

- i. Compliance with all other current, local or state development standards, (e.g., Floodplain Hazard Protection, Fault Line Hazards, Ground Water Source Protection, Airport Flight Path Protection, Environmental Performance Standards, and Hazardous Waste Prohibition); and/or
- ii. The reconstruction will not increase the number of units.

b. Nonconforming Nonresidential Uses. The Board of Adjustment may authorize as a special exception the reconstruction and reestablishment of a legal nonconforming nonresidential use structure subject to consideration of the following:

- i. Reconstruction plans shall be reviewed to consider the feasibility of site redesign to better meet underlying zoning district standards without a reduction in type or intensity of use of the property;
- ii. Compliance with all other current, local or state development standards, (e.g., Floodplain Hazard Protection, Fault Line Hazards, Ground Water Source Protection, Airport Flight Path Protection, Environmental Performance Standards, and Hazardous Waste Prohibition);
- iii. The reconstruction and reuse of the structure would not change the character of the neighborhood by using construction materials which did not exist previously on the building.

Other building materials should not be used, unless the materials are compatible with the neighborhood; and/or

iv. Consideration of the enforcement history of the property regarding any continual public nuisance generated by the nonconforming use activity.

21A.38.090 Noncomplying Structures:

No noncomplying structure may be moved, enlarged or altered, except in the manner provided in this section or unless required by law.

A. Repair, Maintenance, Alterations And Enlargement: Any noncomplying structure may be repaired, maintained, altered or enlarged, except that no such repair, maintenance, alteration or enlargement shall either create any new noncompliance or increase the degree of the existing noncompliance of all or any part of such structure.

B. Moving: A noncomplying structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

C. Damage Or Partial Destruction Of Noncomplying Structure.

1. Restoration: If a noncomplying structure is damaged or destroyed by fire or natural calamity to the extent of ~~seventy five percent (75%) or less~~, the structure may be restored if restoration is started within one (1) year ~~six (6) months~~ and diligently pursued to completion. ~~The city shall require a financial performance guarantee to ensure diligent progress and completion of the restoration.~~ Any delay in starting such restoration that is caused by government actions and

without contributing fault by the owner, may, upon application to and determination by the zoning administrator, be deducted in calculating the starting date of restoration.

2. Destruction Of Noncomplying Structure With Nonconforming Use: No legal nonconforming structure containing a nonconforming use may be reconstructed, except in the manner provided in subsection C2a and C2b of this section or unless required by law. Restoration of a damaged or destroyed noncomplying structure with a nonconforming use shall be started within one (1) year and diligently pursued to completion. Any delay in starting such restoration that is caused by government actions and without contributing fault by the owner, may, upon application to and determination by the zoning administrator, be deducted in calculating the starting date of restoration.

a. Destruction Of Structure To The Extent of Fifty Percent: If a noncomplying structure that contains a nonconforming use is destroyed to the extent of fifty percent (50%) by fire or natural calamity, or is voluntarily razed or destroyed by other means~~is required by law to be razed~~, the nonconforming use may~~shall not~~ be resumed, and the structure ~~shall not be restored unless it is restored to accommodate a conforming use~~. The determination of the extent of damage or destruction under this subsection, shall be determined by the zoning administrator and based on the ratio of the estimated cost of restoring the structure to its condition before the damage or destruction to the estimated cost of duplicating the entire structure as it existed prior to the damage or destruction. The estimate shall be based on the current issue of "Building Standards" published by the International Conference of Building Officials (ICBO).

b. Destruction Of Structure Greater Than Fifty Percent: If a noncomplying structure that contains a legal nonconforming use is destroyed, greater than fifty percent (50%), by fire or

natural calamity, the nonconforming use may be resumed, and the structure may be restored to accommodate the nonconforming use subject to subsections C2bi and C2bii of this section.

i. Nonconforming Residential Use: The zoning administrator may authorize the reconstruction and reestablishment of a legal noncomplying residential structure with a nonconforming residential use subject to consideration of the following:

(A). Compliance with all other current, local or state development standards, (e.g., Floodplain Hazard Protection, Fault Line Hazards, Ground Water Source Protection, Airport Flight Path Protection, Environmental Performance Standards, and Hazardous Waste Prohibition); and/or

(B). The reconstruction will not increase the number of units.

ii. Nonconforming Nonresidential Uses. The Board of Adjustment may authorize as a special exception the reconstruction and reestablishment of a legal noncomplying structure with a nonconforming nonresidential use subject to consideration of the following:

(A). Reconstruction plans shall be reviewed through the site plan review process to consider the feasibility of site redesign to better meet underlying zoning district standards without a reduction in type or intensity of use of the property;

(B). Compliance with all other current, local or state development standards, (e.g., Floodplain Hazard Protection, Fault Line Hazards, Ground Water Source Protection, Airport Flight Path Protection, Environmental Performance Standards, and Hazardous Waste Prohibition);

(C). The reconstruction and reuse of the structure would not change the character of the neighborhood by using construction materials which did not exist previously on the building. Other building materials should not be used, unless the materials are compatible with the neighborhood; and/or

(D). Consideration of the enforcement history of the property regarding any continual public nuisance generated by the nonconforming use activity.

21A.38.100 Noncomplying Lots:

A lot that is noncomplying as to lot area or lot frontage that was in legal existence on the effective date of any amendment to this title that makes the existing lot noncomplying~~prior to April 12, 1995~~, shall be considered a legal complying lot. Legal complying lots in residential districts shall be approved for the development of a single-family dwelling regardless of the size of the lot subject to complying with all yard area requirements of the R-1/5,000 district. Legal complying lots in residential districts shall be approved for any permitted use or conditional use allowed in the zoning district, other than a single-family dwelling, subject to complying with all lot area and minimum yard requirements of the district in which the lot is located. Legal complying lots in nonresidential districts shall be approved for any permitted use or conditional use allowed in the zoning district subject to complying with all yard requirements of the district in which the lot is located.

21A.38.110 Nonconforming Accessory Uses And Noncomplying Accessory Structures:

The continued existence of a nonconforming accessory use and a noncomplying accessory structure shall be subject to the provisions governing principal nonconforming uses and noncomplying structures set forth in sections 21A.38.080 and 21A.38.090 of this chapter.

21A.38.120 Legal Conforming Single-Family Detached Dwellings, Two-Family Dwellings, And Twin Homes:

Any single-family detached dwelling, two-family dwelling, or twin home, except those located in M-1 and M-2 zoning districts, that is in legal existence shall be considered legal conforming.

Subject to complying with all other current, local or state development standards, legal conforming status shall authorize alterations, extensions/additions, and replacement of the single-family detached dwelling, two-family dwelling, or twin home.

In zoning districts other than M-1 and M-2, which do not allow detached single-family dwelling units, two-family dwelling units or twin homes, the replacement structure may exceed the original footprint of the existing structure by twenty five percent (25%) when the structure has been destroyed by fire, voluntary demolition or natural calamity. Replacement structures which exceed twenty five percent (25%) of the original footprint, or the replacement of a single-family detached dwelling, two-family dwelling or twin home in an M-1 or M-2 zoning district may be allowed as a conditional use subject to the provisions of chapter 21A.54 of this title.

The replacement structure shall not project into a required yard beyond any encroachment established by the structure being replaced. All replacement structures in nonresidential zones are subject to the provisions of section 21A.36.190, "Residential Building Standards For Legal Conforming Single-Family Detached Dwellings, Two-Family Dwellings And Twin Homes In Nonresidential Zoning Districts", of this part.

When replacing a legal conforming single-family detached dwelling, two-family dwelling or twin home, the number of new parking stalls provided shall be equal to or more than the number of parking stalls being replaced.

21A.38.130 Legal Conforming Single-Family Dwellings In The CN, CB, G-MU And D-3

Zoning Districts:

(Rep. by Ord. 63-03 § 2, 2003)

21A.38.140 Appeal:

Any person adversely affected by a decision of the zoning administrator on a determination of the status of a nonconforming use or noncomplying structure may appeal the decision to the board of adjustment pursuant to the provisions in part II, chapter 21A.16 of this title.

21A.38.150 Termination By Amortization Upon Decision Of Board Of Adjustment:

The board of adjustment may require the termination of a nonconforming use, except billboards, under any plan providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of the owner's investment in the nonconforming use, if any, as determined by the zoning administrator. The board of adjustment may initiate a review for amortization of nonconforming uses upon a petition filed by the mayor or city council, in accordance with the following standards and procedures and consistent with the municipal land use development and management act, title 10, chapter 9, of the Utah Code Annotated and shall mail written notice to the owner and occupant of the property:

- A. Initiation Of Termination Procedure: Board of adjustment review of a use determined to be nonconforming pursuant to the provisions of this section, for the purpose of establishing an amortization plan for termination of the use, shall first require a report from the zoning administrator to the board of adjustment. The zoning administrator's report shall determine the nonconforming use, provide a history of the site and outline the standards for determining an amortization period.
- B. Notice To Nonconforming User: Upon receipt of the report of the zoning administrator, recommending the establishment of an amortization plan for a nonconforming use, the board of adjustment shall mail the report and plan to the owner and occupant(s) of the nonconforming use,

giving notice of the board of adjustment's intent to hold a public hearing to consider the request in accordance with the standards and procedures set forth in part II, chapter 21A.10 of this title.

C. Board Of Adjustment Review: The board of adjustment shall hold a noticed public hearing within a reasonable time, following the procedures established in part II, chapter 21A.10 of this title, on the request for amortization of the nonconforming use. Upon the conclusion of the hearing, the board shall determine whether the nonconforming use should be amortized within a definite period of time.

D. Standards For Determining Amortization Period: The board of adjustment shall determine the appropriate amortization period upon the consideration of evidence presented by the zoning administrator and the owner of the nonconforming use that is sufficient to make findings regarding the following factors:

1. The general character of the area surrounding the nonconforming use;
2. The zoning classification and use(s) of nearby property;
3. The extent to which property values are adversely affected by the nonconforming use;
4. The owner's actual amount of investment in the property on~~prior to~~ the effective date of
nonconformance~~hereof, April 12, 1995~~, less any investment required by other applicable laws and regulations;
5. The amount of loss, if any, that would be suffered by the owner upon termination of the use;
and
6. The extent to which the amortization period will further the public health, safety and welfare.

E. Appeal: Any person adversely affected by the decision of the board of adjustment may within thirty (30) days after the decision, present to the district court a petition specifying the grounds on which the person was adversely affected.

21A.38.160 Nonconformity Of Taverns, Brewpubs, Microbreweries Or Private Clubs:

A legally existing brewpub, microbrewery, private club, or tavern license, as defined in chapter 6.08 of this code, shall not be deemed nonconforming for purposes of expansion, reconstruction or licensing (as long as the use is permitted in the base zoning district) if the only reason for such nonconformity is due to the subsequent location of a school, church or park within the spacing requirements as specified under city ordinances.

SECTION 2. That Section 21A.52.030, *Salt Lake City Code*, pertaining to special exceptions be, and the same hereby is, amended to read as follows:

21A.52.030 Special Exceptions Authorized:

In addition to any other special exceptions authorized elsewhere in this title, the following special exceptions are authorized under the provisions of this title:

- A. Additional fence height (subsection 21A.52.100A of this chapter);
- B. Additional height in commercial districts (subsection 21A.52.100G of this chapter);
- C. Additional building height in foothills districts (subsection 21A.24.010O2 of this title);
- D. Alternative parking (section 21A.44.030 of this title);
- E. Amusement devices (section 21A.40.110 of this title);
- F. Barbed wire fences (subsection 21A.40.120G of this title);
- G. Circular driveways (subsection 21A.44.020F7d of this title);
- H. Conditional home occupations (subsection 21A.36.030D of this title);

- I. Handicapped access (subsection 21A.52.100C of this chapter);
- J. Amateur ("ham") radio antennas (subsection 21A.40.090D of this title);
- K. Hobby shops, studios and other noncommercial uses in accessory structures (subsection 21A.52.100D of this chapter);
- L. Legalization of excess dwelling units (subsection 21A.52.100E of this chapter);
- M. Modifications to maximum height in commercial districts (subsection 21A.26.010J of this title);
- N. Operation of registered home daycare or registered home preschool facility in residential districts (subsection 21A.36.130B of this title);
- O. Outdoor dining in required yard areas (subsection 21A.52.100F of this chapter);
- P. Razor wire (subsection 21A.40.120H of this title);
- Q. Reconstruction and reestablishment of nonresidential nonconforming uses and noncomplying structures with nonconforming uses damaged or destroyed greater than fifty percent (50%) (subsection 21A.38.08E2b and 21A.38.090C2b of this title) Signs for ~~nonconforming business in the RMF-35, RMF-45, RMF-75 districts (sections 21A.46.080 and 21A.46.140 of this title);~~
- R. Front yard parking (subsection 21A.44.050A of this title);
- S. Routine and uncontested matters (part II, chapter 21A.14 of this title);
- T. Window mounted refrigerated air conditioners and evaporative "swamp" coolers located less than two feet (2') from a lot line (table 21A.36.020B, "Obstructions In Required Yards", of this title and subsection 21A.52.100H of this chapter); and

U. Ground mounted central air conditioning compressors or systems, heating, ventilating, pool and filtering equipment located less than four feet (4') from a lot line (table 21A.36.020B, "Obstructions In Required Yards", of this title and subsection 21A.52.100I of this chapter).

SECTION 3. That the following definitions, listed in Section 21A.62.040, *Salt Lake City Code*, in this alphabetical order, be, and the same hereby are, amended to read as follows:

"Bulk" means the size and setbacks of the buildings or structures and the location of same with respect to one another, and including: a) height and area of buildings; b) location of exterior walls in relation to lot lines, streets or other buildings; c) gross floor area of buildings in relation to lot areas (floor area ratio); d) all open spaces allocated to buildings; and e) amount of lot area required for each dwelling unit; and f) lot coverage.

"Noncomplying structure" means buildings and structures that ~~serve~~contain complying land uses ~~but the building or structure which were~~ was legally established on the effective date of any amendment to this title that makes the structure prior to April 12, 1995, does not comply with the applicable yard area, height and/or bulk regulations of this title.

"Nonconforming Lot" means a parcel of land which was legally established on the effective date of any amendment to this title that made the lot noncomplying prior to April 12, 1995, but which ~~that~~ has less lot area, frontage or dimensions than required in the district in which it is located.

SECTION 4. That the following definitions, listed in Section 21A.62.040, *Salt Lake City Code*, in this alphabetical order, be, and the same hereby are, deleted:

"Legal noncomplying structure" means a building or structure lawfully constructed with a building permit prior to the effective date of the Ordinance codified in this Title, or any

amendment thereto, which does not comply with the applicable bulk regulations of the zoning district in which it is located.

"Legal nonconforming use" means a use lawfully established prior to the effective date of the Ordinance codified in this Title or any amendment thereto, with appropriate building permits and/or business licenses, which does not conform to the use regulations of the zoning district in which it is located.

SECTION 5. AMENDMENT OF MASTER PLAN. The Avenues Community Master Plan, as previously adopted by the Salt Lake City Council, shall be, and hereby is amended to permit rebuilding of structures containing nonconforming uses when destroyed by fire or natural disasters.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2005.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2005.

Published: _____.

G:\Ordinance 05\Amending 21A.38 to Address Reconconstruction of Structures - 04-11-05 draft.doc

Comparison of Existing and Proposed Ordinance Concepts for Non-conforming Uses and Non-complying Structures

1. **Non-conforming Use:** Uses that do not conform to the use regulations in the zoning districts in which such uses are located.
2. **Non-complying Structure:** Buildings, structures and property improvements that do not comply with the bulk and/or yard area regulations in the zoning districts in which such buildings or structures are located.
3. Non-conforming use or non-complying structure status goes with the property, NOT the property owner.

Issue	Existing Ordinance	Proposed Ordinance
Nonconforming Uses: Destruction up to the extent of 50% when destroyed by fire, natural calamity or voluntarily razed.	Reconstruction permitted.	Reconstruction permitted.
Nonconforming Uses: Destruction greater than 50% when destroyed by fire, natural calamity or voluntarily razed.	Reconstruction <u>not</u> permitted.	Reconstruction permitted subject to review and approval. Residential: Zoning Administrator Approval standards a. Environmental standards of the zoning ordinance; and b. No increase in the number of dwelling units. Nonresidential: Board of Adjustment – Special Exception Approval standards a. Site Plan Review to improve zoning standards compliance; b. Environmental standards of the zoning ordinance; c. Rebuilt with compatible materials; and/or d. No public nuisance history.
Noncomplying Structures: Destroyed by fire or natural calamity.	Up to 75% damage reconstruction permitted.	100% damage reconstruction permitted.
Enlargement of nonconforming use.	A nonconforming use may be extended within the same structure or as an addition, provided there is no increase the parking requirement.	A nonconforming use may be extended within the same structure or as an addition, provided there is no increase the parking requirement.
Enlargement or reoccupation of a structure with a more intensive nonconforming use.	Not permitted.	The Planning Commission may grant a conditional use permit for the enlargement or reoccupation of a structure with a more intensive nonconforming use subject to the following standards: a. The condition and economic life of the building; b. Provides reuse of buildings with architectural or historic value; c. The use supports walk to work or live-work opportunities; d. The use provides an appropriate scale of neighborhood or community level of services; e. The enlargement will not create any additional noncompliance with zoning standards except for building modifications for life safety concerns; f. The enlargement and reuse of the structure would not change the character of the neighborhood; and/or g. Subject to complying with all other current, local or state development and environmental standards of the zoning ordinance.

ATTACHMENT B

02-28-05 4:22 PM

2nd Sub. (Salmon) S.B. 60

(b) subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans.

(12) "Land use application" means an application required by a municipality's land use ordinance.

(13) "Land use authority" means a person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application.

(14) "Land use ordinance" means a planning, zoning, development, or subdivision ordinance of the municipality, but does not include the general plan.

(15) "Legislative body" means the municipal council.

(16) "Lot line adjustment" means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.

(17) "Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the city is located.

(18) "Nominal fee" means a fee that reasonably reimburses a municipality only for time spent and expenses incurred in:

(a) verifying that building plans are identical plans; and

(b) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

(19) "Noncomplying structure" means a structure that:

[~~(i)~~] (a) legally existed before its current [zoning] land use designation; and

[~~(ii)~~] (b) because of one or more subsequent [zoning] land use ordinance changes, does not conform [with] to the [zoning regulation's] setback, height restrictions, or other regulations [that], excluding those regulations, which govern the [structure] use of land.

[~~(i)~~] (20) "Nonconforming use" means a use of land that:

[~~(i)~~] (a) legally existed before its current [zoning] land use designation;

[~~(ii)~~] (b) has been maintained continuously since the time the [zoning regulation] land use ordinance governing the land changed; and

[~~(iii)~~] (c) because of one or more subsequent [zoning] land use ordinance changes, does not conform [with] to the [zoning] regulations that now govern the [land] use of the land.

(m) "Official map" has the same meaning as provided in Section 72-5-401.]

1390 previously approved plans is located; and]

1391 [(H) subject to the same geological and meteorological conditions and the same law as
1392 the building described in the previously approved plans:]

1393 [(ii) "Nominal fee" means a fee that reasonably reimburses a municipality only for time
1394 spent and expenses incurred in:]

1395 [(A) verifying that building plans are identical plans; and]

1396 [(B) reviewing and approving those minor aspects of identical plans that differ from
1397 the previously reviewed and approved building plans referred to in Subsection (2)(a)(i):]

1398 [(b)] (2) Subject to Subsection (1), a municipality may impose and collect only a
1399 nominal fee for reviewing and approving identical plans.

1400 Section 40. Section 10-9a-511, which is renumbered from Section 10-9-408 is
1401 renumbered and amended to read:

1402 * ~~[10-9-408].~~ **10-9a-511. Nonconforming uses and noncomplying structures.**

1403 (1) (a) Except as provided in this section, a nonconforming use or noncomplying
1404 structure may be continued by the present or by a future property owner.

1405 (b) A nonconforming use may be extended through the same building, provided no
1406 structural alteration of the building is proposed or made for the purpose of the extension.

1407 (c) For purposes of this Subsection (1), the addition of a solar energy device to a
1408 building is not a structural alteration.

1409 (2) The legislative body may provide ~~[in any zoning ordinance or amendment]~~ for:

1410 (a) the establishment, restoration, reconstruction, extension, alteration, expansion, or
1411 substitution of nonconforming uses upon the terms and conditions set forth in the ~~[zoning]~~ land
1412 use ordinance;

1413 (b) the termination of all nonconforming uses, except billboards, by providing a
1414 formula establishing a reasonable time period during which the owner can recover or amortize
1415 the amount of his investment in the nonconforming use, if any; and

1416 ~~[(c) the termination of a billboard that is a nonconforming use by acquiring the~~
1417 ~~billboard and associated property rights through:]~~

1418 ~~[(i) gift;]~~

1419 ~~[(ii) purchase;]~~

1420 ~~[(iii) agreement;]~~

1421 ~~[(iv) exchange; or]~~
1422 ~~[(v) eminent domain.]~~
1423 ~~[(3) (a) A municipality is considered to have initiated the acquisition of a billboard~~
1424 ~~structure by eminent domain under Subsection (2)(c)(v) if the municipality prevents a billboard~~
1425 ~~owner from:]~~
1426 ~~[(i) rebuilding, maintaining, repairing, or restoring a billboard structure that is damaged~~
1427 ~~by casualty, an act of God, or vandalism; or]~~
1428 ~~[(ii) except as provided in Subsection (3)(b), relocating or rebuilding a billboard~~
1429 ~~structure, or taking other measures, to correct a mistake in the placement or erection of a~~
1430 ~~billboard for which the municipality has issued a permit, if the proposed relocation, rebuilding,~~
1431 ~~or other measure is consistent with the intent of that permit.]~~
1432 ~~[(b) A municipality's denial of a billboard owner's request to relocate or rebuild a~~
1433 ~~billboard structure, or to take other measures, in order to correct a mistake in the placement or~~
1434 ~~erection of a billboard does not constitute the initiation of acquisition by eminent domain under~~
1435 ~~Subsection (3)(a) if the mistake in placement or erection of the billboard is determined by clear~~
1436 ~~and convincing evidence to have resulted from an intentionally false or misleading statement:]~~
1437 ~~[(i) by the billboard applicant in the application; and]~~
1438 ~~[(ii) regarding the placement or erection of the billboard.]~~
1439 ~~[(4) Notwithstanding Subsections (2) and (3), a municipality may remove a billboard~~
1440 ~~without providing compensation if:]~~
1441 ~~[(a) the municipality determines:]~~
1442 ~~[(i) by clear and convincing evidence that the applicant for a permit intentionally made~~
1443 ~~a false or misleading statement in the applicant's application regarding the placement or~~
1444 ~~erection of the billboard; or]~~
1445 ~~[(ii) by substantial evidence that the billboard:]~~
1446 ~~[(A) is structurally unsafe;]~~
1447 ~~[(B) is in an unreasonable state of repair; or]~~
1448 ~~[(C) has been abandoned for at least 12 months;]~~
1449 ~~[(b) the municipality notifies the owner in writing that the owner's billboard meets one~~
1450 ~~or more of the conditions listed in Subsections (4)(a)(i) and (ii);]~~
1451 ~~[(c) the owner fails to remedy the condition or conditions within:]~~

1452 ~~[(i) except as provided in Subsection (4)(c)(ii), 90 days following the billboard owner's~~
1453 ~~receipt of written notice under Subsection (4)(b); or]~~

1454 ~~[(ii) if the condition forming the basis of the municipality's intention to remove the~~
1455 ~~billboard is that it is structurally unsafe, ten business days, or a longer period if necessary~~
1456 ~~because of a natural disaster, following the billboard owner's receipt of written notice under~~
1457 ~~Subsection (4)(b); and]~~

1458 ~~[(d) following the expiration of the applicable period under Subsection (4)(c) and after~~
1459 ~~providing the owner with reasonable notice of proceedings and an opportunity for a hearing,~~
1460 ~~the municipality finds:]~~

1461 ~~[(i) by clear and convincing evidence, that the applicant for a permit intentionally made~~
1462 ~~a false or misleading statement in the application regarding the placement or erection of the~~
1463 ~~billboard; or]~~

1464 ~~[(ii) by substantial evidence that the billboard is structurally unsafe, is in an~~
1465 ~~unreasonable state of repair, or has been abandoned for at least 12 months:]~~

1466 ~~[(5) A municipality may not allow a nonconforming billboard to be rebuilt for a reason~~
1467 ~~other than:]~~

1468 ~~[(a) those specified in Subsections (3) and (4);]~~

1469 ~~[(b) those provided in Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act; and]~~

1470 ~~[(c) those specified in the municipality's ordinance requiring or allowing a billboard~~
1471 ~~owner to relocate and rebuild an existing nonconforming billboard to an area within the~~
1472 ~~municipality where outdoor advertising is otherwise allowed under Title 72, Chapter 7, Part 5,~~
1473 ~~Utah Outdoor Advertising Act.]~~

1474 ~~[(6) A municipality may terminate the nonconforming status of school district property~~
1475 ~~when the property ceases to be used for school district purposes:]~~

1476 ~~(c) the termination of a nonconforming use due to its abandonment.~~

1477 ~~(3) (a) A municipality may not prohibit the reconstruction or restoration of a~~
1478 ~~noncomplying structure or terminate the nonconforming use of a structure that is involuntarily~~
1479 ~~destroyed in whole or in part due to fire or other calamity unless the structure or use has been~~
1480 ~~abandoned.~~

1481 ~~(b) A municipality may prohibit the reconstruction or restoration of a noncomplying~~
1482 ~~structure or terminate the nonconforming use of a structure if:~~

(i) the structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six months after written notice to the property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six months; or

(ii) the property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the nonconforming use.

(4) (a) Unless the municipality establishes, by ordinance, a uniform presumption of legal existence for nonconforming uses, the property owner shall have the burden of establishing the legal existence of a noncomplying structure or nonconforming use.

(b) Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.

(c) Abandonment may be presumed to have occurred if:

(i) a majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the municipality regarding an extension of the nonconforming use;

(ii) the use has been discontinued for a minimum of one year; or

(iii) the primary structure associated with the nonconforming use remains vacant for a period of one year.

(d) The property owner may rebut the presumption of abandonment under Subsection (4)(c), and shall have the burden of establishing that any claimed abandonment under Subsection (4)(c) has not in fact occurred.

(5) A municipality may terminate the nonconforming status of a school district or charter school use or structure when the property associated with the school district or charter school use or structure ceases to be used for school district or charter school purposes for a period established by ordinance.

Section 41. Section **10-9a-512**, which is renumbered from Section 10-9-409 is renumbered and amended to read:

[10-9-409]. 10-9a-512. Existing outdoor advertising uses.

(1) A municipality may only require termination of a billboard and associated property rights through:

(a) gift;

- 1514 (b) purchase;
1515 (c) agreement;
1516 (d) exchange; or
1517 (e) eminent domain.

1518 (2) A termination under Subsection (1)(a), (b), (c), or (d) requires the voluntary consent
1519 of the billboard owner.

1520 Section 42. Section 10-9a-513 is enacted to read:

1521 **10-9a-513. Nonconforming billboards.**

1522 (1) (a) A municipality is considered to have initiated the acquisition of a billboard
1523 structure by eminent domain if the municipality prevents a billboard owner from:

1524 (i) rebuilding, maintaining, repairing, or restoring a billboard structure that is damaged
1525 by casualty, an act of God, or vandalism; or

1526 (ii) except as provided in Subsection (1)(b), relocating or rebuilding a billboard
1527 structure, or taking other measures, to correct a mistake in the placement or erection of a
1528 billboard for which the municipality has issued a permit, if the proposed relocation, rebuilding,
1529 or other measure is consistent with the intent of that permit.

1530 (b) A municipality's denial of a billboard owner's request to relocate or rebuild a
1531 billboard structure, or to take other measures, in order to correct a mistake in the placement or
1532 erection of a billboard does not constitute the initiation of acquisition by eminent domain under
1533 Subsection (1)(a) if the mistake in placement or erection of the billboard is determined by clear
1534 and convincing evidence to have resulted from an intentionally false or misleading statement:

1535 (i) by the billboard applicant in the application; and

1536 (ii) regarding the placement or erection of the billboard.

1537 (2) Notwithstanding Subsection (1) and Section 10-9a-512, a municipality may remove
1538 a billboard without providing compensation if:

1539 (a) the municipality determines:

1540 (i) by clear and convincing evidence that the applicant for a permit intentionally made a
1541 false or misleading statement in the applicant's application regarding the placement or erection
1542 of the billboard; or

1543 (ii) by substantial evidence that the billboard:

1544 (A) is structurally unsafe;

1545 (B) is in an unreasonable state of repair; or
1546 (C) has been abandoned for at least 12 months;
1547 (b) the municipality notifies the owner in writing that the owner's billboard meets one
1548 or more of the conditions listed in Subsections (2)(a)(i) and (ii);
1549 (c) the owner fails to remedy the condition or conditions within:
1550 (i) except as provided in Subsection (2)(c)(ii), 90 days following the billboard owner's
1551 receipt of written notice under Subsection (2)(b); or
1552 (ii) if the condition forming the basis of the municipality's intention to remove the
1553 billboard is that it is structurally unsafe, ten business days, or a longer period if necessary
1554 because of a natural disaster, following the billboard owner's receipt of written notice under
1555 Subsection (2)(b); and
1556 (d) following the expiration of the applicable period under Subsection (2)(c) and after
1557 providing the owner with reasonable notice of proceedings and an opportunity for a hearing,
1558 the municipality finds:
1559 (i) by clear and convincing evidence, that the applicant for a permit intentionally made
1560 a false or misleading statement in the application regarding the placement or erection of the
1561 billboard; or
1562 (ii) by substantial evidence that the billboard is structurally unsafe, is in an
1563 unreasonable state of repair, or has been abandoned for at least 12 months.
1564 (3) A municipality may not allow a nonconforming billboard to be rebuilt for a reason
1565 other than:
1566 (a) those specified in Subsections (1) and (2);
1567 (b) those provided in Title 72, Chapter 7, Part 5, Utah Outdoor Advertising Act; and
1568 (c) those specified in the municipality's ordinance requiring or allowing a billboard
1569 owner to relocate and rebuild an existing nonconforming billboard to an area within the
1570 municipality where outdoor advertising is otherwise allowed under Title 72, Chapter 7, Part 5,
1571 Utah Outdoor Advertising Act.

1572 Section 43. Section ~~10-9a-514~~, which is renumbered from Section 10-9-106.5 is
1573 renumbered and amended to read:

1574 ~~[10-9-106.5].~~ **10-9a-514. Manufactured homes.**

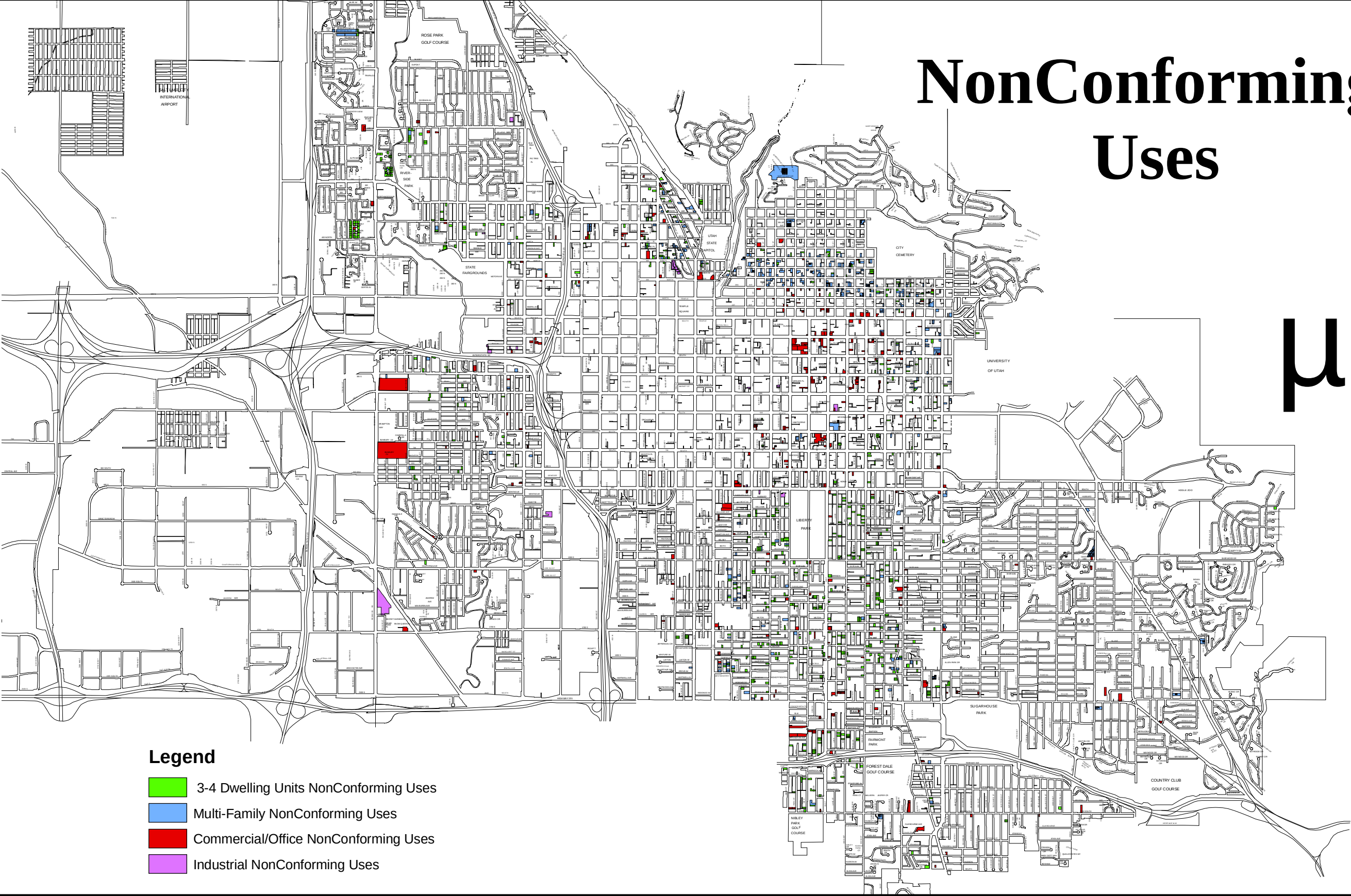
1575 (1) For purposes of this section, a manufactured home is the same as defined in Section

NonConforming Uses

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Legend

- 3-4 Dwelling Units NonConforming Uses
- Multi-Family NonConforming Uses
- Commercial/Office NonConforming Uses
- Industrial NonConforming Uses



COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer

 **DATE:** January 21, 2005

FROM: David Dobbins 

RE: **Petition 400-03-34:** Zoning ordinance text amendments to Chapter 21A.38 (Nonconforming Uses and Non-complying Structures), Chapter 21A.52.Q (Special Exceptions) and Chapter 21A 62.040 (Definitions). The proposed text changes will require amendment to the Avenues Community Master Plan related to nonconforming use policy.

STAFF: Everett L. Joyce, Planning Division

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION: The City Council adopted a legislative action requesting that the Administration review the Nonconforming Uses and Non-complying Structures section of the Zoning Ordinance related to the current percentage limitations for reconstruction, improvement or expansion of nonconforming uses and non-complying structures; and establish refined standards, public notification, and review processes that include:

- a. Replacement, reconstruction, improvement or expansion of certain types of nonconforming uses and non-complying structures;
- b. Establishment of categories of nonconforming uses and non-complying structures with a different level of review and public notification depending upon the impact to the surrounding neighborhood; and
- c. Identification of other options.

Analysis: The existing ordinance regulates all nonconformities (nonconforming uses and non-complying structures) equally. There is an assumption that uses and structures that do not conform or comply with current code would eventually be discontinued or the non-complying standards corrected.

While many nonconforming uses are part of the established character and do not negatively affect the surrounding area, some may pose land use issues, and an even smaller number may pose public health and safety issues. Additional flexibility in administering nonconforming provisions can be obtained by establishing classes of nonconforming uses to complement and reinforce planning and zoning policy. The

concepts presented in the proposed text revisions establish for Salt Lake City the following three-tier classification system for nonconforming uses dependent upon the various levels of approval:

- a. Reconstruction of nonconforming residential uses and non-complying structures would be an administrative function;
- b. Approval of non-residential nonconforming uses would be through the special exception process; and
- c. Enlargement and intensification approval of a nonconforming use would be a conditional use.

The disadvantage of using the existing nonconforming approach is that it does not encourage maintenance of and reinvestment in properties. The existing approach does not ensure marketability of property and discourages reuse of nonconforming sites.

The proposed multi-tier approach provides advantages to the City and property owners by reducing the number of uses expected to be eliminated, therefore stabilizing uncertainty in future land use, encouraging reuse of existing buildings, aiding in the retention of desirable uses, and reducing the number of properties being faced with increased financing difficulties associated with re-financing, insurance, etc.

Master Plan Compliance

The *Avenues Community Master Plan* states that the City should not permit rebuilding structures containing nonconforming uses. Once a structure has deteriorated as defined in ordinance or is lost because of fire or an act of God, the property should revert to a use conforming to present zoning. None of the other community master plans has this type of specific language relating to nonconforming uses.

Due to its specific nonconforming policy text, there is a conflict with the Avenues Community Master Plan and the proposed text amendment. However, the proposed amendment is consistent with the citywide Salt Lake City Community Housing Plan. Amendment to the Avenues Community Master Plan eliminating the specific text regarding reconstruction of nonconforming uses when destroyed by fire or natural causes is necessary. Staff recommends modification of the existing master plan nonconforming text to be consistent with the citywide policies of the Housing Plan and to eliminate inconsistencies with the proposed nonconforming uses and non-complying structures text amendments.

Public Process:

On August 27, 2004, staff mailed an open house notice to all community councils along with background information and a copy of the proposed text changes. Staff also mailed notice of the open house to approximately 1300 owners of nonconforming properties and representatives of real estate, financing and business groups. The open house was held

on September 16, 2004. The East Liberty Park Community Council Chair attended the open house as well as representatives of nonconforming property owners, real estate and financing industries. Other community council representatives did not attend the open house. Comments received at the open house were that the maintenance of nonconforming uses is essential to allow for the maintenance and development of livable communities. Nonconforming residential uses are essential to the City's goal of high-density housing. Since many lenders require 100 percent rebuild letters, this ordinance change will facilitate investment in housing stock, high-density housing and healthy communities.

The Planning Commission held a public hearing on October 27, 2004. At this meeting, the public filled out 32 public meeting registration form cards. Of the 32 cards, 31 supported the proposed text changes and one person opposed the text changes.

Relevant Ordinances:

Section 21A.50.050

Utah State Code Section 10-9-403

Utah State Code Section 10-9-304

Standards for zoning amendment

Amendments and rezoning

Amendment of plan

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- i. Public Hearing Notice and Postmark
- ii. Newspaper Notice for Master Plan Amendment
- iii. Planning Commission agenda and minutes for October 27, 2004
- iv. Public Meeting Registration Forms
- v. Planning Commission Staff Report

5. Original Petition

Chronology

April 11, 2003	Memorandum from Carlton Christensen to City Council members requesting legislative action to reevaluate the zoning ordinance relating to the nonconforming use regulations
May - Sept 2003	Planning Staff completed survey of selected neighborhood areas analyzing the amount of noncomplying properties to the zoning ordinance standards and completed citywide analysis by land use types of nonconforming uses by Planning Community
December 18, 2003	Petition Number created and assigned petition to Everett Joyce
Jan – July 2004	Researched ordinance approaches and issues that other Cities have with nonconforming uses. Developed ordinance modifications incorporating approaches used by other Cities and addressing legislative action issues.
August 21, 2004	Requested City Attorney review the draft ordinance concepts for modifying the Chapter 21A.38 Nonconforming Uses and Noncomplying Structures
August 27, 2004	Requested City departmental review of proposed zoning text changes for nonconforming uses and noncomplying structures
August 27, 2004	Requested review of proposed zoning text changes for nonconforming uses and noncomplying structures by the Utah Apartment Association, Salt Lake Board of Realtors, and Utah Association of Realtors
August 27, 2004	Notice of Open House regarding the proposed text amendment sent to Community Council Chairs and a list of interested property owners.
September 16, 2004	Held Open House for the proposed nonconforming uses and noncomplying structures ordinance text amendment
October 27, 2004	Planning Commission public hearing
November 2, 2004	Ordinance request sent to City Attorney
November 10, 2004	Planning Commission ratified minutes of October 27, 2004 meeting
November --, 2004	Received ordinance from Attorney's Office.

2. Proposed Ordinance

SALT LAKE CITY ORDINANCE

No. _____ of 2005

(Amending Nonconforming Uses and Noncomplying Structures, Special Exceptions, Definitions,
and the Avenues Community Master Plan)

AN ORDINANCE AMENDING CHAPTER 21A.38, *SALT LAKE CITY CODE*,
PERTAINING TO NONCONFORMING USES AND NONCOMPLYING STRUCTURES,
SECTION 21A.52.030, *SALT LAKE CITY CODE*, PERTAINING TO SPECIAL EXCEPTIONS,
SECTION 21A.62.040, *SALT LAKE CITY CODE*, PERTAINING TO DEFINITIONS, AND
THE AVENUES COMMUNITY MASTER PLAN, PURSUANT TO PETITION NO. 400-03-
34.

WHEREAS, the City Council adopted legislative action requesting that the
Administration review the nonconforming uses and noncomplying structures section of the
zoning code relating to the current percentage limitations for reconstruction, improvement or
expansion of nonconforming uses and noncomplying structures; and establish refined standards,
public notification, and review processes that include: a) replacement, construction, improvement
or expansion of certain types of nonconforming uses and noncomplying structures; b)
establishment of categories of nonconforming uses and noncomplying structures with a different
level of review and public notification depending upon the impact to the surrounding
neighborhood; and c) identification of other options.

WHEREAS, the Salt Lake City Code contains regulations regarding nonconforming uses
and noncomplying structures.

WHEREAS, the regulations regarding nonconforming uses and noncomplying structures
encourage elimination of these structures, which has made it difficult for property owners or

investors to obtain financing for these types of properties when damage by fire or natural disasters may prohibit replacement.

WHEREAS, allowing some flexibility in addressing nonconforming and noncomplying structures will allow property owners and investors options, not heretofore available, to repair or rebuild property damaged, greater than fifty percent (50%), by fire or natural disasters, and will serve the citizens as well as the community.

WHEREAS, the policy of allowing reconstruction of nonconforming uses when destroyed by fire or natural disasters would require an amendment to the Avenues Community Master Plan, which currently states that nonconforming uses should not be rebuilt.

WHEREAS, the proposed amendments contained herein are consistent with the citywide Salt Lake City Community Housing Plan.

WHEREAS, the City Council of Salt Lake City, Utah, has held public hearings before its own body and before the Planning Commission, and has taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and any local master plan as part of its deliberation. Pursuant to these deliberations, the City Council has concluded that the proposed amendments to nonconforming uses and noncomplying structures regulations and amendment of the Avenues Community Master Plan are appropriate for the development of the community.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Chapter 21A.38, *Salt Lake City Code*, pertaining to nonconforming uses and noncomplying structures be, and the same hereby is, amended to read as follows:

21A.38.010 Purpose Statement and Intent:

The purpose of this chapter is to regulate the continued existence of:

A. Legal nonconforming pPrincipal and accessory uses ~~established prior to April 12, 1995,~~
which do not conform to the use regulations of this title in the zoning districts in which such uses
are located ~~are referred to as nonconforming uses;~~ and

B. Legally constructed noncomplying Bbuildings, structures and property improvements
~~constructed prior to April 12, 1995,~~ that do not comply with the applicable bulk and/or yard area
regulations of this title in the zoning districts in which such buildings or structures are located,
for the purposes of this chapter, ~~are referred to collectively as noncomplying structures.~~

The intent of this chapter is to allow continued use of legal nonconforming uses and
noncomplying structures, while at the same time protecting existing conforming development
and furthering orderly development and improvement of the community. Certain
nonconformities are permissible as is their continued use so long as in their particular location
they are not detrimental to the surrounding neighborhood.

A. Uses of nonconforming and noncomplying buildings, structures or land which are
compatible and complement existing or planned development patterns, should be allowed to
continue. Improvement for better integration into the surrounding neighborhood should be
sought as much as possible.

B. Nonconforming and noncomplying situations which hinder the attainment of the City's
master plan, create a nuisance, or are a hazard to a community or neighborhood, should be
eliminated or brought into compliance with the provisions of this title.

21A.38.020 Scope Of Regulations:

This chapter applies to nonconforming uses, noncomplying structures and noncomplying lots.

21A.38.030 Determination Of Nonconforming Use Status:

A. Burden Of Owner To Establish Legality Of Nonconforming Use: The burden of establishing that any nonconforming use lawfully exists under the provisions of this title shall, in all cases, be the owner's burden and not the city's. Building permits, business licenses and similar documentation may be considered as evidence establishing the legality of use.

B. Determination Of Nonconforming Status: The zoning administrator shall determine the nonconforming use or noncomplying structure status of properties pursuant to the provisions of this chapter.

21A.38.040 Nonconforming Parking, Signs And Landscaping:

Nonconforming parking, signs and landscaping, as accessory uses, are regulated by the provisions set forth in chapters 21A.44, 21A.46 and 21A.48 of this part.

21A.38.050 Authority To Continue:

A. Continuation Of Nonconforming Use: A nonconforming use that lawfully occupies a structure or lot ~~on the effective date hereof, April 12, 1995, or of any subsequent amendment to this title,~~ may be continued so long as it remains otherwise lawful, subject to the standards and limitations in this chapter.

B. Continuation Of Noncomplying Structure: A noncomplying structure that was legally constructed ~~with a permit prior to April 12, 1995, or of~~ on the effective date of any subsequent amendment to this title, that ~~does~~ makes the structure not comply with the applicable bulk regulations and/or with the standards for front yards, side yards, rear yards, buffer yards, lot area, lot coverage, height, floor area of structures, driveways or open space for the district in which the

structure is located may be used and maintained, subject to the standards and limitations in this chapter.

21A.38.060 Ordinary Repair And Maintenance And Structural Safety:

Normal maintenance and incidental repair may be performed on a complying structure which contains a nonconforming use or on a noncomplying structure. This section shall not be construed to authorize any violation of section 21A.38.080 or 21A.38.090 of this chapter. This section shall not prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of the building official who declares a structure to be unsafe and orders its restoration to a safe condition.

21A.38.070 Abandonment Or Loss Of Nonconforming Use:

A. Abandonment Of Nonconforming Use: A nonconforming use of land or of a structure in a district that is discontinued or remains vacant for a continuous period of one year, shall be presumed to be abandoned and shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of the structure or site must conform with the regulations for the district in which it is located. ~~This provision shall not apply to a nonconforming detached single family dwelling in a residential district.~~

B. Rebuttal Of Presumption Of Abandonment: The presumption of abandonment may be rebutted upon a showing, to the satisfaction of the zoning administrator, that during such period the owner of the land or structure: 1) has been maintaining the land and structure in accordance with the building code and did not intend to discontinue the use, or 2) has been actively and continuously marketing the land or structure for sale or lease, with the use, or 3) has been engaged in other activities evidencing an intent not to abandon.

C. Calculation Of Period Of Discontinuance: Any period of such discontinuance caused by government actions, without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance pursuant to subsection A of this section.

21A.38.080 Moving, Enlarging Or Altering Nonconforming Uses Of Land And Structures:

No nonconforming use may be moved, enlarged or altered and no nonconforming use of land may occupy additional land, except as provided in this section.

A. Enlargement: A nonconforming use may not be enlarged, expanded or extended to occupy all or a part of another structure or site, that it did not occupy on the effective date of any amendment to this title that makes the use nonconforming hereof, April 12, 1995. A nonconforming use for the purpose of this section may be extended within the same structure or as an addition to the same structure, provided the addition/enlargement does not increase the need for additional hard surface parking requirement than existing on the property.

1. Enlargement Or Reoccupation Of A Structure With A More Intensive Nonconforming Use. The Planning Commission may grant a conditional use permit for the enlargement, including additional parking area or the reoccupation of a structure with a nonconforming use that is more intensive, excepting uses which are only permitted as a conditional use in the Heavy Manufacturing District (M-2) of this title located within any residential, mixed use, or commercial zoning district, subject to consideration of the following standards:

- i. The condition and economic life of the building is such that near future demolition is not likely to occur;
- ii. The use provides reuse of buildings with architectural or historic value;
- iii. The use supports walk to work or live-work opportunities;

iv. The use provides an appropriate scale of neighborhood or community level of services;

v. The enlargement will not create any additional noncompliance with zoning standards except for building modifications for life safety concerns;

vi. The enlargement and reuse of the structure would not substantially change the character of the neighborhood; and/or

vii. The use is not in conflict with any other current, local or state development standards, (e.g., Floodplain Hazard Protection, Fault Line Hazards, Ground Water Source Protection, Airport Flight Path Protection, Environment Performance Standards, and Hazardous Waste Prohibition).

B. Exterior Or Interior Remodeling Or Improvements To Structure: Exterior or interior remodeling or improvements to a structure containing a nonconforming use shall be allowed provided the improvements do not increase the parking requirement.

C. Relocation Of Structure: A structure containing a nonconforming use may not be moved unless the use shall thereafter conform to the regulations of the zoning district into which the structure is moved.

D. Change Of Nonconforming Nonresidential Use To Another Nonconforming Use: Upon application to the zoning administrator ~~pursuant to part II, chapter 21A.12 of this title,~~ a nonconforming use may be changed to another nonconforming use of the same or similar land use type as defined in part VI, chapter 21A.62 of this title. Whenever any nonconforming nonresidential use is changed to a less intensive nonconforming nonresidential use, such use shall not be changed back to a more intensive nonconforming nonresidential use. For purposes of this section a more intensive~~A nonresidential use~~ is determined when the existing hard surfaced

~~parking available on site does not provide the required number of parking stalls requiring more parking than the existing nonconforming use shall be considered a more intensive use. Whenever any nonconforming nonresidential use is changed to a conforming use, such use shall not later be changed to a nonconforming use.~~

E. Destruction Of Structure With Nonconforming Use: No structure containing a legal nonconforming use may be reconstructed for a nonconforming use, except in the manner provided in subsections E1 and E2 of this section or unless required by law. Restoration of a damage or destroyed structure with a nonconforming use shall be started within one (1) year and diligently pursued to completion. Any delay in starting such restoration that is caused by government actions and without contributing fault by the owner, may, upon, application to and determination by the zoning administrator, be deducted in calculating the starting date of restoration.

1. Destruction Of Structure To The Extent Of Fifty Percent: If a structure that contains a legal nonconforming use is destroyed to the extent of fifty percent (50%) by fire or natural calamity, or is voluntarily razed ~~or is required by law to be razed~~, the nonconforming use ~~may~~shall not be resumed, and the structure ~~shall not be restored unless it is restored to accommodate a conforming use~~. The determination of the extent of damage or destruction under this subsection, shall be determined by the building official and based on the ratio of the estimated cost of restoring the structure to its condition before the damage or destruction to the estimated cost of duplicating the entire structure as it existed prior to the damage or destruction. The estimate shall be based on the current issue of "Building Standards" published by the International Conference of Building Officials.

2. Destruction Of Structure Greater Than Fifty Percent: If a structure that contains a legal nonconforming use is destroyed, greater than fifty percent (50%), by fire or natural calamity, the nonconforming use may be resumed , and the structure may be restored to accommodate the nonconforming use subject to subsections E2a and E2b of this section.

a. Nonconforming Residential Uses. The zoning administrator may authorize the reconstruction and reestablishment of a legal nonconforming residential structure subject to consideration of the following:

- i. Compliance with all other current, local or state development standards, (e.g., Floodplain Hazard Protection, Fault Line Hazards, Ground Water Source Protection, Airport Flight Path Protection, Environmental Performance Standards, and Hazardous Waste Prohibition); and/or
- ii. The reconstruction will not increase the number of units.

b. Nonconforming Nonresidential Uses. The Board of Adjustment may authorize as a special exception the reconstruction and reestablishment of a legal nonconforming nonresidential use structure subject to consideration of the following:

- i. Reconstruction plans shall be reviewed to consider the feasibility of site redesign to better meet underlying zoning district standards without a reduction in type or intensity of use of the property;
- ii. Compliance with all other current, local or state development standards, (e.g., Floodplain Hazard Protection, Fault Line Hazards, Ground Water Source Protection, Airport Flight Path Protection, Environmental Performance Standards, and Hazardous Waste Prohibition);
- iii. The reconstruction and reuse of the structure would not change the character of the neighborhood by using construction materials which did not exist previously on the building.

Other building materials should not be used, unless the materials are compatible with the neighborhood; and/or

iv. Consideration of the enforcement history of the property regarding any continual public nuisance generated by the nonconforming use activity.

21A.38.090 Noncomplying Structures:

No noncomplying structure may be moved, enlarged or altered, except in the manner provided in this section or unless required by law.

A. Repair, Maintenance, Alterations And Enlargement: Any noncomplying structure may be repaired, maintained, altered or enlarged, except that no such repair, maintenance, alteration or enlargement shall either create any new noncompliance or increase the degree of the existing noncompliance of all or any part of such structure.

B. Moving: A noncomplying structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

C. Damage Or Partial Destruction Of Noncomplying Structure.

1. Restoration: If a noncomplying structure is damaged or destroyed by fire or natural calamity to the extent of seventy five percent (75%) or less, the structure may be restored if restoration is started within one (1) year ~~six (6) months~~ and diligently pursued to completion. ~~The city shall require a financial performance guarantee to ensure diligent progress and completion of the restoration.~~ Any delay in starting such restoration that is caused by government actions and

without contributing fault by the owner, may, upon application to and determination by the zoning administrator, be deducted in calculating the starting date of restoration.

2. Destruction Of Noncomplying Structure With Nonconforming Use: No legal nonconforming structure containing a nonconforming use may be reconstructed, except in the manner provided in subsection C2a and C2b of this section or unless required by law. Restoration of a damaged or destroyed noncomplying structure with a nonconforming use shall be started within one (1) year and diligently pursued to completion. Any delay in starting such restoration that is caused by government actions and without contributing fault by the owner, may, upon application to and determination by the zoning administrator, be deducted in calculating the starting date of restoration.

a. Destruction Of Structure To The Extent of Fifty Percent: If a noncomplying structure that contains a nonconforming use is destroyed to the extent of fifty percent (50%) by fire or natural calamity, or is voluntarily razed or ~~destroyed by other means~~~~is required by law to be razed~~, the nonconforming use ~~may~~~~shall not~~ be resumed, and the structure shall not be restored unless it is restored to accommodate a conforming use. The determination of the extent of damage or destruction under this subsection, shall be determined by the zoning administrator and based on the ratio of the estimated cost of restoring the structure to its condition before the damage or destruction to the estimated cost of duplicating the entire structure as it existed prior to the damage or destruction. The estimate shall be based on the current issue of "Building Standards" published by the International Conference of Building Officials (ICBO).

b. Destruction Of Structure Greater Than Fifty Percent: If a noncomplying structure that contains a legal nonconforming use is destroyed, greater than fifty percent (50%), by fire or

natural calamity, the nonconforming use may be resumed, and the structure may be restored to accommodate the nonconforming use subject to subsections C2bi and C2bii of this section.

i. Nonconforming Residential Use: The zoning administrator may authorize the reconstruction and reestablishment of a legal noncomplying residential structure with a nonconforming residential use subject to consideration of the following:

(A). Compliance with all other current, local or state development standards, (e.g., Floodplain Hazard Protection, Fault Line Hazards, Ground Water Source Protection, Airport Flight Path Protection, Environmental Performance Standards, and Hazardous Waste Prohibition); and/or

(B). The reconstruction will not increase the number of units.

ii. Nonconforming Nonresidential Uses. The Board of Adjustment may authorize as a special exception the reconstruction and reestablishment of a legal noncomplying structure with a nonconforming nonresidential use subject to consideration of the following:

(A). Reconstruction plans shall be reviewed through the site plan review process to consider the feasibility of site redesign to better meet underlying zoning district standards without a reduction in type or intensity of use of the property;

(B). Compliance with all other current, local or state development standards, (e.g., Floodplain Hazard Protection, Fault Line Hazards, Ground Water Source Protection, Airport Flight Path Protection, Environmental Performance Standards, and Hazardous Waste Prohibition);

(C). The reconstruction and reuse of the structure would not change the character of the neighborhood by using construction materials which did not exist previously on the building. Other building materials should not be used, unless the materials are compatible with the neighborhood; and/or

(D). Consideration of the enforcement history of the property regarding any continual public nuisance generated by the nonconforming use activity.

21A.38.100 Noncomplying Lots:

A lot that is noncomplying as to lot area or lot frontage that was in legal existence on the effective date of any amendment to this title that makes the existing lot noncomplying~~prior to April 12, 1995~~, shall be considered a legal complying lot. Legal complying lots in residential districts shall be approved for the development of a single-family dwelling regardless of the size of the lot subject to complying with all yard area requirements of the R-1/5,000 district. Legal complying lots in residential districts shall be approved for any permitted use or conditional use allowed in the zoning district, other than a single-family dwelling, subject to complying with all lot area and minimum yard requirements of the district in which the lot is located. Legal complying lots in nonresidential districts shall be approved for any permitted use or conditional use allowed in the zoning district subject to complying with all yard requirements of the district in which the lot is located.

21A.38.110 Nonconforming Accessory Uses And Noncomplying Accessory Structures:

The continued existence of a nonconforming accessory use and a noncomplying accessory structure shall be subject to the provisions governing principal nonconforming uses and noncomplying structures set forth in sections 21A.38.080 and 21A.38.090 of this chapter.

21A.38.120 Legal Conforming Single-Family Detached Dwellings, Two-Family Dwellings, And Twin Homes:

Any single-family detached dwelling, two-family dwelling, or twin home, except those located in M-1 and M-2 zoning districts, that is in legal existence shall be considered legal conforming.

Subject to complying with all other current, local or state development standards, legal conforming status shall authorize alterations, extensions/additions, and replacement of the single-family detached dwelling, two-family dwelling, or twin home.

In zoning districts other than M-1 and M-2, which do not allow detached single-family dwelling units, two-family dwelling units or twin homes, the replacement structure may exceed the original footprint of the existing structure by twenty five percent (25%) when the structure has been destroyed by fire, voluntary demolition or natural calamity. Replacement structures which exceed twenty five percent (25%) of the original footprint, or the replacement of a single-family detached dwelling, two-family dwelling or twin home in an M-1 or M-2 zoning district may be allowed as a conditional use subject to the provisions of chapter 21A.54 of this title.

The replacement structure shall not project into a required yard beyond any encroachment established by the structure being replaced. All replacement structures in nonresidential zones are subject to the provisions of section 21A.36.190, "Residential Building Standards For Legal Conforming Single-Family Detached Dwellings, Two-Family Dwellings And Twin Homes In Nonresidential Zoning Districts", of this part.

When replacing a legal conforming single-family detached dwelling, two-family dwelling or twin home, the number of new parking stalls provided shall be equal to or more than the number of parking stalls being replaced.

21A.38.130 Legal Conforming Single-Family Dwellings In The CN, CB, G-MU And D-3

Zoning Districts:

(Rep. by Ord. 63-03 § 2, 2003)

21A.38.140 Appeal:

Any person adversely affected by a decision of the zoning administrator on a determination of the status of a nonconforming use or noncomplying structure may appeal the decision to the board of adjustment pursuant to the provisions in part II, chapter 21A.16 of this title.

21A.38.150 Termination By Amortization Upon Decision Of Board Of Adjustment:

The board of adjustment may require the termination of a nonconforming use, except billboards, under any plan providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of the owner's investment in the nonconforming use, if any, as determined by the zoning administrator. The board of adjustment may initiate a review for amortization of nonconforming uses upon a petition filed by the mayor or city council, in accordance with the following standards and procedures and consistent with the municipal land use development and management act, title 10, chapter 9, of the Utah Code Annotated and shall mail written notice to the owner and occupant of the property:

- A. Initiation Of Termination Procedure: Board of adjustment review of a use determined to be nonconforming pursuant to the provisions of this section, for the purpose of establishing an amortization plan for termination of the use, shall first require a report from the zoning administrator to the board of adjustment. The zoning administrator's report shall determine the nonconforming use, provide a history of the site and outline the standards for determining an amortization period.
- B. Notice To Nonconforming User: Upon receipt of the report of the zoning administrator, recommending the establishment of an amortization plan for a nonconforming use, the board of adjustment shall mail the report and plan to the owner and occupant(s) of the nonconforming use,

giving notice of the board of adjustment's intent to hold a public hearing to consider the request in accordance with the standards and procedures set forth in part II, chapter 21A.10 of this title.

C. Board Of Adjustment Review: The board of adjustment shall hold a noticed public hearing within a reasonable time, following the procedures established in part II, chapter 21A.10 of this title, on the request for amortization of the nonconforming use. Upon the conclusion of the hearing, the board shall determine whether the nonconforming use should be amortized within a definite period of time.

D. Standards For Determining Amortization Period: The board of adjustment shall determine the appropriate amortization period upon the consideration of evidence presented by the zoning administrator and the owner of the nonconforming use that is sufficient to make findings regarding the following factors:

1. The general character of the area surrounding the nonconforming use;
2. The zoning classification and use(s) of nearby property;
3. The extent to which property values are adversely affected by the nonconforming use;
4. The owner's actual amount of investment in the property on~~prior to~~ the effective date of
nonconformance~~hereof, April 12, 1995~~, less any investment required by other applicable laws and regulations;
5. The amount of loss, if any, that would be suffered by the owner upon termination of the use;
and
6. The extent to which the amortization period will further the public health, safety and welfare.

E. Appeal: Any person adversely affected by the decision of the board of adjustment may within thirty (30) days after the decision, present to the district court a petition specifying the grounds on which the person was adversely affected.

21A.38.160 Nonconformity Of Taverns, Brewpubs, Microbreweries Or Private Clubs:

A legally existing brewpub, microbrewery, private club, or tavern license, as defined in chapter 6.08 of this code, shall not be deemed nonconforming for purposes of expansion, reconstruction or licensing (as long as the use is permitted in the base zoning district) if the only reason for such nonconformity is due to the subsequent location of a school, church or park within the spacing requirements as specified under city ordinances.

SECTION 2. That Section 21A.52.030, *Salt Lake City Code*, pertaining to special exceptions be, and the same hereby is, amended to read as follows:

21A.52.030 Special Exceptions Authorized:

In addition to any other special exceptions authorized elsewhere in this title, the following special exceptions are authorized under the provisions of this title:

- A. Additional fence height (subsection 21A.52.100A of this chapter);
- B. Additional height in commercial districts (subsection 21A.52.100G of this chapter);
- C. Additional building height in foothills districts (subsection 21A.24.010O2 of this title);
- D. Alternative parking (section 21A.44.030 of this title);
- E. Amusement devices (section 21A.40.110 of this title);
- F. Barbed wire fences (subsection 21A.40.120G of this title);
- G. Circular driveways (subsection 21A.44.020F7d of this title);
- H. Conditional home occupations (subsection 21A.36.030D of this title);

- I. Handicapped access (subsection 21A.52.100C of this chapter);
- J. Amateur ("ham") radio antennas (subsection 21A.40.090D of this title);
- K. Hobby shops, studios and other noncommercial uses in accessory structures (subsection 21A.52.100D of this chapter);
- L. Legalization of excess dwelling units (subsection 21A.52.100E of this chapter);
- M. Modifications to maximum height in commercial districts (subsection 21A.26.010J of this title);
- N. Operation of registered home daycare or registered home preschool facility in residential districts (subsection 21A.36.130B of this title);
- O. Outdoor dining in required yard areas (subsection 21A.52.100F of this chapter);
- P. Razor wire (subsection 21A.40.120H of this title);
- Q. Reconstruction and reestablishment of nonresidential nonconforming uses and noncomplying structures with nonconforming uses damaged or destroyed greater than fifty percent (50%) (subsection 21A.38.08E2b and 21A.38.090C2b of this title) Signs for nonconforming business in the RMF 35, RMF 45, RMF 75 districts (sections 21A.46.080 and 21A.46.140 of this title);
- R. Front yard parking (subsection 21A.44.050A of this title);
- S. Routine and uncontested matters (part II, chapter 21A.14 of this title);
- T. Window mounted refrigerated air conditioners and evaporative "swamp" coolers located less than two feet (2') from a lot line (table 21A.36.020B, "Obstructions In Required Yards", of this title and subsection 21A.52.100H of this chapter); and

U. Ground mounted central air conditioning compressors or systems, heating, ventilating, pool and filtering equipment located less than four feet (4') from a lot line (table 21A.36.020B, "Obstructions In Required Yards", of this title and subsection 21A.52.100I of this chapter).

SECTION 3. That the following definitions, listed in Section 21A.62.040, *Salt Lake City Code*, in this alphabetical order, be, and the same hereby are, amended to read as follows:

"Bulk" means the size and setbacks of the buildings or structures and the location of same with respect to one another, and including: a) height and area of buildings; b) location of exterior walls in relation to lot lines, streets or other buildings; c) gross floor area of buildings in relation to lot areas (floor area ratio); d) all open spaces allocated to buildings; ~~and e) amount of lot area required for each dwelling unit;~~ and f) lot coverage.

"Noncomplying structure" means buildings and structures that ~~serve~~contain complying land uses ~~but the building or structure which were~~ was legally established on the effective date of any amendment to this title that makes the structure~~prior to April 12, 1995,~~ does not comply with the applicable yard area, height and/or bulk regulations of this title.

"Nonconforming Lot" means a parcel of land which was legally established on the effective date of any amendment to this title that made the lot noncomplying ~~prior to April 12, 1995,~~ but ~~which~~that has less lot area, frontage or dimensions than required in the district in which it is located.

SECTION 4. That the following definitions, listed in Section 21A.62.040, *Salt Lake City Code*, in this alphabetical order, be, and the same hereby are, deleted:

"Legal noncomplying structure" means a building or structure lawfully constructed with a building permit prior to the effective date of the Ordinance codified in this Title, or any

amendment thereto, which does not comply with the applicable bulk regulations of the zoning district in which it is located.

"Legal nonconforming use" means a use lawfully established prior to the effective date of the Ordinance codified in this Title or any amendment thereto, with appropriate building permits and/or business licenses, which does not conform to the use regulations of the zoning district in which it is located.

SECTION 5. AMENDMENT OF MASTER PLAN. The Avenues Community Master Plan, as previously adopted by the Salt Lake City Council, shall be, and hereby is amended to permit rebuilding of structures containing nonconforming uses when destroyed by fire or natural disasters.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2005.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2005.

Published: _____.

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SALT LAKE CITY ORDINANCE

No. _____ of 2005

(Amending Nonconforming Uses and Noncomplying Structures, Special Exceptions, Definitions,
and the Avenues Community Master Plan)

AN ORDINANCE AMENDING CHAPTER 21A.38, *SALT LAKE CITY CODE*,
PERTAINING TO NONCONFORMING USES AND NONCOMPLYING STRUCTURES,
SECTION 21A.52.030, *SALT LAKE CITY CODE*, PERTAINING TO SPECIAL EXCEPTIONS,
SECTION 21A.62.040, *SALT LAKE CITY CODE*, PERTAINING TO DEFINITIONS, AND
THE AVENUES COMMUNITY MASTER PLAN, PURSUANT TO PETITION NO. 400-03-
34.

WHEREAS, the City Council adopted legislative action requesting that the
Administration review the nonconforming uses and noncomplying structures section of the
zoning code relating to the current percentage limitations for reconstruction, improvement or
expansion of nonconforming uses and noncomplying structures; and establish refined standards,
public notification, and review processes that include: a) replacement, construction, improvement
or expansion of certain types of nonconforming uses and noncomplying structures; b)
establishment of categories of nonconforming uses and noncomplying structures with a different
level of review and public notification depending upon the impact to the surrounding
neighborhood; and c) identification of other options.

WHEREAS, the Salt Lake City Code contains regulations regarding nonconforming uses
and noncomplying structures.

WHEREAS, the regulations regarding nonconforming uses and noncomplying structures
encourage elimination of these structures, which has made it difficult for property owners or

investors to obtain financing for these types of properties when damage by fire or natural disasters may prohibit replacement.

WHEREAS, allowing some flexibility in addressing nonconforming and noncomplying structures will allow property owners and investors options, not heretofore available, to repair or rebuild property damaged, greater than fifty percent (50%), by fire or natural disasters, and will serve the citizens as well as the community.

WHEREAS, the policy of allowing reconstruction of nonconforming uses when destroyed by fire or natural disasters would require an amendment to the Avenues Community Master Plan, which currently states that nonconforming uses should not be rebuilt.

WHEREAS, the proposed amendments contained herein are consistent with the citywide Salt Lake City Community Housing Plan.

WHEREAS, the City Council of Salt Lake City, Utah, has held public hearings before its own body and before the Planning Commission, and has taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and any local master plan as part of its deliberation. Pursuant to these deliberations, the City Council has concluded that the proposed amendments to nonconforming uses and noncomplying structures regulations and amendment of the Avenues Community Master Plan are appropriate for the development of the community.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Chapter 21A.38, *Salt Lake City Code*, pertaining to nonconforming uses and noncomplying structures be, and the same hereby is, amended to read as follows:

21A.38.010 Purpose Statement and Intent:

The purpose of this chapter is to regulate the continued existence of:

- A. Legal nonconforming principal and accessory uses, which do not conform to the use regulations of this title in the zoning districts in which such uses are located; and
- B. Legally constructed noncomplying buildings, structures and property improvements, that do not comply with the applicable bulk and/or yard area regulations of this title in the zoning districts in which such buildings or structures are located.

The intent of this chapter is to allow continued use of legal nonconforming uses and noncomplying structures, while at the same time protecting existing conforming development and furthering orderly development and improvement of the community. Certain nonconformities are permissible as is their continued use so long as in their particular location they are not detrimental to the surrounding neighborhood.

- A. Uses of nonconforming and noncomplying buildings, structures or land which are compatible and complement existing or planned development patterns, should be allowed to continue. Improvement for better integration into the surrounding neighborhood should be sought as much as possible.
- B. Nonconforming and noncomplying situations which hinder the attainment of the City's master plan, create a nuisance, or are a hazard to a community or neighborhood, should be eliminated or brought into compliance with the provisions of this title.

21A.38.020 Scope Of Regulations:

This chapter applies to nonconforming uses, noncomplying structures and noncomplying lots.

21A.38.030 Determination Of Nonconforming Use Status:

A. Burden Of Owner To Establish Legality Of Nonconforming Use: The burden of establishing that any nonconforming use lawfully exists under the provisions of this title shall, in all cases, be the owner's burden and not the city's. Building permits, business licenses and similar documentation may be considered as evidence establishing the legality of use.

B. Determination Of Nonconforming Status: The zoning administrator shall determine the nonconforming use or noncomplying structure status of properties pursuant to the provisions of this chapter.

21A.38.040 Nonconforming Parking, Signs And Landscaping:

Nonconforming parking, signs and landscaping, as accessory uses, are regulated by the provisions set forth in chapters 21A.44, 21A.46 and 21A.48 of this part.

21A.38.050 Authority To Continue:

A. Continuation Of Nonconforming Use: A nonconforming use that lawfully occupies a structure or lot, may be continued so long as it remains otherwise lawful, subject to the standards and limitations in this chapter.

B. Continuation Of Noncomplying Structure: A noncomplying structure that was legally constructed on the effective date of any amendment to this title, that makes the structure not comply with the applicable bulk regulations and/or with the standards for front yards, side yards, rear yards, buffer yards, lot area, lot coverage, height, floor area of structures, driveways or open space for the district in which the structure is located may be used and maintained, subject to the standards and limitations in this chapter.

21A.38.060 Ordinary Repair And Maintenance And Structural Safety:

Normal maintenance and incidental repair may be performed on a complying structure which contains a nonconforming use or on a noncomplying structure. This section shall not be construed to authorize any violation of section 21A.38.080 or 21A.38.090 of this chapter. This section shall not prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of the building official who declares a structure to be unsafe and orders its restoration to a safe condition.

21A.38.070 Abandonment Or Loss Of Nonconforming Use:

A. Abandonment Of Nonconforming Use: A nonconforming use of land or of a structure in a district that is discontinued or remains vacant for a continuous period of one year, shall be presumed to be abandoned and shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of the structure or site must conform with the regulations for the district in which it is located.

B. Rebuttal Of Presumption Of Abandonment: The presumption of abandonment may be rebutted upon a showing, to the satisfaction of the zoning administrator, that during such period the owner of the land or structure: 1) has been maintaining the land and structure in accordance with the building code and did not intend to discontinue the use, or 2) has been actively and continuously marketing the land or structure for sale or lease, with the use, or 3) has been engaged in other activities evidencing an intent not to abandon.

C. Calculation Of Period Of Discontinuance: Any period of such discontinuance caused by government actions, without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance pursuant to subsection A of this section.

21A.38.080 Moving, Enlarging Or Altering Nonconforming Uses Of Land And Structures:

No nonconforming use may be moved, enlarged or altered and no nonconforming use of land may occupy additional land, except as provided in this section.

A. Enlargement: A nonconforming use may not be enlarged, expanded or extended to occupy all or a part of another structure or site, that it did not occupy on the effective date of any amendment to this title that makes the use nonconforming . A nonconforming use for the purpose of this section may be extended within the same structure or as an addition to the same structure, provided the enlargement does not increase the need for additional hard surface parking than existing on the property.

1. Enlargement Or Reoccupation Of A Structure With A More Intensive Nonconforming Use. The Planning Commission may grant a conditional use permit for the enlargement, including additional parking area or the reoccupation of a structure with a nonconforming use that is more intensive, excepting uses which are only permitted as a conditional use in the Heavy Manufacturing District (M-2) of this title located within any residential, mixed use, or commercial zoning district, subject to consideration of the following standards:

- i. The condition and economic life of the building is such that near future demolition is not likely to occur;
- ii. The use provides reuse of buildings with architectural or historic value;
- iii. The use supports walk to work or live-work opportunities;
- iv. The use provides an appropriate scale of neighborhood or community level of services;
- v. The enlargement will not create any additional noncompliance with zoning standards except for building modifications for life safety concerns;

vi. The enlargement and reuse of the structure would not substantially change the character of the neighborhood; and/or

vii. The use is not in conflict with any other current, local or state development standards, (e.g., Floodplain Hazard Protection, Fault Line Hazards, Ground Water Source Protection, Airport Flight Path Protection, Environment Performance Standards, and Hazardous Waste Prohibition).

B. Exterior Or Interior Remodeling Or Improvements To Structure: Exterior or interior remodeling or improvements to a structure containing a nonconforming use shall be allowed provided the improvements do not increase the parking requirement.

C. Relocation Of Structure: A structure containing a nonconforming use may not be moved unless the use shall thereafter conform to the regulations of the zoning district into which the structure is moved.

D. Change Of Nonconforming Nonresidential Use To Another Nonconforming Use: Upon application to the zoning administrator, a nonconforming use may be changed to another nonconforming use of the same or similar land use type as defined in part VI, chapter 21A.62 of this title. Whenever any nonconforming nonresidential use is changed to a less intensive nonconforming nonresidential use, such use shall not be changed back to a more intensive nonconforming nonresidential use. For purposes of this section a more intensive nonresidential use is determined when the existing hard surfaced parking available on site does not provide the required number of parking stalls.

E. Destruction Of Structure With Nonconforming Use: No structure containing a legal nonconforming use may be reconstructed for a nonconforming use, except in the manner

provided in subsections E1 and E2 of this section or unless required by law. Restoration of a damage or destroyed structure with a nonconforming use shall be started within one (1) year and diligently pursued to completion. Any delay in starting such restoration that is caused by government actions and without contributing fault by the owner, may, upon, application to and determination by the zoning administrator, be deducted in calculating the starting date of restoration.

1. Destruction Of Structure To The Extent Of Fifty Percent: If a structure that contains a legal nonconforming use is destroyed to the extent of fifty percent (50%) by fire or natural calamity, or is voluntarily razed, the nonconforming use may be resumed, and the structure restored. The determination of the extent of damage or destruction under this subsection, shall be determined by the building official and based on the ratio of the estimated cost of restoring the structure to its condition before the damage or destruction to the estimated cost of duplicating the entire structure as it existed prior to the damage or destruction. The estimate shall be based on the current issue of "Building Standards" published by the International Conference of Building Officials.

2. Destruction Of Structure Greater Than Fifty Percent: If a structure that contains a legal nonconforming use is destroyed, greater than fifty percent (50%), by fire or natural calamity, the nonconforming use may be resumed , and the structure may be restored to accommodate the nonconforming use subject to subsections E2a and E2b of this section.

a. Nonconforming Residential Uses. The zoning administrator may authorize the reconstruction and reestablishment of a legal nonconforming residential structure subject to consideration of the following:

- i. Compliance with all other current, local or state development standards, (e.g., Floodplain Hazard Protection, Fault Line Hazards, Ground Water Source Protection, Airport Flight Path Protection, Environmental Performance Standards, and Hazardous Waste Prohibition); and/or
- ii. The reconstruction will not increase the number of units.
- b. Nonconforming Nonresidential Uses. The Board of Adjustment may authorize as a special exception the reconstruction and reestablishment of a legal nonconforming nonresidential use structure subject to consideration of the following:
 - i. Reconstruction plans shall be reviewed to consider the feasibility of site redesign to better meet underlying zoning district standards without a reduction in type or intensity of use of the property;
 - ii. Compliance with all other current, local or state development standards, (e.g., Floodplain Hazard Protection, Fault Line Hazards, Ground Water Source Protection, Airport Flight Path Protection, Environmental Performance Standards, and Hazardous Waste Prohibition);
 - iii. The reconstruction and reuse of the structure would not change the character of the neighborhood by using construction materials which did not exist previously on the building. Other building materials should not be used, unless the materials are compatible with the neighborhood; and/or
 - iv. Consideration of the enforcement history of the property regarding any continual public nuisance generated by the nonconforming use activity.

21A.38.090 Noncomplying Structures:

No noncomplying structure may be moved, enlarged or altered, except in the manner provided in this section or unless required by law.

A. Repair, Maintenance, Alterations And Enlargement: Any noncomplying structure may be repaired, maintained, altered or enlarged, except that no such repair, maintenance, alteration or enlargement shall either create any new noncompliance or increase the degree of the existing noncompliance of all or any part of such structure.

B. Moving: A noncomplying structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

C. Damage Or Partial Destruction Of Noncomplying Structure.

1. Restoration: If a noncomplying structure is damaged or destroyed by fire or natural calamity, the structure may be restored if restoration is started within one (1) year and diligently pursued to completion. Any delay in starting such restoration that is caused by government actions and without contributing fault by the owner, may, upon application to and determination by the zoning administrator, be deducted in calculating the starting date of restoration.

2. Destruction Of Noncomplying Structure With Nonconforming Use: No legal nonconforming structure containing a nonconforming use may be reconstructed, except in the manner provided in subsection C2a and C2b of this section or unless required by law. Restoration of a damaged or destroyed noncomplying structure with a nonconforming use shall be started within one (1) year and diligently pursued to completion. Any delay in starting such restoration that is caused by government actions and without contributing fault by the owner, may, upon application to and determination by the zoning administrator, be deducted in calculating the starting date of restoration.

- a. Destruction Of Structure To The Extent of Fifty Percent: If a noncomplying structure that contains a nonconforming use is destroyed to the extent of fifty percent (50%) by fire or natural calamity, or is voluntarily razed or destroyed by other means, the nonconforming use may be resumed, and the structure restored. The determination of the extent of damage or destruction under this subsection, shall be determined by the zoning administrator and based on the ratio of the estimated cost of restoring the structure to its condition before the damage or destruction to the estimated cost of duplicating the entire structure as it existed prior to the damage or destruction. The estimate shall be based on the current issue of "Building Standards" published by the International Conference of Building Officials (ICBO).
- b. Destruction Of Structure Greater Than Fifty Percent: If a noncomplying structure that contains a legal nonconforming use is destroyed, greater than fifty percent (50%), by fire or natural calamity, the nonconforming use may be resumed, and the structure may be restored to accommodate the nonconforming use subject to subsections C2bi and C2bii of this section.
- i. Nonconforming Residential Use: The zoning administrator may authorize the reconstruction and reestablishment of a legal noncomplying residential structure with a nonconforming residential use subject to consideration of the following:
 - (A). Compliance with all other current, local or state development standards, (e.g., Floodplain Hazard Protection, Fault Line Hazards, Ground Water Source Protection, Airport Flight Path Protection, Environmental Performance Standards, and Hazardous Waste Prohibition); and/or
 - (B). The reconstruction will not increase the number of units.

ii. Nonconforming Nonresidential Uses. The Board of Adjustment may authorize as a special exception the reconstruction and reestablishment of a legal noncomplying structure with a nonconforming nonresidential use subject to consideration of the following:

(A). Reconstruction plans shall be reviewed through the site plan review process to consider the feasibility of site redesign to better meet underlying zoning district standards without a reduction in type or intensity of use of the property;

(B). Compliance with all other current, local or state development standards, (e.g., Floodplain Hazard Protection, Fault Line Hazards, Ground Water Source Protection, Airport Flight Path Protection, Environmental Performance Standards, and Hazardous Waste Prohibition);

(C). The reconstruction and reuse of the structure would not change the character of the neighborhood by using construction materials which did not exist previously on the building. Other building materials should not be used, unless the materials are compatible with the neighborhood; and/or

(D). Consideration of the enforcement history of the property regarding any continual public nuisance generated by the nonconforming use activity.

21A.38.100 Noncomplying Lots:

A lot that is noncomplying as to lot area or lot frontage that was in legal existence on the effective date of any amendment to this title that makes the existing lot noncomplying, shall be considered a legal complying lot. Legal complying lots in residential districts shall be approved for the development of a single-family dwelling regardless of the size of the lot subject to complying with all yard area requirements of the R-1/5,000 district. Legal complying lots in residential districts shall be approved for any permitted use or conditional use allowed in the

zoning district, other than a single-family dwelling, subject to complying with all lot area and minimum yard requirements of the district in which the lot is located. Legal complying lots in nonresidential districts shall be approved for any permitted use or conditional use allowed in the zoning district subject to complying with all yard requirements of the district in which the lot is located.

21A.38.110 Nonconforming Accessory Uses And Noncomplying Accessory Structures:

The continued existence of a nonconforming accessory use and a noncomplying accessory structure shall be subject to the provisions governing principal nonconforming uses and noncomplying structures set forth in sections 21A.38.080 and 21A.38.090 of this chapter.

21A.38.120 Legal Conforming Single-Family Detached Dwellings, Two-Family Dwellings, And Twin Homes:

Any single-family detached dwelling, two-family dwelling, or twin home, except those located in M-1 and M-2 zoning districts, that is in legal existence shall be considered legal conforming.

Subject to complying with all other current, local or state development standards, legal conforming status shall authorize alterations, extensions/additions, and replacement of the single-family detached dwelling, two-family dwelling, or twin home.

In zoning districts other than M-1 and M-2, which do not allow detached single-family dwelling units, two-family dwelling units or twin homes, the replacement structure may exceed the original footprint of the existing structure by twenty five percent (25%) when the structure has been destroyed by fire, voluntary demolition or natural calamity. Replacement structures which exceed twenty five percent (25%) of the original footprint, or the replacement of a single-family

detached dwelling, two-family dwelling or twin home in an M-1 or M-2 zoning district may be allowed as a conditional use subject to the provisions of chapter 21A.54 of this title.

The replacement structure shall not project into a required yard beyond any encroachment established by the structure being replaced. All replacement structures in nonresidential zones are subject to the provisions of section 21A.36.190, "Residential Building Standards For Legal Conforming Single-Family Detached Dwellings, Two-Family Dwellings And Twin Homes In Nonresidential Zoning Districts", of this part.

When replacing a legal conforming single-family detached dwelling, two-family dwelling or twin home, the number of new parking stalls provided shall be equal to or more than the number of parking stalls being replaced.

21A.38.130 Legal Conforming Single-Family Dwellings In The CN, CB, G-MU And D-3 Zoning Districts:

(Rep. by Ord. 63-03 § 2, 2003)

21A.38.140 Appeal:

Any person adversely affected by a decision of the zoning administrator on a determination of the status of a nonconforming use or noncomplying structure may appeal the decision to the board of adjustment pursuant to the provisions in part II, chapter 21A.16 of this title.

21A.38.150 Termination By Amortization Upon Decision Of Board Of Adjustment:

The board of adjustment may require the termination of a nonconforming use, except billboards, under any plan providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of the owner's investment in the nonconforming use, if any, as determined by the zoning administrator. The board of adjustment may initiate a review for

amortization of nonconforming uses upon a petition filed by the mayor or city council, in accordance with the following standards and procedures and consistent with the municipal land use development and management act, title 10, chapter 9, of the Utah Code Annotated and shall mail written notice to the owner and occupant of the property:

A. Initiation Of Termination Procedure: Board of adjustment review of a use determined to be nonconforming pursuant to the provisions of this section, for the purpose of establishing an amortization plan for termination of the use, shall first require a report from the zoning administrator to the board of adjustment. The zoning administrator's report shall determine the nonconforming use, provide a history of the site and outline the standards for determining an amortization period.

B. Notice To Nonconforming User: Upon receipt of the report of the zoning administrator, recommending the establishment of an amortization plan for a nonconforming use, the board of adjustment shall mail the report and plan to the owner and occupant(s) of the nonconforming use, giving notice of the board of adjustment's intent to hold a public hearing to consider the request in accordance with the standards and procedures set forth in part II, chapter 21A.10 of this title.

C. Board Of Adjustment Review: The board of adjustment shall hold a noticed public hearing within a reasonable time, following the procedures established in part II, chapter 21A.10 of this title, on the request for amortization of the nonconforming use. Upon the conclusion of the hearing, the board shall determine whether the nonconforming use should be amortized within a definite period of time.

D. Standards For Determining Amortization Period: The board of adjustment shall determine the appropriate amortization period upon the consideration of evidence presented by

the zoning administrator and the owner of the nonconforming use that is sufficient to make findings regarding the following factors:

1. The general character of the area surrounding the nonconforming use;
 2. The zoning classification and use(s) of nearby property;
 3. The extent to which property values are adversely affected by the nonconforming use;
 4. The owner's actual amount of investment in the property on the effective date of nonconformance, less any investment required by other applicable laws and regulations;
 5. The amount of loss, if any, that would be suffered by the owner upon termination of the use;
- and
6. The extent to which the amortization period will further the public health, safety and welfare.

E. Appeal: Any person adversely affected by the decision of the board of adjustment may within thirty (30) days after the decision, present to the district court a petition specifying the grounds on which the person was adversely affected.

21A.38.160 Nonconformity Of Taverns, Brewpubs, Microbreweries Or Private Clubs:

A legally existing brewpub, microbrewery, private club, or tavern license, as defined in chapter 6.08 of this code, shall not be deemed nonconforming for purposes of expansion, reconstruction or licensing (as long as the use is permitted in the base zoning district) if the only reason for such nonconformity is due to the subsequent location of a school, church or park within the spacing requirements as specified under city ordinances.

SECTION 2. That Section 21A.52.030, *Salt Lake City Code*, pertaining to special exceptions be, and the same hereby is, amended to read as follows:

21A.52.030 Special Exceptions Authorized:

In addition to any other special exceptions authorized elsewhere in this title, the following special exceptions are authorized under the provisions of this title:

- A. Additional fence height (subsection 21A.52.100A of this chapter);
- B. Additional height in commercial districts (subsection 21A.52.100G of this chapter);
- C. Additional building height in foothills districts (subsection 21A.24.010O2 of this title);
- D. Alternative parking (section 21A.44.030 of this title);
- E. Amusement devices (section 21A.40.110 of this title);
- F. Barbed wire fences (subsection 21A.40.120G of this title);
- G. Circular driveways (subsection 21A.44.020F7d of this title);
- H. Conditional home occupations (subsection 21A.36.030D of this title);
- I. Handicapped access (subsection 21A.52.100C of this chapter);
- J. Amateur ("ham") radio antennas (subsection 21A.40.090D of this title);
- K. Hobby shops, studios and other noncommercial uses in accessory structures (subsection 21A.52.100D of this chapter);
- L. Legalization of excess dwelling units (subsection 21A.52.100E of this chapter);
- M. Modifications to maximum height in commercial districts (subsection 21A.26.010J of this title);
- N. Operation of registered home daycare or registered home preschool facility in residential districts (subsection 21A.36.130B of this title);
- O. Outdoor dining in required yard areas (subsection 21A.52.100F of this chapter);
- P. Razor wire (subsection 21A.40.120H of this title);

- Q. Reconstruction and reestablishment of nonresidential nonconforming uses and noncomplying structures with nonconforming uses damaged or destroyed greater than fifty percent (50%) (subsection 21A.38.08E2b and 21A.38.090C2b of this title);
- R. Front yard parking (subsection 21A.44.050A of this title);
- S. Routine and uncontested matters (part II, chapter 21A.14 of this title);
- T. Window mounted refrigerated air conditioners and evaporative "swamp" coolers located less than two feet (2') from a lot line (table 21A.36.020B, "Obstructions In Required Yards", of this title and subsection 21A.52.100H of this chapter); and
- U. Ground mounted central air conditioning compressors or systems, heating, ventilating, pool and filtering equipment located less than four feet (4') from a lot line (table 21A.36.020B, "Obstructions In Required Yards", of this title and subsection 21A.52.100I of this chapter).

SECTION 3. That the following definitions, listed in Section 21A.62.040, *Salt Lake City Code*, in this alphabetical order, be, and the same hereby are, amended to read as follows:

"Bulk" means the size and setbacks of the buildings or structures and the location of same with respect to one another, and including: a) height and area of buildings; b) location of exterior walls in relation to lot lines, streets or other buildings; c) gross floor area of buildings in relation to lot areas (floor area ratio); d) all open spaces allocated to buildings; e) amount of lot area required for each dwelling unit; and f) lot coverage.

"Noncomplying structure" means buildings and structures that serve complying land uses which were legally established on the effective date of any amendment to this title that makes the structure not comply with the applicable yard area, height and/or bulk regulations of this title.

"Nonconforming Lot" means a parcel of land which was legally established on the effective date of any amendment to this title that made the lot noncomplying that has less lot area, frontage or dimensions than required in the district in which it is located.

SECTION 4. That the following definitions, listed in Section 21A.62.040, *Salt Lake City Code*, in this alphabetical order, be, and the same hereby are, deleted:

"Legal noncomplying structure" means a building or structure lawfully constructed with a building permit prior to the effective date of the Ordinance codified in this Title, or any amendment thereto, which does not comply with the applicable bulk regulations of the zoning district in which it is located.

"Legal nonconforming use" means a use lawfully established prior to the effective date of the Ordinance codified in this Title or any amendment thereto, with appropriate building permits and/or business licenses, which does not conform to the use regulations of the zoning district in which it is located.

SECTION 5. AMENDMENT OF MASTER PLAN. The Avenues Community Master Plan, as previously adopted by the Salt Lake City Council, shall be, and hereby is amended to permit rebuilding of structures containing nonconforming uses when destroyed by fire or natural disasters.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____,
2005.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date Jan. 28, 2005
By [Signature]

(SEAL)

Bill No. _____ of 2005.
Published: _____.

3. City Council Hearing Notice

**Notice
Mailing List**

NOTICE OF PUBLIC HEARING

The Salt Lake City Council will review Petition No. 400-03-34, a legislative action, requesting review of the Nonconforming Uses and Noncomplying Structures section of the Zoning Ordinance related to the limitations for reconstruction, improvement or expansion of nonconforming uses and noncomplying structures; to establish refined standards, public notification, and review processes. The proposed ordinance text changes will affect the entire City. The proposed ordinance change will also require amendment to the Avenues Community Master Plan policy regarding nonconforming uses.

As part of this request the City Council is holding an advertised public hearing to receive comments regarding this petition request. During this hearing, the Planning staff may present information on the petition and anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME: 7:00 P.M.

PLACE: City Council Chambers
City and County Building
451 South State Street
Salt Lake City

If you have any questions relating to this proposal, please attend the meeting or call Everett L. Joyce at 535-7930, between the hours of 8:30 a.m. and 5:30 p.m. Monday through Friday.

Salt Lake City complies with ADA guidelines. Assistive listening devices and interpretive services will be provided upon a 24-hour advance request.

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SUGAR HOUSE MERCHANTS ASSOC.
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SALT LAKE BOARD OF REALTORS
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24-7-365-WORLDWIDE LP
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SANDY UT 84093

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1703 S 700 E
SALT LAKE CITY UT 84105

BOWYER, BRENDAN G
160 N 'M' ST
SALT LAKE CITY UT 84103

BRIGGS, ADELA & DENNIS; JT
3232 E WILLOWCREST RD
SALT LAKE CITY UT 84121

BRONSTEIN, KEITH M & JENNIE LEE; TRS
6167 PARK RIDGE DR
PARK CITY UT 84098

BRADFORD, GARY W & PAMELA S; JT
4792 GLEN CANNON
SANTA ROSA CA 95405

BRIMHALL, IVAN & GRACE & SANCHEZ,
529 W 500 N
SALT LAKE CITY UT 84116

BROOKS, HAROLD A. & MAUREEN B. (TRS)
2243 E 3980 S
SALT LAKE CITY UT 84124

BRADSHAW, ARLENE M; TR
2584 S ELIZABETH ST SUITE 4
SALT LAKE CITY UT 84106

BRINTON, LEE K
4765 S MEADOWVIEW RD
MURRAY UT 84107

BROWN, GEORGE R & CAROL; JT
814 N NORTHPOINT DR
SALT LAKE CITY UT 84103

BRADSHAW, JONATHAN D & AN R; JT
7135 S HIGHLAND DR SUITE 201
SALT LAKE CITY UT 84121

BRISCO, BARBARA D
704 E 900 S
SALT LAKE CITY UT 84105

BROWN, GLENDEN B
777 E SECOND AVE SUITE 106
SALT LAKE CITY UT 84103

BRADSHAW, VICTOR & VIKI; JT
11589 S SUMMERFIELD CIR
SANDY UT 84092

BROADBENT, CAMERON J & ALISSA R; JT
2233 S 500 E SUITE 129
SALT LAKE CITY UT 84106

BROWN, KIMBERLI D
3986 VOELKER CT
PARK CITY UT 84098

BRADY PROPERTIES LC
867 S 900 E
SALT LAKE CITY UT 84102

BROADBENT, J ELAINE; TR
521 E FIFTH AVE SUITE 503
SALT LAKE CITY UT 84103

BROWN, ROSANNE
211 E FIFTH AVE SUITE 205
SALT LAKE CITY UT 84103

BROWN, STEPHANIE
474 N 'E' ST
SALT LAKE CITY UT 84103

BURGESS, ALAN C
834 E 300 S
SALT LAKE CITY UT 84102

BUTLER, DAIL J
1548 E 4500 S
SALT LAKE CITY UT 84117

BRUNN, MARGARET N
211 E FIFTH AVE SUITE 105
SALT LAKE CITY UT 84103

BURNETT, KENNETH L
925 S 1300 E
SALT LAKE CITY UT 84105

BUTLER, DWIGHT H & CHARLES C &
702 E 100 S
SALT LAKE CITY UT 84102

BRYANT, DAVID C & SHELLIESE; TC
269 E KELSEY AVE
SALT LAKE CITY UT 84111

BURNHAM, M H; ET AL
2253 S 500 E
SALT LAKE CITY UT 84106

BUTLER, JEAN P
415 E NINTH AVE
SALT LAKE CITY UT 84103

BRYSON, CARLYLE K & KATHERINE M; JT
34 S 500 E SUITE 106
SALT LAKE CITY UT 84102

BURRASTON, GEORGIA E; TR
1955 W 3300 S
WEST VALLEY UT 84119

BUTTERFIELD PROPERTIES, LC
4876 S COLONY DR
SALT LAKE CITY UT 84117

BUCHANAN, ROBERT M &
170 S 1000 E
SALT LAKE CITY UT 84102

BURROWS, DUANE K & BEVERLY K; JT
285 N 2520 W
PROVO UT 84601

BUZIANIS, JACOB & LAURI; JT
PO BOX 9956
SALT LAKE CITY UT 84109

BUCHI, CRAIG K
5681 S SHADY FARM LN
MURRAY UT 84107

BURT, WILLIAM M
1441 E FAIRFAX RD
SALT LAKE CITY UT 84103

CAHOON, KENNETH
1743 S 800 W
WOODS CROSS UT 84087

BUEHNER, CLARENCE; TR
2514 S ELIZABETH ST SUITE 4
SALT LAKE CITY UT 84106

BURTON, BURTON & BURTON PROPERTIES,
1017 E HOLLYWOOD AVE
SALT LAKE CITY UT 84105

CALDER, ROSE E; TR
796 N JUNIPERPOINT DR
SALT LAKE CITY UT 84103

BUEHNER, DON L
3860 S PARKVIEW CIR
SALT LAKE CITY UT 84124

BURTON, STEPHEN M
2686 E SKYLINE DR
SALT LAKE CITY UT 84108

CALLISTER-STRINGHAM LLC
1415 E PENROSE DR
SALT LAKE CITY UT 84103

BUHLER, ANNETTE; ET AL
PO BOX 1453
RIVERTON UT 84065

BUSH & GUDGELL, INC
555 S 300 E
SALT LAKE CITY UT 84111

CAMPBELL, DAN P & BETTY B; JT
827 N GRANDRIDGE DR
SALT LAKE CITY UT 84103

BURCIAGA, ANDRES
PO BOX 682496
PARK CITY UT 84068

BUSHMAN INVESTMENTS PROPERTIES,
680 W MAIN
LEHI UT 84043

CAMPOS, NEYDIS
4012 S STATE ST
MURRAY UT 84107

CANNON, RICHARD N & ELLA-RENE; JT
12870 S TIMP VIEW DR
RIVERTON UT 84065

CARTER, COLLEEN; TR
1810 W INDIANA AVE
SALT LAKE CITY UT 84104

CHAMBERS, LYNN A
521 E FIFTH AVE SUITE 301
SALT LAKE CITY UT 84103

CANOMILE, GLEN R
303 N 'A' ST SUITE 303
SALT LAKE CITY UT 84103

CARTER, JOSEPH W & JANE A; JT
4466 S ABINADI RD
SALT LAKE CITY UT 84124

CHANG, BIAO & LILY (JT)
2120 CUMBERLAND HILL DR
HENDERSON NV 89052

CANYON SHADOWS CONDM COMMON
1625 S 1300 E
SALT LAKE CITY UT 84105

CARTER, JOYCE
PO BOX 242
BOUNTIFUL UT 84011

CHASE INVESTMENTS, LLC
12024 S POND RIDGE DR
DRAPER UT 84020

CAO, VU LINH & LYNN THUY; JT
3588 W CRAB APPLE CIR
TAYLORSVILLE UT 84118

CARUSO, ANNETTE
717 E FIFTH AVE SUITE 106
SALT LAKE CITY UT 84103

CHASE, CAROL M
5969 S 620 E
MURRAY UT 84107

CAPITOL VILLA INVESTMENTS
2497 E FORT UNION BLVD
SALT LAKE CITY UT 84121

CASE, RONNIE W A
PO BOX 70161
WEST VALLEY UT 84170

CHATWIN, TERRENCE D; ET AL
2105 S ONEIDA ST
SALT LAKE CITY UT 84109

CARLI, TIM R & JULIE; JT
11331 S EAGLE VIEW CV
SANDY UT 84092

CASPER, HAROLD C
646 E 4065 S SUITE 17
MURRAY UT 84107

CHAVEZ, BERT J
4912 W CINDY LN
SOUTH JORDAN UT 84095

CARLISLE, STEPHEN R; TR
326 N 'I' ST SUITE C
SALT LAKE CITY UT 84103

CASTLE, C HILMON & LINDA M; JT
789 N NORTHPOINT DR
SALT LAKE CITY UT 84103

CHAVEZ, HERIBERTO M & ADELA L; JT
361-363 N OAKLEY ST
SALT LAKE CITY UT 84116

CAROLS PASTRY SHOP
1991 S LINCOLN ST
SALT LAKE CITY UT 84105

CBS PROPERTIES, LLC
358 S 700 E SUITE B
SALT LAKE CITY UT 84102

CHAVIS PROPERTIES LLC
4821 S 1395 E
SALT LAKE CITY UT 84117

CARPENTER & STRINGHAM, ARCHITECTS
522 E 100 S
SALT LAKE CITY UT 84102

CELESTA VU CONDMN COMMON AREA
229 N 'B' ST SUITE 3
SALT LAKE CITY UT 84103

CHAVRE', JO ANN F; TR
1551 SEA CREST DRIVE
LUMMI ISLAND WA 98262

CARR, HAROLD W; ET AL
5811 S BEAUMONT DR
SALT LAKE CITY UT 84121

CHABAD LUBAVITCH OF UTAH
1433 S 1100 E
SALT LAKE CITY UT 84105

CHENEY PROPERTIES, LC
2207 S BERKELEY ST
SALT LAKE CITY UT 84109

CHENEY, CRAIG S & BARBER, FRANCIE R;
2074 E LAIRD DR
SALT LAKE CITY UT 84108

CHRISTENSEN, MICHAEL D & SIDNEY L; JT
2010 S LAURELHURST DR SUITE 2
SALT LAKE CITY UT 84108

CLARKE, TRACYLEE
209 E FOURTH AVE
SALT LAKE CITY UT 84103

CHENEY, GEORGE E & PLANALP, SALLY;
483 N 'M' ST
SALT LAKE CITY UT 84103

CHRISTENSEN, NEAL R
1953 S DOUGLAS ST
SALT LAKE CITY UT 84105

CLAUSEN, NATALIE AKA NATALIE J
620 E 100 S
SALT LAKE CITY UT 84102

CHIBA, CHIYOKO T; TR
4577 S CLEARVIEW ST
SALT LAKE CITY UT 84117

CHRISTENSEN, R SCOTT C & CHERYL A; JT
1950 E TARTAN AVE
SALT LAKE CITY UT 84108

CLISSOLD PROPERTIES LLC
2157 E 2100 S SUITE STE-A
SALT LAKE CITY UT 84109

CHRISTENSEN, BLANCHE M; TR
123 E SECOND AVE SUITE 1003
SALT LAKE CITY UT 84103

CHRISTENSEN, RONALD A
980 S 900 E
SALT LAKE CITY UT 84105

CMS FAMILY LIMITED PARTNERSHIP; ET
221 N 'N' ST
SALT LAKE CITY UT 84103

CHRISTENSEN, CLAIR L
73 W APRICOT AVE
SALT LAKE CITY UT 84103

CHRISTENSON, JAMES R; ET AL
101 PASEO DEL MAR
SANTA CRUZ CA 95065

COATES, JERRY & DEBRA W; JT
1742 E OAKRIDGE DR
SALT LAKE CITY UT 84106

CHRISTENSEN, DANELLE; TR
807 E THIRD AVE
SALT LAKE CITY UT 84103

CHRISTIANSSEN INVESTMENT CO
901 E 7800 S
MIDVALE UT 84047

COBBLE KNOLL CONDM, AM'D COMMON
207 E FOURTH AVE
SALT LAKE CITY UT 84103

CHRISTENSEN, DON M. & ARDA J.
1630 E OLIVE DR
SALT LAKE CITY UT 84124

CHUNG, BENJAMIN B & CHRISTINE S (JT)
560 E SOUTHTEMPLE ST SUITE 401
SALT LAKE CITY UT 84102

COCO, M KATIE
1054 E 900 S
SALT LAKE CITY UT 84105

CHRISTENSEN, DON M; ET AL
345 E 3300 S
SOUTH SALT LAKE UT 84115

CHUNG, STEVEN
1330 W 1400 S
SALT LAKE CITY UT 84104

COLLARD, GEORGE E
21 E GRAY AVE SUITE 7
SALT LAKE CITY UT 84103

CHRISTENSEN, JEFFRY S & CAMILLE C; JT
11178 S LYNFORD DR
SANDY UT 84092

CLARK, KATHLEEN; TR
92 E NORTH CANYON RD
BOUNTIFUL UT 84010

COMPTON, WILLIAM W & LINDA L; JT
7225 N MOBLEY RD
ODESSA FL 33556

CHRISTENSEN, MARK A
1230 E 100 S
SALT LAKE CITY UT 84102

CLARKE, JARROD
1607 E WYLIE LN
DRAPER UT 84020

CONNELLY, CARL
2263 E HIGH MOUNTAIN DR
SANDY UT 84092

CONNELLY, CHRIS; ET AL
10249 S ASHLEY HILLS CIR
SANDY UT 84092

COTTRELL, REBECCA A
376 N 200 W
SALT LAKE CITY UT 84103

CRIMSON COURT, LLC
2115 E MARWOOD CIR
SALT LAKE CITY UT 84124

CONTINENTAL BUILDING CO
2800 E LAKE ST
MINNEAPOLIS MN 55406

COURTNEY, ROBERT J, JR
521 E FIFTH AVE SUITE 603
SALT LAKE CITY UT 84103

CROMER, CYNTHIA C; TR
816 E 100 S
SALT LAKE CITY UT 84102

COOK, CRAIG S
3645 E CASCADE WY
SALT LAKE CITY UT 84109

COVERSTON, ZACHARY D & EMILY; JT
2289 S GREEN ST
SALT LAKE CITY UT 84106

CROOKSTON, CRAIG
164 N 'M' ST
SALT LAKE CITY UT 84103

COOK, DARLENE C; TR ET AL
67 W APRICOT AVE
SALT LAKE CITY UT 84103

COWLEY PROPERTIES, LLC
308 N ALTA ST
SALT LAKE CITY UT 84103

CRUMLEY, BILL R; ET AL
139 S 1200 E
SALT LAKE CITY UT 84102

COOK, DAVID M & CATHY J; TRS
PO BOX 1867
SALT LAKE CITY UT 84110

COWLEY, TODD & JILLIAN M; JT
2270 E MURRAY HOLLADA SUITE 4
SALT LAKE CITY UT 84117

CUMMING, BARBARA; TR
426 E TENTH AVE
SALT LAKE CITY UT 84103

COOK, JOSEPH V JR & NANCY C; TRS
PO BOX 981
MEDIA PA 19063

CRAIGLAND PROPERTIES, LLC
2517 W LOWER LANDO LN
PARK CITY UT 84098

CUMMINGS, PAUL H; ET AL
679 E 900 S
SALT LAKE CITY UT 84105

COOK, STEPHEN W; TR
2840 E WILLOW HILLS DR
SANDY UT 84093

CRANDALL, LARRY; TR
224 S 800 E
SALT LAKE CITY UT 84102

CURRAN, FRANCINE F
1830 E PARKS HWY SUITE A-113
WASILLA AK 99654

COOPER, WALLACE II & MARTHA L; JT
PO BOX 2556
SALT LAKE CITY UT 84110

CRAPO, JOHN A
1472 S 800 E
SALT LAKE CITY UT 84105

CURTIS INVESTMENTS, LLC
11880 HIDDEN VLY CLUB DR
SANDY UT 84092

COPPLE, RANDY
PO BOX 65916
SALT LAKE CITY UT 84165

CRAWFORD, THOMAS M & MARCIA D; JT
280 N 'G' ST
SALT LAKE CITY UT 84103

CW DEVELOPMENT COMPANY LC
PO BOX 9324
SALT LAKE CITY UT 84109

COTTAM, RUSSELL S & SUMMER, JT
1170 E REDDING CT
SANDY UT 84094

CRESSALL, GEORGE A & BARBARA; JT
2504 W MARTINGALE CIR
SOUTH JORDAN UT 84095

D & J SONNTAG INVESTMENT COMPANY
2402 E 900 S
SALT LAKE CITY UT 84108

D E MOSS LIMITED FAMILY PARTNERSHIP
744 E 400 S
SALT LAKE CITY UT 84102

DE HAYDU, ALEXANDER J
PO BOX 901088
SANDY UT 84090

DILLEY, NORMAN W & AUDREY A; JT
567 N 1300 W
SALT LAKE CITY UT 84116

DAISY PROPERTIES
5544 S GREEN ST
MURRAY UT 84123

DEFA ENTERPRISES LLC
1334 W ATHERTON DR
TAYLORSVILLE UT 84123

DIXON, LYNN E
1385 E FORT UNION BLVD
SALT LAKE CITY UT 84121

DAMERY, WILLIAM E & TERESA S; JT
679 N DESOTO ST
SALT LAKE CITY UT 84103

DELAHUNTY, JAMES T & TAMARA A; JT
1136 E SEGO LILY DR
SANDY UT 84094

DLP PROPERTIES INC
544 S 1200 E
SALT LAKE CITY UT 84102

DANIELS, PAUL N & JEANETTE K B; TC
3370 E DANEBOG DR
SALT LAKE CITY UT 84121

DELANEY, MARJORIE S & GARY L; TRS
4605 S WELLINGTON ST
SALT LAKE CITY UT 84117

DON & RAY LC
2069 E 1700 S
SALT LAKE CITY UT 84108

DARGER/NOLF LIMITED COMPANY
174 E 800 S
SALT LAKE CITY UT 84111

DENIS, JACEK & MALGORZATA; JT
576 N PAMELA WY
SALT LAKE CITY UT 84116

DOOLIN, KATHLEEN A
521 E FIFTH AVE SUITE 401
SALT LAKE CITY UT 84103

DAVENPORT, DEVIRL K & CLARA J; TC
1935 S DOUGLAS ST SUITE 6
SALT LAKE CITY UT 84105

DENNETT, GARLAND L & JANET L; JT
1156 E BLAINE AVE
SALT LAKE CITY UT 84105

DORRELL, MIKE & HEATHER; JT
RR 3 BOX SUITE D16
SUNDANCE UT 84604

DAVIS, CATHY J
3230 N RIVER DR
EDEN UT 84310

DERRICK, ALLIE O; TR
815 N NORTHPOINT DR
SALT LAKE CITY UT 84103

DORT, ILLENS & MARIE F; JT
1128 N 475 E
OREM UT 84097

DAVIS, DIXON M & OLSON, GARRY L (JT)
PO BOX 634
SALT LAKE CITY UT 84110

DEUTSCHE BANK TRUST COMPANY
4828 LOOP CENTRAL DR
HOUSTON TX 77081

DOUGLAS PLAZA APT HOMES CONDO
1935 S DOUGLAS ST SUITE 19
SALT LAKE CITY UT 84105

DAVIS, NATHAN A & OBZANSKY, HANNAH
720 E FIFTH AVE SUITE 7
SALT LAKE CITY UT 84103

DIAMOND, JOHN & PHILLIPS-DIAMOND,
66 N WOLCOTT ST
SALT LAKE CITY UT 84103

DOUGLAS, WAYNE J & MARY A; JT
2816 S 2000 E
SALT LAKE CITY UT 84109

DAY, ROBERT A; TR ET AL
PO BOX 11959
SALT LAKE CITY UT 84147

DIECKMANN, INGRID
661 E WILMINGTON AVE
SALT LAKE CITY UT 84106

DRENNAN, G BRYAN & CORALEE S (TRS),
8131 S CREEK CIR
SANDY UT 84093

DRISCOLL, TIMOTHY
51 ROSS
SAN ANSELMO CA 94960

EGAN, LYNNE
1414 S DEVONSHIRE DR
SALT LAKE CITY UT 84108

ENSIGN PINES PROPERTIES, LC
1714 E FORT DOUGLAS CIR
SALT LAKE CITY UT 84103

DUFFIN, JANICE B
4322 S WANDER LN
SALT LAKE CITY UT 84124

EHLERT, RICHARD D & PAUL J; TC
5722 S CARRANZA DR
TAYLORSVILLE UT 84118

EPPLER, CHRISTOPHER J; ET AL
4057 S LISA DR
SALT LAKE CITY UT 84124

DUNCAN, LINDA K; TR
2017 E LAIRD DR
SALT LAKE CITY UT 84108

EIGHTH AVENUE LTD
461 E THIRTEENTH AVE
SALT LAKE CITY UT 84103

EQUITY PROPERTY MANAGEMENT
716 W 3500 S
BOUNTIFUL UT 84010

DURRANT, LAURA D
227 N 'H' ST SUITE 207
SALT LAKE CITY UT 84103

ELEGANTE, JAMES M
1740 S OAK SPRINGS DR
SALT LAKE CITY UT 84108

ERNSTSEN, GRACE F & WILSON, SHEILA E;
771 E SIXTH AVE SUITE REAR
SALT LAKE CITY UT 84103

DYAL, JAMES E H
PO BOX 95224
SOUTH JORDAN UT 84095

ELIASON, MAX D & JOYCE S; JT
4349 S LYNNE LN
SALT LAKE CITY UT 84124

EVERITT, JACK M
10146 SW 52ND RD
GAINSVILLE FL 32608

DZIATLIK, MARY
1747 S WASATCH DR
SALT LAKE CITY UT 84108

ELIZABETH STREET, LLC
1762 S 900 E
SALT LAKE CITY UT 84105

EVERITT, JOHN J
3296 E ENCHANTED HILLS DR
SALT LAKE CITY UT 84121

EAR ASSOCIATES LC; ET AL
1415 E PENROSE DR
SALT LAKE CITY UT 84103

ELLEFSEN, E J
P O BOX 272
BOUNTIFUL UT 84011

EVERITT, LYNDA M
PO BOX 90220
GAINESVILLE FL 32608

ECCKIDS LIMITED LIABILITY COMPANY
PO BOX 3028
SALT LAKE CITY UT 84110

ELLERBECK MANSION, INC
140 N 'B' ST
SALT LAKE CITY UT 84103

EVERTSEN, MICHAEL L; TR
783 E SIXTH AVE
SALT LAKE CITY UT 84103

ECKSTEIN, ELEANOR F; TR
521 E FIFTH AVE SUITE 201
SALT LAKE CITY UT 84103

ELSTON, ALICIA
919 E WILSON AVE
SALT LAKE CITY UT 84105

FADEL MANUFACTURING CO.
1815 S STATE ST
SALT LAKE CITY UT 84115

EFROS, NATALIA
423 E NINTH AVE
SALT LAKE CITY UT 84103

ENSIGN APARTMENTS LC
6223 SHENANDOAH PARK AVE
SALT LAKE CITY UT 84121

FAIRBOURN, D CLAYTON & ROSEMARY M;
7321 S STATE ST
MIDVALE UT 84047

FAMILY SUPPORT CENTER, THE
777 W CENTER ST
MIDVALE UT 84047

FEUKIC, SEMIN; ET AL
1319 S 1000 E
SALT LAKE CITY UT 84105

FOLEY, ELMA G
1751 S WASATCH DR
SALT LAKE CITY UT 84108

FARMER, PAMELA L
1196 S 800 E
SALT LAKE CITY UT 84105

FIDLER, REX C & FAYE P; TRS
2991 W 7140 S
WEST JORDAN UT 84084

FOOTE, LARRY F
406 E 300 S SUITE 100
SALT LAKE CITY UT 84111

FARNUM, JEFFREY P & JENNIFER T; JT
811 E THIRD AVE
SALT LAKE CITY UT 84103

FIFE, DENNIS M
2180 E 2700 S
SALT LAKE CITY UT 84109

FORESTER, CRAIG
717 E FIFTH AVE SUITE 204
SALT LAKE CITY UT 84103

FARNWORTH, JAY L & JANET L; JT
1370 W WOODHAVEN CIR
TAYLORSVILLE UT 84123

FIFE, PAUL C & JAYNE W; JT
828 N JUNIPERPOINT DR
SALT LAKE CITY UT 84103

FOSTER RENTALS, LC
602 E 300 S
SALT LAKE CITY UT 84102

FASSIO, ANNA B; TR
2675 E SKYLINE DR
SALT LAKE CITY UT 84108

FIGUEROA, JACINTO
1804 W SHANNON CIR SUITE 67
SALT LAKE CITY UT 84116

FOULKS, HARVARD G & JEAN R; JT
PO BOX 526164
SALT LAKE CITY UT 84152

FAT ENTERPRISES INC
723 S CASINO CENTER BLVD
LAS VEGAS NV 89101

FINLINSON, MARK W
1462 E FEDERAL HEIGHTS DR
SALT LAKE CITY UT 84103

FOX ENTERPROSES LTD
3259 MOHAWK LN
PROVO UT 84604

FAZZIO, ROBERT D & CHERYL ANNE (JT)
3668 S EASTWOOD DR
SALT LAKE CITY UT 84109

FIRM-LAND INVESTMENT INC
425 E 2100 S
SALT LAKE CITY UT 84115

FOX, DAVID G & JOLENE B
479 N 'M' ST
SALT LAKE CITY UT 84103

FEIL, GARY & JANINE L; JT
2499 W LISASHIRE LN
TAYLORSVILLE UT 84118

FLANIGAN, TAD
663 E THIRD AVE SUITE B
SALT LAKE CITY UT 84103

FRAME, LARRY A & ANITA H; JT
793 N NORTHPOINT CT
SALT LAKE CITY UT 84103

FELSTED, RAYMOND K
645 N 300 W
SALT LAKE CITY UT 84103

FLEMING, SUSAN F; TR
PO BOX 58858
SALT LAKE CITY UT 84158

FRANCIS, STEVEN D & DAVID W; JT
1921 S BERKELEY ST
SALT LAKE CITY UT 84108

FENSTERMAKER, ARTHUR F; ET AL
5625 S 1180 E
SALT LAKE CITY UT 84121

FLETCHER, MICHAEL J & TORNQUIST,
760 E FIRST AVE
SALT LAKE CITY UT 84103

FRANDSEN, GALE R
8849 S WILLOW HILLS CT
SANDY UT 84093

FRANDSEN, LYNN R & JANICE M; TRS
12195 S REDWOOD RD
RIVERTON UT 84065

GANDA LTD
11207 S PALISADE VIEW DR
SOUTH JORDAN UT 84095

GEORGE, TOM M & KAREN P; JT
2077 E HARVARD OAKS CIR
SALT LAKE CITY UT 84108

FRANK, ALAN F
1524 S 1100 E
SALT LAKE CITY UT 84105

GANDOLFI, ROY J
4712 S QUAIL POINT RD
SALT LAKE CITY UT 84124

GEORGETOWN COMMONS OWNERS
1462 E FEDERAL HEIGHTS DR
SALT LAKE CITY UT 84103

FRANK, JOHN D & VAN BOERUM, J
330 S 300 E
SALT LAKE CITY UT 84111

GAQY, DENNIS W & GAY M; JT
436 E TENTH AVE
SALT LAKE CITY UT 84103

GERARD, RITA M
119 N 'M' ST SUITE 202
SALT LAKE CITY UT 84103

FREE CHURCH OF TONGA IN AMERICA
47 N DELAWARE ST
SAN MATEO CA 94401

GARCIA, LAWRENCE O & JULIA C; JT
1137 N GOODWIN CIR
SALT LAKE CITY UT 84116

GIANNOPOULOS INVESTMENTS LC
2537 S 1900 E
SALT LAKE CITY UT 84106

FUGAL, ELMA W; TR ET AL
390 N MAIN ST
LINDON UT 84042

GARCIAZ, MARIA
440 N 600 W
SALT LAKE CITY UT 84116

GILDEA, BRUCE L & SHIRLYNN; JT
145 E 5770 S
MURRAY UT 84107

FURGIS, GEORGE C & ELLEN V
445 E 200 S SUITE 47
SALT LAKE CITY UT 84111

GARDNER, PAUL R & ROSALEE E; TRS
4631 S SYCAMORE DR
SALT LAKE CITY UT 84117

GILES, MICHAEL R & MARY K (JT)
404 E TENTH AVE SUITE 1
SALT LAKE CITY UT 84103

G STREET LC
271 N 'C' ST
SALT LAKE CITY UT 84103

GAY, S PARKER JR
675 S 400 E
SALT LAKE CITY UT 84111

GILL, JAMES D
442 E TENTH AVE
SALT LAKE CITY UT 84103

GABARDI, THOMAS L & STARK, CYNTHIA
77 N 'S' ST
SALT LAKE CITY UT 84103

GCII INVESTMENTS LC
242 S 200 E
SALT LAKE CITY UT 84111

GLADBECH LIMITED LIABILITY COMPANY
1256 E PARKCREST CIR
SALT LAKE CITY UT 84124

GADDIE, ROBERT R
4251 S NEPTUNE DR
SALT LAKE CITY UT 84124

GELMAN, SHEILA G
3858 E THOUSAND OAKS CIR
SALT LAKE CITY UT 84124

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PO BOX 9402
SALT LAKE CITY UT 84109

GAMMON, WILLIAM R
9 E 500 N
SALT LAKE CITY UT 84103

GENESIS INVESTMENT CORP
821 N NORTHPOINT DR
SALT LAKE CITY UT 84103

GLEAVE, JOSEPH H & ROBERT J; TC
19 PRAIRIE CLOVER
LITTLETON CO 80127

GLINES, STEPHEN W & BARBARA; TRS
1129 E DEBORAH DR
BOUNTIFUL UT 84010

GRAY, VICKI L
521 E FIFTH AVE SUITE 202
SALT LAKE CITY UT 84103

GUNDERSON, ROBERT C & PATRICIA S; JT
554 N WALL ST
SALT LAKE CITY UT 84103

GOATES, DELBERT T MD; TR
4245 S FORTUNA WY
SALT LAKE CITY UT 84124

GREAT STAYS REAL ESTATE LC
164 S 900 E
SALT LAKE CITY UT 84102

GUNNELL PROPERTIES LLC
421 S 300 W
PROVO UT 84601

GOLDBERG, LINDA R; ET AL
18 MITCHELL BLVD
SAN RAFAEL CA 94903

GREEN GABLES INC
1001 N FEATHERSTONE DR
SALT LAKE CITY UT 84116

GUTIERREZ, WANDA M
1992 S 1400 E
SALT LAKE CITY UT 84105

GOLDEN BRAID OASIS, LLC
151 S 500 E
SALT LAKE CITY UT 84102

GREENBERG, YOSEF & GENIA; JT
5497 S SOMERSET WY
SALT LAKE CITY UT 84117

GUZMAN, GEORGE
545 N OAKLEY ST
SALT LAKE CITY UT 84116

GOLDIE, GEORGE & STEPHANIE; JT
155 NORMANDY CT
SAN CARLOS CA 94070

GREENLIEF, JOE A
1082 S 500 E
SALT LAKE CITY UT 84105

GYGI, GERALD A. & NORMA B.
2917 E ALVERA DR
SALT LAKE CITY UT 84117

GOOLD, NORRIS W & GERALDINE L (TC)
219 E 600 S
BRIGHAM CITY UT 84302

GREGOIRE, JEANNINE D
303 N 'A' ST SUITE 301
SALT LAKE CITY UT 84103

H & H PARTNERSHIP
PO BOX 579
PARK CITY UT 84060

GOORMAN, STEVE
776 E TENTH AVE
SALT LAKE CITY UT 84103

GRIFFIN, DONNA L; ET AL
1178 E VINECREST CIR
SALT LAKE CITY UT 84121

H B BOYS INC; ET AL
2280 S MAIN ST
SOUTH SALT LAKE UT 84115

GRANITE FURNITURE COMPANY
1050 E 2100 S
SALT LAKE CITY UT 84106

GRO INVESTMENTS LLC
PO BOX 682857
PARK CITY UT 84068

HAACKE, RICHARD H; TR
1235 E 200 S SUITE 402
SALT LAKE CITY UT 84102

GRANTWAY LIMITED LP
855 N JUNIPERPOINT DR
SALT LAKE CITY UT 84103

GRUTTER, OSCAR V. & DELIA E.
1187 E LAIRD AVE
SALT LAKE CITY UT 84105

HABERER, KATHLEEN M; TR
569 N 'H' ST
SALT LAKE CITY UT 84103

GRAVAGNO, ANTHONY
887 E FIRST AVE
SALT LAKE CITY UT 84103

GUBLER, ROSS W & KRISTI; TC
2652 S WELLINGTON ST
SALT LAKE CITY UT 84106

HADFIELD, TYLER; ET AL
785 E SECOND AVE SUITE 104
SALT LAKE CITY UT 84103

HADLOCK, JACQUELINE R; TR
916 W WALDEN MEADOWS DR
MURRAY UT 84123

HAMILTON, M JAMES & KOHNIE; JT
9272 S VILLAGE POINT WY
SANDY UT 84093

HANSEN, ROBERT R; ET AL
2091 E 1300 S
SALT LAKE CITY UT 84108

HAFEN, PAMELA A
1411 S 900 E
SALT LAKE CITY UT 84105

HAMMOND, W K
9065 S MONROE ST
SANDY UT 84070

HANSON SECURITIES CORP.
2940 E OAKHURST DR
SALT LAKE CITY UT 84108

HAILES, STEPHEN R
3331 S 900 E SUITE 200
SALT LAKE CITY UT 84106

HAMPTON, DEBRA
223 E EIGHTH AVE
SALT LAKE CITY UT 84103

HANSON, DON J & LUCILLE C
303 N 'A' ST SUITE 201
SALT LAKE CITY UT 84103

HAI & EDJ LAUNDRY, INC
70 N 'F' ST
SALT LAKE CITY UT 84103

HANCOCK, WAYNE M & CONNIE A; JT
794 N NORTHPOINT DR
SALT LAKE CITY UT 84103

HARDY ENTERPRISES INC
598 W 2600 S
BOUNTIFUL UT 84010

HALBERSLEBEN PROPERTY MANAGEMENT
3105 S MIRAMAR WY
SALT LAKE CITY UT 84109

HANKS, JAMES B
735 S 850 E
BOUNTIFUL UT 84010

HARENBERG, WILLIAM G; TR
2447 E HIGH MOUNTAIN DR
SANDY UT 84092

HALE, MICHAEL
17360 DRY MILL ROAD
LEESBURG VA 20175

HANKS, JOHN R & CYNTHIA I; JT
PO BOX 17882
HOLLADAY UT 84117

HARRISON, STEVEN N
1750 S OAK SPRINGS DR
SALT LAKE CITY UT 84108

HALES, CLEO K
303 N 'A' ST SUITE 102
SALT LAKE CITY UT 84103

HANSEN LANCE PARTNERSHIP
430 N 400 W
SALT LAKE CITY UT 84103

HARRY & TOM MEATS INC
19360 RINALDI ST SUITE 164
NORTHRIDGE CA 91326

HALL, AARON D & LANDON B; JT
PO BOX 6
SALT LAKE CITY UT 84110

HANSEN, CURT & DAVID A; TC
2413 E 4500 S
SALT LAKE CITY UT 84117

HARRY & TOM MEATS INC
2233 E CESAR E CHAVEZ AVE
LOS ANGELES CA 90033

HALL'S FIFTH AVENUE CONDM COMMON
717 E FIFTH AVE SUITE 107
SALT LAKE CITY UT 84103

HANSEN, NOLA
2003 S LAKE ST
SALT LAKE CITY UT 84105

HARTMAN, GUY L & SHIRLEY B; TRS
2073 E HARVARD OAKS CIR
SALT LAKE CITY UT 84108

HALTERMAN, CLAUDIA J & RICHARD J
2747 E 3220 S
SALT LAKE CITY UT 84109

HANSEN, RALPH J B & RUTH T; JT
4621 S FORTUNA WY
SALT LAKE CITY UT 84124

HARTY, KIMM M; TR
381 E HOLLYWOOD AVE
SOUTH SALT LAKE UT 84115

HARVARD PARK HOMEOWNERS
2069 E HARVARD OAKS CIR
SALT LAKE CITY UT 84108

HENINGER, K GORDON & SALLY A; JT
523 E 5300 S
MURRAY UT 84107

HOLBROOK, D STEPHEN
303 N 'A' ST SUITE 302
SALT LAKE CITY UT 84103

HARVARD PLUMB LLC
1468 E HARVARD AVE
SALT LAKE CITY UT 84105

HENRIE, ROBERT A
837 E SOUTHTEMPLE ST
SALT LAKE CITY UT 84102

HOLT, CHRIS & RHONDA; JT
1826 S 900 E
SALT LAKE CITY UT 84105

HATTON, WANDA J; TR
967 E THIRD AVE
SALT LAKE CITY UT 84103

HERBERT AVENUE APARTMENTS LC
12160 S NICKLAUS RD
SANDY UT 84092

HOPKIN, JOHN T & ANNE C; JT
826 N GRANDRIDGE CT
SALT LAKE CITY UT 84103

HAUSEN, DONALD M & MARY J; JT
1767 E SOUTHWOODSIDE DR
SALT LAKE CITY UT 84124

HERNANDEZ, JOSE R & ROSALBA R; JT
1213 S ONTARIO DR
SALT LAKE CITY UT 84104

HOPKINS, JULIA W
1521 S CANTERBURY DR
SALT LAKE CITY UT 84108

HAWKESWORTH, MAURICE W
PO BOX 571249
MURRAY UT 84157

HESSE, BLANCHE B; TR
521 E FIFTH AVE SUITE 102
SALT LAKE CITY UT 84103

HOPPAL, ROBERT & CLARA E
2008 VISTA CT
ST GEORGE UT 84790

HAYASHI, MASAMI & RITSUKO
2464 E SKYLINE DR
SALT LAKE CITY UT 84108

HICKMAN, GAIL L
438 E TENTH AVE SUITE 12
SALT LAKE CITY UT 84103

HOPSON, PETER C & LOIS A; JT
573 E FIFTH AVE
SALT LAKE CITY UT 84103

HAYES, GARY S & MARSHA; JT
139 ASPEN PL
PARK CITY UT 84098

HILLIS, KATHLEEN P
422 E TENTH AVE
SALT LAKE CITY UT 84103

HORMAN, DAVID L & ANNETTA H (JT)
270 E TRUMAN AVE
SALT LAKE CITY UT 84115

HEATHCLIFF PROPERTIES, LLC
435 ASPEN DR SUITE 20
PARK CITY UT 84098

HILLYERD, ROSEMARY
120 W APRICOT AVE
SALT LAKE CITY UT 84103

HORNE, THOMAS B
367 W 900 N
SALT LAKE CITY UT 84103

HEDEGAARD, VERN & DEBORAH; JT
2305 S 300 E
SOUTH SALT LAKE UT 84115

HINCKLEY, HOWARD D
679 S 700 E
SALT LAKE CITY UT 84102

HORRALL, MICHAEL E & TONI S; JT
4775 S QUAIL POINT RD
SALT LAKE CITY UT 84124

HEILMANN, DAVE
251 E COATSVILLE AVE
SOUTH SALT LAKE UT 84115

HOFFMANN, RICHARD L & RENNAU,
963 S DIESTEL RD
SALT LAKE CITY UT 84105

HOUSING AUTHORITY OF SLC
1776 S WESTTEMPLE ST
SALT LAKE CITY UT 84115

HOUSING MANAGEMENT PROGRAM, INC.
6369 S COBBLEROCK LN
SALT LAKE CITY UT 84121

HULBERT, JANICE J
2013 S 2500 E SUITE 7
SALT LAKE CITY UT 84108

HURST, JULIE ANN; TR
1753 S WASATCH DR
SALT LAKE CITY UT 84108

HOUSTON, M B; TR
6742 S OLIVET DR
SALT LAKE CITY UT 84121

HULET, KELVIN G
3894 W WESTLAND DR
WEST JORDAN UT 84088

HURTADO, TONY JR
268 N 'U' ST
SALT LAKE CITY UT 84103

HOUT, WAYNE T & BECKSTROM, STAN K;
2191 RIDGEWOOD WY
BOUNTIFUL UT 84010

HUMMEL PROPERTIES, LLC
2218 E GREGSON AVE
SALT LAKE CITY UT 84109

HUYNH, QUOC VAN
860 W DALTON AVE
SALT LAKE CITY UT 84104

HOWELLS, CYNTHIA A
211 E FIFTH AVE SUITE 305
SALT LAKE CITY UT 84103

HUMPHREY, WILLIAM R; TR
PO BOX 573678
MURRAY UT 84157

HWANG, CHIEN
956 E 600 S SUITE 2
SALT LAKE CITY UT 84102

HUDSON, BRIAN & DENISE M; JT
2255 S LAKE ST SUITE 5
SALT LAKE CITY UT 84106

HUNDLEY, RODNEY C & FLORENCE R; TRS
1868 E SIGGARD DR
SALT LAKE CITY UT 84106

HYER, DUSTI
2013 S 2500 E SUITE 8
SALT LAKE CITY UT 84108

HUGHES INVESTMENTS
3588 S HILLSIDE LN
SALT LAKE CITY UT 84109

HUNSAKER, JOHN K; ET AL
1195 E BROWNING AVE
SALT LAKE CITY UT 84105

IHC HOSPITALS, INC
201 S MAIN ST SUITE 1100
SALT LAKE CITY UT 84111

HUGHES, JUDITH I & E ALLEN; TRS
227 N 'H' ST SUITE 205
SALT LAKE CITY UT 84103

HUNTER, RUSSELL & REBECCA; JT
6403 S CYCLAMEN WY
WEST JORDAN UT 84084

ILLING, CAROL ANNE
227 N 'H' ST SUITE 203
SALT LAKE CITY UT 84103

HUGHES, MICHAEL D
191 HOPE ST
ST GEORGE UT 84770

HUNTER, W MICHAEL
PO BOX 682882
PARK CITY UT 84068

IMAIZUMI, JULIE A & WILLIAMS, JOHN K; JT
780 E NORTHCLIFFE DR
SALT LAKE CITY UT 84103

HUGHES, WILLIAM G & BARBARA A; JT
2675 E 2700 N
LAYTON UT 84040

HUNTINGTON, LINDA R
521 E FIFTH AVE SUITE 504
SALT LAKE CITY UT 84103

IMPACT DEVELOPMENT LLC
11740 S HIDDEN BROOK BLVD
SANDY UT 84092

HUGIE, ELDON R; TR
851 N JUNIPERPOINT DR
SALT LAKE CITY UT 84103

HUNTSMAN, NANCY L
7 S WOLCOTT ST
SALT LAKE CITY UT 84102

INDIAN TRAIL ENTERPRISE LC
1415 E INDIAN TRAIL RD
BOUNTIFUL UT 84010

INGEBRETSEN, RICHARD J
154 N 'M' ST SUITE 2
SALT LAKE CITY UT 84103

JAHRIES, CONRAD L & GERALDINE D; TRS
5681 S CALANN DR
SALT LAKE CITY UT 84121

JENSEN, SHANNON M
P O BOX 680206
PARK CITY UT 84068

INTERSTATE BRANDS CORPORATION ET AL
PO BOX 419627
KANSAS CITY MO 64141

JAIS LLC
10961 S SEGOVIA CIR
SANDY UT 84094

JERMAN, RONALD C, ET AL
4930 W 4865 S SUITE 74
SALT LAKE CITY UT 84118

INTRADE INVESTMENT CO
1399 S 700 E
SALT LAKE CITY UT 84105

JANE F MCCARTHEY FAMILY LIMITED
610 E SOUTHTEMPLE ST SUITE 200
SALT LAKE CITY UT 84102

JETTE, ROGER J & BUTLER, POLLY A; JT
458 E EDITH AVE
SALT LAKE CITY UT 84111

IVES, ELLEN Q
702 N WALL ST SUITE 1
SALT LAKE CITY UT 84103

JANIGA, CAROL R; TR
503 E FIFTH AVE
SALT LAKE CITY UT 84103

JOESTEN INVESTMENT COMPANY LP
946 S 500 E
SALT LAKE CITY UT 84105

J & M ASSOCIATES
7312 S PROSPECTOR DR
SALT LAKE CITY UT 84121

JANMAR, LLC
1574 W 1700 S
SALT LAKE CITY UT 84104

JOHANSON, RACHEL
1322 W 700 S
SALT LAKE CITY UT 84104

JACKSON, BENITA B
475 N 'M' ST SUITE 8
SALT LAKE CITY UT 84103

JARDINE, JUDITH J & LEO A; TRS
835 N GRANDRIDGE CT
SALT LAKE CITY UT 84103

JOHN N CLAWSON FAMILY PARTNERSHIP,
PO BOX 45898
SALT LAKE CITY UT 84145

JACKSON, DANIEL W
1505 E YALE AVE
SALT LAKE CITY UT 84105

JARRETT, ELMO D; TR ET AL
3962 E BROCKBANK WY
SALT LAKE CITY UT 84124

JOHNSON, ALICE W & SHOUP, JUDITH K (JT)
6723 NORWAY RD
DALLAS TX 75230

JACKSON, JEAN S; TR
1253 W CHAVEZ DR
SOUTH JORDAN UT 84095

JEFFERY, KAREN R; TR
820 N JUNIPERPOINT DR
SALT LAKE CITY UT 84103

JOHNSON, CLINT
1555 S WASATCH DR
SALT LAKE CITY UT 84108

JACKSON, SHANE R & CHAPMAN, JOSHUA;
473-475 N 1100 W
SALT LAKE CITY UT 84116

JENSEN, FARRELL D & LORAIN P; TRS
2910 S ADAMS ST
SALT LAKE CITY UT 84115

JOHNSON, JEFFERY O
717 E FIFTH AVE SUITE 107
SALT LAKE CITY UT 84103

JACOBSON, DEE L; TR ET AL
11614 S 1300 W
SOUTH JORDAN UT 84095

JENSEN, LEON J. & VERDA N.
1427 E FORGE WY
DRAPER UT 84020

JOHNSON, KENT W
3212 S STATE ST
SALT LAKE CITY UT 84115

JOHNSON, MARIA L
420 OKLAHOMA AVE NE SUITE 8
WASHINGTON DC 20002

JONES, RONALD P & LORNA RAE (JT)
2 LAVTAGENA WAY
RANCHO MIRAGECA 92270

KAPSA, CHRIS
485 N 'M' ST
SALT LAKE CITY UT 84103

JOHNSON, R CRAIG & NANCY A; JT
1217 S 900 E
SALT LAKE CITY UT 84105

JONES, WILLIAM D & MARY K; JT
2341 E SHERIDAN RD
SALT LAKE CITY UT 84108

KARAHALIOS, GREGORIOS
7626 S BRIGHTON WY
SALT LAKE CITY UT 84121

JOHNSON, RONALD K
1416 S WESTTEMPLE ST
SALT LAKE CITY UT 84115

JONSSON, DAVID P & LEIGH ANN B; JT
518 E SEVENTH AVE
SALT LAKE CITY UT 84103

KARAMI INVESTMENTS, LLC
PO BOX 17534
SALT LAKE CITY UT 84117

JOHNSTON, JEFFREY R & NELLY F; JT
4333 S SAGE CIR
SALT LAKE CITY UT 84124

JORGENSEN, PERLA M; TR ET AL
2033 E LOGAN AVE
SALT LAKE CITY UT 84108

KARUNANIDHAN INVESTMENT CO
1442 E PERRYS HOLLOW DR
SALT LAKE CITY UT 84103

JOKLIK, PAMELA
315 N FEDERAL HEIGHTS CIR
SALT LAKE CITY UT 84103

K INVESTMENTS INC
2690 S HIGHLAND DR
SALT LAKE CITY UT 84106

KCS CORPORATION
3535 S HILLSIDE LN
SALT LAKE CITY UT 84109

JOLLEY PARTNERS
1702 S 1100 E
SALT LAKE CITY UT 84105

K STREET LC
271 N 'C' ST
SALT LAKE CITY UT 84103

KEITH, ANDREW J & YOLANDA; JT
PO BOX 520894
SALT LAKE CITY UT 84152

JONES, BARBARA W
8477 S RUABRANCO DR
SANDY UT 84093

KALAHHER, WILLIAM R & BECKY; JT
787 E GRENOBLE DR
MIDVALE UT 84047

KELLER, JANICE
717 E FIFTH AVE SUITE 205
SALT LAKE CITY UT 84103

JONES, FLOYD H & ANITA Z; JT
2704 S 1000 E SUITE 1
SALT LAKE CITY UT 84106

KALASKY, JOHN P & BEATRICE A; JT
12122 S FIELD DOWNS DR
RIVERTON UT 84065

KELLY, RICHARD M & SALLY A (JT)
626 E 4010 S
MURRAY UT 84107

JONES, JESSIE M; TR
PO BOX 526451
SALT LAKE CITY UT 84152

KAMBER, LORNA S
1627 S 1300 E SUITE C1
SALT LAKE CITY UT 84105

KENNA, THOMAS C & WALKER, RHONDA L;
P O BOX 7179
INCLINE VILLAGENV 89452

JONES, MICHAEL & OLIVER L & SUSANNA
521 E FIFTH AVE SUITE 304
SALT LAKE CITY UT 84103

KAP; ET AL
724 S 300 E
SALT LAKE CITY UT 84111

KENTON HENRIE'S CLEANERS, INC
2093 E 9400 S
SANDY UT 84093

KEY FAMILY LLC
326 S 500 E
SALT LAKE CITY UT 84102

KIRK, STEPHEN T & NANCY H; JT
1935 S DOUGLAS ST SUITE 16
SALT LAKE CITY UT 84105

KOUKOULIAS, PANAGIOTIS & IONE; JT
4950 S PINEHILL DR
MURRAY UT 84107

KEY PARTNERSHIPS LTD
338 S 1000 E
SALT LAKE CITY UT 84102

KLEIN, SAMUEL J & EVELYN; JT
438 E 1700 S
SALT LAKE CITY UT 84115

KRAJA, ASLAN & ILMHA; JT
9784 S SWEET BLOSSOM DR
SOUTH JORDAN UT 84095

KEYES, DAVID L
229 N 'B' ST SUITE 5
SALT LAKE CITY UT 84103

KLONIZOS, GEORGE
430 E CANYON ESTATES DR
BOUNTIFUL UT 84010

KRASOVSKIY, SERGEY & TCHERNIK,
739 E LABRUM AVE
MURRAY UT 84107

KHAZENI, REZA H
875 S DONNER WY SUITE 1201
SALT LAKE CITY UT 84108

KLTMD, LLC
1571 MOUNTAIN RD
OGDEN UT 84404

KRASUTSKY, EVE M
1600 S EDGEWOOD AVE
JACKSONVILLE FL 32205

KILLPACK, JESSIE M
P O BOX 242
BOUNTIFUL UT 84011

KNIGHTON, FLOYD & KNIGHT, LU ANN; TC
115 S 750 E
BOUNTIFUL UT 84010

KULMER, MORRIS H
1980 S RIDGE HOLLOW DR
BOUNTIFUL UT 84010

KIM, IN KI & SOO OK; JT
7547 S SILVER FORK DR
SALT LAKE CITY UT 84121

KNOWLTON, JOSEPH S & KATHLEEN C; JT
1665 E KENSINGTON AVE
SALT LAKE CITY UT 84105

KURZ, BORIS
1203 S 900 E
SALT LAKE CITY UT 84105

KING, CLAIR E & BEVERLY C; JT
521 E FIFTH AVE SUITE 101
SALT LAKE CITY UT 84103

KNUDSEN, WAYNE E
8176 S OLD COVENTRY CIR
SANDY UT 84093

KYOKO KITCHEN LLC
3843 E THOUSAND OAKS CIR
SALT LAKE CITY UT 84124

KING, DOUGLAS A & BONNIE H; JT
943 E SOUTHTEMPLE ST
SALT LAKE CITY UT 84102

KONTGIS, ANGELINA; TR
768 E 800 S
SALT LAKE CITY UT 84102

KYRIOPOULOS, AFTON C; TR
2498 S GREEN ST
SALT LAKE CITY UT 84106

KING, JACK R
303 N 'A' ST SUITE 300
SALT LAKE CITY UT 84103

KOSEC, ANNE S
820 S JEFFERSON ST
SALT LAKE CITY UT 84101

L.D.S. CHURCH OFFICE CREDIT UNION
147 N 200 W
SALT LAKE CITY UT 84103

KIPP, CARMAN E.
825 E 4800 S SUITE 133
MURRAY UT 84107

KOSHAR, THOMAS & VIRGINIA; JT
447 MESA DR
ROCK SPRINGS WY 82901

LADIES' LITERARY CLUB
850 E SOUTHTEMPLE ST
SALT LAKE CITY UT 84102

LAMBERT, BRUCE M
2086 E HARVARD OAKS CIR
SALT LAKE CITY UT 84108

LARSEN, SHAUN; ET AL
1494 S WESTTEMPLE ST
SOUTH SALT LAKE UT 84115

LECHEMINANT, LINDA J
407 E NINTH AVE
SALT LAKE CITY UT 84103

LAMBERT, ROBERT R & CATHERINE R; TRS
1540 E SPRING RUN DR
SALT LAKE CITY UT 84117

LARSON, E DUANE; TR
3528 S KIRK CIR
SALT LAKE CITY UT 84106

LEE, TIMOTHY G & SUELLEN
1120 E SECOND AVE
SALT LAKE CITY UT 84103

LAMOREAUX, KELLY & EVA, SHAWN R; JT
720 E ASHTON AVE
SALT LAKE CITY UT 84106

LATTEIER, JOHN E & DOLORES I; TRS
319 W CRISTOBAL
SAN CLEMENTE CA 92672

LEGEND PROPERTIES LLC
358 S 700 E SUITE B326
SALT LAKE CITY UT 84102

LANDGREN, CHERI & ROY T; TRS
6726 S 2680 E
SALT LAKE CITY UT 84121

LATULIPPE, JULIA P; ET AL
76 S 500 E SUITE 240
SALT LAKE CITY UT 84102

LEONARD, GERALD D
229 N 'B' ST SUITE 1
SALT LAKE CITY UT 84103

LANDRO, GUTTORM & CLAUDIA; JT
2408 E CAMPUS DR
SALT LAKE CITY UT 84121

LAURELHURST CONDM COMMON AREA
2009 S 2500 E
SALT LAKE CITY UT 84108

LEONARD, LEO D & MARILYNN R; JT
465 GUY KELLY RD
PORT ANGELES WA 98362

LANGELAND, EMIL
371 N VIRGINIA ST
SALT LAKE CITY UT 84103

LAW LAW LAND LIMITED LIABILITY
808 E SOUTHTEMPLE ST
SALT LAKE CITY UT 84102

LEVERICH, RAE
303 N 'A' ST SUITE 200
SALT LAKE CITY UT 84103

LANGTON HOUSE ASSOCIATES LLC
648 E 100 S
SALT LAKE CITY UT 84102

LAW, JULIANN M & MICHAEL J; JT
1935 S DOUGLAS ST SUITE 12
SALT LAKE CITY UT 84105

LIEBER, WILFORD K
1455 S 1100 E
SALT LAKE CITY UT 84105

LAPARC CONDOMINIUM COMMON AREA
2710 S 1000 E
SALT LAKE CITY UT 84106

LAWRCO INC
PO BOX 11645
SALT LAKE CITY UT 84147

LIN, FU SHYON & MEI CHI; JT
3053 E SILVER HAWK DR
SALT LAKE CITY UT 84121

LARRIVA, M LISA
790 N NORTHPOINT DR
SALT LAKE CITY UT 84103

LAWRENCE, CLIFFORD J; TR
1595 S HOYTSTVILLE RD
HOYTSTVILLE UT 84017

LINDSEY CIRCLE CONDM ASSOC
487 N 'M' ST
SALT LAKE CITY UT 84103

LARSEN, BARBARA E
PO BOX 449
MOAB UT 84532

LAZALDE, GERONIMO & LAURA I; TRS
4163 S WILLIAMSBURG DR
WEST VALLEY UT 84128

LINDSEY, KENT M & EGGERTT, LARRY A;
2679 E LAMBOURNE AVE
SALT LAKE CITY UT 84109

LINDSEY, MARK F & ELIZABETH M; JT
809 N GRANDRIDGE DR
SALT LAKE CITY UT 84103

LONG, EMILY J A
211 E FIFTH AVE SUITE 106
SALT LAKE CITY UT 84103

LUND, JAMES A
684 S 3600 S
BOUNTIFUL UT 84010

LINFORD, CHERYL D
162 N 'M' ST
SALT LAKE CITY UT 84103

LORENZ, BETTY; TR
PO BOX 297
RIVERTON UT 84065

LYBBERT, MERLIN R; TR ET AL
5458 S MERLYN DR
SALT LAKE CITY UT 84117

LINGWALL, MICHAEL
5938 S NOBLE OAKS CIR
MURRAY UT 84123

LOUIE, YUEN Y & SHARON; TC
1142 E DRAPER PKWY
DRAPER UT 84020

MACALLAIR, MARILYN J
481 N 'M' ST
SALT LAKE CITY UT 84103

LION HEART PROPERTIES LLC
3371 S STATE ST
SOUTH SALT LAKE UT 84115

LOWE, MARCUS D
11441 S STATE ST SUITE A-233
DRAPER UT 84020

MACAULAY, ERIC J
521 E FIFTH AVE SUITE 502
SALT LAKE CITY UT 84103

LITTLE AMERICA HOTEL CORP
PO BOX 30825
SALT LAKE CITY UT 84130

LOWELL CONSTRUCTION CO
1035 S 800 W
SALT LAKE CITY UT 84104

MACMURRAY, KAI J & LINDSEY H; TC
1935 S DOUGLAS ST SUITE 3
SALT LAKE CITY UT 84105

LLOYD, WILLIAM H & YVONNE V (JT)
2069 E HARVARD OAKS CIR
SALT LAKE CITY UT 84108

LOWELL, MATTHEW T
227 N 'H' ST SUITE 103
SALT LAKE CITY UT 84103

MADSEN, EVEN S & BARBARA C; JT
1986 E HUBBARD AVE
SALT LAKE CITY UT 84108

LOBB, MICHAEL C
1714 S 1100 E
SALT LAKE CITY UT 84105

LPF INVESTMENTS LLC
1196 S 800 E
SALT LAKE CITY UT 84105

MAGLEBY, BUD
744 S 500 E
SALT LAKE CITY UT 84102

LOEWEN, MAYE N
521 E FIFTH AVE SUITE 203
SALT LAKE CITY UT 84103

LUBECK, ARDEN
721 N NORTHVIEW CIR
SALT LAKE CITY UT 84103

MAHONEY, ALLYN R & CONNIE B; TRS
4605 S LEDGEMONT DR
SALT LAKE CITY UT 84124

LOFTUS LLC; ET AL
865 S 200 E
SALT LAKE CITY UT 84111

LUNA, ALEJANDRO S
3579 W 4850 S
TAYLORSVILLE UT 84118

MAHOOD, JAMES A
369 E SEVENTH AVE
SALT LAKE CITY UT 84103

LONE PEAK CAPITAL, LLC
337 E ELEVENTH AVE
SALT LAKE CITY UT 84103

LUND, GREGORY S
PO BOX 900775
SANDY UT 84090

MAJESTIC INVESTMENT CO
254 S 600 E
SALT LAKE CITY UT 84102

MAKSYMIW, IGOR & SIEGLINDE; JT
853 N JUNIPERPOINT DR SUITE 17
SALT LAKE CITY UT 84103

MARMALADE INVESTMENTS LLC
2431 LILY LANGTRY CT
PARK CITY UT 84060

MAUDSLEY, AMANDA & T CARTER; JT
720 E FIFTH AVE SUITE 14
SALT LAKE CITY UT 84103

MALATESTA, RICHARD J
207 E FOURTH AVE
SALT LAKE CITY UT 84103

MAROSTICA, JILL M
1935 S DOUGLAS ST SUITE 1
SALT LAKE CITY UT 84105

MAVERIK COUNTRY STORES INC
PO BOX 8008
AFTON WY 83110

MALMGREN, RICHARD E
13330 W BLUEBONNET DR
BOISE ID 83713

MARQUARDT, SUSAN R
420 E TENTH AVE
SALT LAKE CITY UT 84103

MAXWELL, GRANT W & FLORENCE F; TRS
5199 S WESLEY RD
SALT LAKE CITY UT 84117

MALONEY, LAWRENCE T. & CHARLOTTE
1767 S 400 E
SALT LAKE CITY UT 84115

MARRIOTT, MICHAEL S
PO BOX 88
SALT LAKE CITY UT 84110

MAXWELL, NEAL A & COLLEEN H; JT
2089 E HARVARD OAKS CIR
SALT LAKE CITY UT 84108

MANEVAL, RICHARD A & CONARD, JANE R;
829 N GRANDRIDGE DR SUITE 41B
SALT LAKE CITY UT 84103

MARTIN, JOSE A
PO BOX 57583
MURRAY UT 84157

MAY, DOUGLAS H & SHIRLENE; JT
3815 E ADONIS DR
SALT LAKE CITY UT 84124

MANN, JEFFREY
477 N 'M' ST SUITE 7
SALT LAKE CITY UT 84103

MARTIN, SHERMAN T & ELSIE G; TRS
2065 E HARVARD OAKS CIR
SALT LAKE CITY UT 84108

MAYO, VANDORA; TR
1865 E 3780 S
SALT LAKE CITY UT 84106

MANWILL, JIM S & SANDRA E; JT
3160 S 1810 E
SALT LAKE CITY UT 84106

MARTINEZ, THERESA A
805 E THIRD AVE
SALT LAKE CITY UT 84103

MBD LIMITED PARTNERSHIP
937 S LINCOLN ST
SALT LAKE CITY UT 84105

MARCHASAN LLC
410 E THIRD AVE
SALT LAKE CITY UT 84103

MARTINSON, PAMELA
27 BRADDOCK PARK SUITE 3
BOSTON MA 02116

MCADAM, BRIAN
11418 S OBERLAND RD
SANDY UT 84092

MARION, VICTORIA R
PO BOX 526073
SALT LAKE CITY UT 84152

MARX C BLACKETT OIL INCORPORATED
PO BOX 55
MIDVALE UT 84047

MCAULEY, GEORGE & JANET; JT
PO BOX 9290
MAMMOTH LAKES CA 93546

MARMALADE CONDOMINIUM COMMON
69 W APRICOT AVE
SALT LAKE CITY UT 84103

MATTHEW W DRIGGS FAMILY LIMITED
331 S 600 E
SALT LAKE CITY UT 84102

MCCABE, BRIAN J
4109 41 ST
SUNNYSIDE NY 11104

MCCLELLAND PARTNERS LC; ET AL
2068 E HAUN AVE
SALT LAKE CITY UT 84121

MCPHEETERS, JERRY R. & NANCY W.
1369 E WILSON AVE
SALT LAKE CITY UT 84105

METCALFE, DEREK F
813 N JUNIPERPOINT DR
SALT LAKE CITY UT 84103

MCCLELLAND PARTNERS LC; ET AL
3725 E ADONIS DR
SALT LAKE CITY UT 84124

MCPHIE, KARIE
2704 S 1000 E SUITE 1B
SALT LAKE CITY UT 84106

METHERELL, CONSTANCE H
473 N 'M' ST
SALT LAKE CITY UT 84103

MCCOLM, KENNETH W; TR
450 CLARK STREET
CROCKETT CA 94525

MDC, LLC
2450 E 3750 S
SALT LAKE CITY UT 84109

MIALTA, LC
1775 S 900 E
SALT LAKE CITY UT 84105

MCCONNELL, NANCY A & MCGUIRE,
411 E NINTH AVE
SALT LAKE CITY UT 84103

MEADORS, JARED
1005 E HERBERT AVE
SALT LAKE CITY UT 84105

MICHEL INVESTMENTS LLC
2956 E COBBLEMOOR LN
SANDY UT 84093

MCCULLOUGH INVESTMENT CO
10 E SOUTHTEMPLE ST SUITE 900
SALT LAKE CITY UT 84133

MEDICAL VENTURES CONDMN COMMON
6778 S 1300 E
SALT LAKE CITY UT 84121

MID TOWN MEDICO-DENTAL CENTER
928 E 100 S
SALT LAKE CITY UT 84102

MCDONALD, JENNY
402 31ST ST NE SUITE 205
ROCHESTER MN 55906

MELINE, ROBERT
540 LOS ALTOS CT
SANTA ROSA CA 95403

MIKKELSEN, GENEVIEVE C
816 W 1700 S
WOODS CROSS UT 84087

MCDONOUGH, GREGORY M & KAREL D; JT
1000 S 900 E
SALT LAKE CITY UT 84105

MENLOVE, DEAN W; TR
2010 S LAURELHURST DR
SALT LAKE CITY UT 84108

MILLER, CREIGHTON W
1935 S DOUGLAS ST SUITE 14
SALT LAKE CITY UT 84105

MCEWEN, JAMES W & YOLANDA; JT
3562 S 400 E
BOUNTIFUL UT 84010

MENTES, RUTH ANN
468 N 'E' ST
SALT LAKE CITY UT 84103

MILLER, ERIC & MARIE; JT
3445 N STAGECOACH DR
CEDAR VALLEY UT 84013

MCFARLAND, ROBERT W; ET AL
678 S 700 E
SALT LAKE CITY UT 84102

MERRILL, VIRGIL & SARA JO; JT
1079 E 200 S
SALT LAKE CITY UT 84102

MILLER, JANICE L; TR
211 E FIFTH AVE SUITE 306
SALT LAKE CITY UT 84103

MCOMBER, GAIL C & CANDYCE E; TC
1115 E SAPPHIRE DR
SANDY UT 84094

MERRITT, RICHARD R
2315 S 500 E
SALT LAKE CITY UT 84106

MILLER, KIM
125 N 'T' ST SUITE 1
SALT LAKE CITY UT 84103

MITCHELL, HE-YOUNG
PO BOX 680118
PARK CITY UT 84068

MORAN, JOHN D & DORIS M; JT
275 N ALMOND ST
SALT LAKE CITY UT 84103

MOSER, BARBARA M; TR
1935 S DOUGLAS ST SUITE 10
SALT LAKE CITY UT 84105

MJ PROPERTY MANAGEMENT
703 E 1700 S
SALT LAKE CITY UT 84105

MORELLI, FLORENCE B
1037 E THIRD AVE
SALT LAKE CITY UT 84103

MOSS, ANN MARIE
2722 S 1000 E
SALT LAKE CITY UT 84106

MOLE HILL PROPERTIES, LLC
247 E 900 S
SALT LAKE CITY UT 84111

MORGAN, LYNN F & RUTH A; JT
271 N 'C' ST
SALT LAKE CITY UT 84103

MOTIWALA, ARIF M & SHAHIDA; JT
89 N 'D' ST
SALT LAKE CITY UT 84103

MOLLOY, GERALD E; TR
2405 E CAMPUS DR
SALT LAKE CITY UT 84121

MORGAN, REX & LINDA; JT
1569 W SHENANDOAH CIR
TAYLORSVILLE UT 84123

MOUNTAIN STATES TEL & TEL CO. (STATE
1801 CALIFORNIA ST SUITE 2500
DENVER CO 80202

MONG, KWOCK D S
1169 SOUZA DR
EL DORADO HILLS CA 95762

MORLEY, LESLIE K
2279 S 800 E
SALT LAKE CITY UT 84106

MOUNTAIN VALLEY RESIDENTIAL LLC
2270 E 4500 S SUITE 1B
SALT LAKE CITY UT 84117

MONTANO, PAUL A
128 N 'J' ST
SALT LAKE CITY UT 84103

MORPHET, CARI
702 N WALL ST SUITE 8
SALT LAKE CITY UT 84103

MOUNTAIN VIEW PARK INC; ET AL
P O BOX 346
CENTERVILLE UT 84014

MONTGOMERY, LARRY J & ROSEMARY J;
1108 E FIRST AVE
SALT LAKE CITY UT 84103

MORRELL, JOHN W & JUDI B; JT
2494 W 3965 S
WEST VALLEY UT 84119

MOUSKONDIS, ELYCE B
841 N JUNIPERPOINT DR
SALT LAKE CITY UT 84103

MONTRONE, RANDY V & JANET D; JT
5352 W PEGGY CIR
WEST VALLEY UT 84120

MORRIS, JOHN J & PENMAN, LARRY A; TC
925 E WILSON AVE
SALT LAKE CITY UT 84105

MUNICIPAL BUILDING AUTHORITY OF
2001 S STATE ST SUITE N2200
SALT LAKE CITY UT 84190

MOON, ELIZABETH E
778 E TENTH AVE
SALT LAKE CITY UT 84103

MORRISON, C GRANT
424 E 3400 S
SALT LAKE CITY UT 84115

MURDOCK & MURDOCK LLC
4155 S PARKVIEW DR
SALT LAKE CITY UT 84124

MOORE, COLLEEN F
717 E FIFTH AVE
SALT LAKE CITY UT 84103

MORTENSEN, DON M & ANNETTA N; JT
8411 S WINDMILL DR
WEST JORDAN UT 84088

MURDOCK, COLLETTE T; TR
2042 E 900 S
SALT LAKE CITY UT 84108

MURPHY, PATRICIA A
211 E FIFTH AVE SUITE 201
SALT LAKE CITY UT 84103

NG, KIN SENG & MEI, LAN AI; JT
1625 S 1300 E SUITE B1
SALT LAKE CITY UT 84105

NIELSON, LORING R & LADAWN; TRS
4020 S MARKET ST
WEST VALLEY UT 84119

MURRAY, CHESTER J. & NADEAN J.
1187 E LAIRD AVE
SALT LAKE CITY UT 84105

NG, YUEN LEUNG & HON, LINDAH (JT)
700 E SIXTEENTH AVE
SALT LAKE CITY UT 84103

NORTH CREST II HOME OWNERS ASSOC
925 E 900 S
SALT LAKE CITY UT 84105

MURRAY, KATHRYN A
229 N 'B' ST SUITE 2
SALT LAKE CITY UT 84103

NGUYEN, CHAN NGOC & TRAN, NINH THI
6454 S HEUGHS CANYON DR
SALT LAKE CITY UT 84121

NORTH CREST PARK CONDMN PH 1
416 E TENTH AVE
SALT LAKE CITY UT 84103

NATALIE ENTERPRISES LC
1788 W NOBILITY CIR
SALT LAKE CITY UT 84116

NGUYEN, KIM HOA & HUONG & TRAM,
1110 W GARN WY
SALT LAKE CITY UT 84104

NORTH, GARTH C. & ORAL N.
1071 N REDWOOD RD
SALT LAKE CITY UT 84116

NEILSON, THOMAS P
3804 S HIGHLAND DR SUITE 10
SALT LAKE CITY UT 84106

NGUYEN, THOMAS DUY & SUNDARA, MAI;
3966 BRIDLEWOOD DR
BOUNTIFUL UT 84010

NORTHPOINT ESTATES CONDM, AM'D
798 N NORTHPOINT DR
SALT LAKE CITY UT 84103

NELSON, NEIL S & PATRICIA R; JT
8088 BETHEL LANE
PLEASANTON CA 94588

NGUYEN, VAN THANH
442 W 300 S
SPANISH FORK UT 84660

NORTHEDGE HEIGHTS CONDM COMMON
521 E FIFTH AVE SUITE 403
SALT LAKE CITY UT 84103

NELSON, TANYA C
1432 S 1100 E
SALT LAKE CITY UT 84105

NIELSEN, CRAIG D & KEITH C; TC
220 N 100 E
EPHRAIM UT 84627

NORTON, CHRISTOPHER & PAULA; JT
713 E HARRISON AVE
SALT LAKE CITY UT 84105

NEO-PROPERTY SYSTEMS LLC
358 S 700 E SUITE B
SALT LAKE CITY UT 84102

NIELSEN, RICK L & BRENDA G; JT
981 W FREMONT AVE
SALT LAKE CITY UT 84104

NORTON, GRANT J & COLLEEN C; JT
657 WINDSOR CT
ALPINE UT 84004

NETMENDERS, LLC
955 E LOGAN AVE
SALT LAKE CITY UT 84105

NIELSEN, RONALD Y & NANCY W; JT
357 W 400 N
SALT LAKE CITY UT 84103

NUMBERS, MICHAEL W & CRISTINA S; JT
1001 S LAKEVIEW DR
BOUNTIFUL UT 84010

NEWTON, JOHN H
4514 S BUTTERNUT RD
SALT LAKE CITY UT 84117

NIELSEN, TODD F
2139 E HUNTERS GLEN DR
LAYTON UT 84040

OAK SPRINGS CONDOMINIUM COMMON
1730 S OAK SPRINGS DR
SALT LAKE CITY UT 84108

O'BRIEN PROPERTIES, LLC
107 S 900 E
SALT LAKE CITY UT 84102

ONEIDA CONDMN COMMON AREA
2408 E CAMPUS DR
SALT LAKE CITY UT 84121

PALM, MARY J
417 E NINTH AVE SUITE 4
SALT LAKE CITY UT 84103

O'BRIEN, VERL R
1492 E SPRING LN
SALT LAKE CITY UT 84117

ORTON, MIGAN
340 N 'D' ST
SALT LAKE CITY UT 84103

PANTUSO, TERRANCE M
1035 S 700 E
SALT LAKE CITY UT 84105

OCKEY, KRISTINE B & BRYSON J; JT
611 E TAYLOR LN SUITE 12F
MURRAY UT 84107

OSSMEN, MICHAEL D; TR
627 E THIRD AVE SUITE 6
SALT LAKE CITY UT 84103

PANUS, JEROME M; TR
955 S 1100 E
SALT LAKE CITY UT 84105

OGATA, CARY & NANCY L; JT
211 E FIFTH AVE SUITE 301
SALT LAKE CITY UT 84103

OUSLEY, JUDY C
303 N 'A' ST SUITE 202
SALT LAKE CITY UT 84103

PAPADEROS, NICOLAS & EUGENIA; JT
6423 S WESTRIDGE ST
MURRAY UT 84107

OH, JASON
1450 E SANDPIPER CIR SUITE 153
SALT LAKE CITY UT 84117

OUYANG, MING & ELLEN J (JT)
466 E TWELFTH AVE
SALT LAKE CITY UT 84103

PAPPIN, MICHAEL J & SHIRLEY C; JT
303 E MANTI DR
DRAPER UT 84020

OLD DUTCH STORE PROPERTIES LLC
2106 E SEGO LILY DR
SANDY UT 84092

OVERALL, DAVID & KEAYS, LISA A; JT
46 GILENGROVE AVE
CRANSTON RI 02910

PAPULAK, KAY & MUIR, DONALD C; TRS
416 E TENTH AVE SUITE 5
SALT LAKE CITY UT 84103

OLSON, JON D & ASHLEY N; JT
1935 S DOUGLAS ST SUITE 2
SALT LAKE CITY UT 84105

P P M C INC
PO BOX 65644
SALT LAKE CITY UT 84165

PARK PLACE GROUP, LTD
655 E 400 S SUITE 200
SALT LAKE CITY UT 84102

OLSSON, LEO E
1065 S LAKE ST
SALT LAKE CITY UT 84105

P STREET INVESTMENTS LC
1732 E YALECREST AVE
SALT LAKE CITY UT 84108

PARK STREET ASSOCIATES
PO BOX 207
BOUNTIFUL UT 84010

OLVERA, ROSALIO
429 N PAMELA WY
SALT LAKE CITY UT 84116

PACINI, LEROY & LAWANA; TRS
837 N JUNIPERPOINT CT
SALT LAKE CITY UT 84103

PARKER, DON R
2145 S MAIN ST
SOUTH SALT LAKE UT 84115

O'MALLEY, CHRISTOPHER M
232 N 'G' ST
SALT LAKE CITY UT 84103

PACK, RICHARD L R & THURZA E
4721 S ICHABOD ST
SALT LAKE CITY UT 84117

PARKER, DONNA
801 W 200 N
SALT LAKE CITY UT 84116

PARKIN, DON M & TREWHELLA, JILL; JT
269 N ALMOND ST
SALT LAKE CITY UT 84103

PEARSON, GRAYDON H
1168 S 500 E
SALT LAKE CITY UT 84105

PETEREIT, FRANK & ELLEN; TRS
545 SPEER CT
POMONA CA 91766

PARKIN, JOHN B
673 N WALL ST
SALT LAKE CITY UT 84103

PEARSON, ROBERT K
9118 S SHAD CIR
SANDY UT 84093

PETERSON SHADOWS, LLC
1749 E VINE ST
SALT LAKE CITY UT 84121

PARSONS, DARRELL L & JOYCE M
PO BOX 366
SALT LAKE CITY UT 84110

PEARSON, ROLAND L & JIMENEZ,
164 N N ST
SALT LAKE CITY UT 84103

PETERSON, JAMES C & ANN C; JT
4417 S 2990 E
SALT LAKE CITY UT 84124

PARSONS, SUZANNE G
3973 S 1460 W
MURRAY UT 84123

PECK, CHARLES J & MARILYN D; TRS
2107 WILDHACK RD
BAINBRIDGE GA 39819

PETERSON, LINDA C; TR
410 E TENTH AVE
SALT LAKE CITY UT 84103

PASMANN, RICHARD L
2723 E SPRING CREEK RD
SALT LAKE CITY UT 84117

PEHRSON, DAVID N & GLORIA H; JT
4065 S SEVERN CIR
SALT LAKE CITY UT 84124

PETERSON, MYRA D
1935 S DOUGLAS ST SUITE 15
SALT LAKE CITY UT 84105

PATRICK, MARGARET N
4352 S SHIRLEY LN
SALT LAKE CITY UT 84124

PELL, OLENE C; TR
1719 S MAIN ST
SOUTH SALT LAKE UT 84115

PETROGEORGE, JOANNE; JT ET AL
720 E FIFTH AVE SUITE 10
SALT LAKE CITY UT 84103

PAUL, BALBINA R
5473 W TOWNSEND WY
SALT LAKE CITY UT 84118

PENDLETON, PAUL G
521 E FIFTH AVE SUITE 602
SALT LAKE CITY UT 84103

PETTEY, MATTHEW T & CHRISTINE L; JT
2123 S 2100 E
SALT LAKE CITY UT 84109

PAULSON, KIRK I & JEANETTE G; JT
7765 N SILVER CREEK RD
PARK CITY UT 84098

PEPE, SUE ANN MARIE
2716 S 1000 E
SALT LAKE CITY UT 84106

PIKE, E MARLYNNE
471 N 'M' ST
SALT LAKE CITY UT 84103

PAYNE, MARK E & DAWN R; JT
PO BOX 521043
SALT LAKE CITY UT 84152

PERKINS, LARRY
PO BOX 2231
SALT LAKE CITY UT 84110

PINECREST APARTMENTS LLC
1082 E FOURTH AVE
SALT LAKE CITY UT 84103

PAZOOKI, MICHAEL R & DONNA R; JT
4873 S WALLACE LN
SALT LAKE CITY UT 84117

PERKINS, LARRY R
335 E FIFTH AVE
SALT LAKE CITY UT 84103

PLATINUM CENTURY INVESTMENTS LLC
1316 E KENSINGTON AVE
SALT LAKE CITY UT 84105

PLATT, MATTHEW J
702 N WALL ST
SALT LAKE CITY UT 84103

PRATT, SPENCER & HOLLI; JT
2263 S 800 E
SALT LAKE CITY UT 84106

QUESTAR GAS COMPANY
PO BOX 45360
SALT LAKE CITY UT 84145

PLUMB, JACK
1115 S 900 E
SALT LAKE CITY UT 84105

PREMIER ROOFING, LLC
1183 W 900 S
SALT LAKE CITY UT 84104

RAMMELL, SHARON
795 N NORTHPOINT CT
SALT LAKE CITY UT 84103

PLUMB, JACK E
135 W 900 S
SALT LAKE CITY UT 84101

PRICE, GIFFORD W & BERIT S; JT
786 N NORTHPOINT DR
SALT LAKE CITY UT 84103

RAMOS, DANIEL A & JANET L; TC
3615 E AURORA CIR
SALT LAKE CITY UT 84124

PMA MANAGEMENT SERVICES, LLC
3989 S 900 E SUITE 100
SALT LAKE CITY UT 84124

PRIER, PETER P & MADELINE K; TRS
308 E 200 S
SALT LAKE CITY UT 84111

RASMUSSEN, CLAIR F.
2196 E WALKER LN
SALT LAKE CITY UT 84117

POCOCK, DOROTHY V; TR
1435 S EL REY ST
SALT LAKE CITY UT 84108

PRIMOSIC, EDWARD D
PO BOX 17258
SALT LAKE CITY UT 84117

RASSMUSSEN, CLAIR F & GADDIS, JAMES,
675 E 2100 S
SALT LAKE CITY UT 84106

POLARIS GARDENS COMMON AREA
211 E FIFTH AVE SUITE 301
SALT LAKE CITY UT 84103

PROPERTIES PLUS, LC
1567 CALLECITA ST.
SAN JOSE CA 95125

RAYNES, MARYBETH; TR ET AL
807 E NORTHCLIFFE DR
SALT LAKE CITY UT 84103

POLLARD, SARAH H & JACOB M; JT
327 E UNIVERSITY VILLAGE
SALT LAKE CITY UT 84108

PSC LEASING & COMMUNICATIONS
132 S 600 E
SALT LAKE CITY UT 84102

RCKP, LTD, ET AL
573 E 300 S
SALT LAKE CITY UT 84102

POLLOCK PROPERTIES LLC
462 S BISHOPS ST
KAYSVILLE UT 84037

PSS PROPERTIES LC
555 E 200 S SUITE 250
SALT LAKE CITY UT 84102

RED GATE PROPERTIES, LLC
76 N 'H' ST
SALT LAKE CITY UT 84103

POTTER, THOMAS D & WILLMETTE; TRS
825 N JUNIPERPOINT CT
SALT LAKE CITY UT 84103

PYONG, SUE; ET AL
2100 E BENGAL BLVD SUITE E201
SALT LAKE CITY UT 84121

REDD, LAURIE K
PO BOX 2372
SALT LAKE CITY UT 84110

POWER, BELINDA
211 E FIFTH AVE SUITE 202
SALT LAKE CITY UT 84103

QBS INVESTMENTS INC
2758 W 10400 S
SOUTH JORDAN UT 84095

REDD, MATT
PO BOX 9
NORWOOD CO 81423

REDEVELOPMENT AGENCY OF SLC
451 S STATE ST SUITE 418
SALT LAKE CITY UT 84111

RICHARDSON, TORY C
609 E TREVEN PL
DRAPER UT 84020

ROBCO-ONE LLC
3212 E MILLCREEK DELL LN
SALT LAKE CITY UT 84109

REESE, RALPH G
PO BOX 701555
SALT LAKE CITY UT 84170

RICHARDSON, WILLIAM C & BOWLES,
1260 W NORWALK RD
TAYLORSVILLE UT 84123

ROBINSON, CHRISTOPHER W
1738 S OAK SPRINGS DR
SALT LAKE CITY UT 84108

REGGIO, MATTHEW J &
521 E FIFTH AVE SUITE 206
SALT LAKE CITY UT 84103

RICHINS, RYAN H & CYNTHIA B; JT
521 E FIFTH AVE SUITE 606
SALT LAKE CITY UT 84103

ROBINSON, DARRELL S & SALLY L; JT
970 E FIRST AVE SUITE 4
SALT LAKE CITY UT 84103

REITER, ROLLAND H; ET AL
874 E 200 S
SALT LAKE CITY UT 84102

RIDEOUT, SIMON T & NATALIE; JT
2559 S 500 E SUITE A
SALT LAKE CITY UT 84106

ROBINSON, DEBRA J
3454 E SEVEN SPRINGS DR
SANDY UT 84092

REKOW, ALISA G
227 N 'H' ST SUITE 206
SALT LAKE CITY UT 84103

RIDGEVIEW INVESTMENTS LTD
3366 CRESTLINE DR
PARK CITY UT 84060

ROBINSON, KRISTIN E
1482 E REDONDO AVE
SALT LAKE CITY UT 84105

REMLINGTON, LOIS
4201 S MARQUIS WY
SALT LAKE CITY UT 84124

RIEMER, FREDERICK J
227 N 'H' ST SUITE 202
SALT LAKE CITY UT 84103

ROBINSON, MICHAEL S; TR
PO BOX 592
DRAPER UT 84020

REYNOLDS, PAUL L & GRETCHEN L; JT
161 N 'F' ST
SALT LAKE CITY UT 84103

RIGBY, W TRUMAN & MAE A; JT
5878 S 2075 E
SALT LAKE CITY UT 84121

ROBISON, REID J
2674 S PRESTON ST
SALT LAKE CITY UT 84106

RICH, WILLIAM K; TR
2127 GREEN ST
PHILADELPHIA PA 19130

RIVERA, WILDOR A
2309 S 500 E
SALT LAKE CITY UT 84106

ROCHA, SERGIO M & MARIA D; JT
8562 S 1600 W
WEST JORDAN UT 84088

RICHARDS, BRUCE D; TR
819 N JUNIPERPOINT DR
SALT LAKE CITY UT 84103

ROBBINS, PEARL; ET AL
4465 S MATHEWS WY
SALT LAKE CITY UT 84124

ROGERS, JANIE L, ET AL
1675 N BECK ST
SALT LAKE CITY UT 84116

RICHARDS, PAMELA M
2241 E KODIAK CT
DRAPER UT 84020

ROBBINS, WILLIAM H & LORETTA G; TRS
215 N 'E' ST
SALT LAKE CITY UT 84103

ROGERS, RICHARD B & ELIZABETH D; TRS
315 W HUENEME ROAD
CAMARILLO CA 93012

ROGERS, RICHARD B; TR ET AL
4257 DEL MAR AVE
CARPENTERIA CA 93012

RUFENER, MICHELLE & JOSEPHSON,
2177 E EAGLE RAY CT
SALT LAKE CITY UT 84121

SANDERS HODSON COMPANY
2569 LIBERTY LN
HEBER CITY UT 84032

ROLFE, VERNA W; TR
2716 S 1000 E
SALT LAKE CITY UT 84106

RUMI UNIVERSAL LLC
909 E 4500 S
SALT LAKE CITY UT 84117

SANDERSON, MARK B & LYNNE W; JT
4174 BOUNTIFUL BLVD
BOUNTIFUL UT 84010

ROMERO, RICHARD G; ET AL
10961 S SEGOVIA CIR
SANDY UT 84094

RUST, THOMAS C & GONZALES, GLORIA R;
1119 E WESTMINSTER AVE
SALT LAKE CITY UT 84105

SANDRY, DANIEL I & LINDA L; JT
11259 E VIA LINDA
SCOTTSDALE AZ 85259

ROPER, SHARON L
5071 S 1130 W
TAYLORSVILLE UT 84123

RYON, MICHAEL E & GAYE L; JT
5672 WALNUT GROVE PL
MEMPHIS TN 38120

SATER, KATHRYN E
772 E DUSTYCREEK AVE
SANDY UT 84094

ROSENSTEIN, DARREN L
PO BOX 510828
SALT LAKE CITY UT 84151

SABALA BROS & CO
231 W 800 S
SALT LAKE CITY UT 84101

SAUER, BLAIR
26766 PETERMAN AVE
HAYWARD CA 94545

ROWELL, DEAN W
303 N 'A' ST SUITE 501
SALT LAKE CITY UT 84103

SADOSKI, PETER A & PATRICIA C; JT
1630 SUNSET DR
LOGAN UT 84321

SAWATZKI, SUSEN C
517 E SECOND AVE
SALT LAKE CITY UT 84103

ROWLAND, FREDERICK C JR
82 N 'E' ST
SALT LAKE CITY UT 84103

SAJE, NATASAH & ROBERTSON, TYRONE;
3105 S TETON DR
SALT LAKE CITY UT 84109

SCHAUERHAMER LIMITED
2152 S HANNIBAL ST
SALT LAKE CITY UT 84106

ROWLAND, GERALD K; TR
1058 E THIRD AVE
SALT LAKE CITY UT 84103

SALISBURY, ROBERT & BECKY; JT
1070 GREENLEY ST
ROSEBURG OR 97470

SCHESLER PROPERTIES, LLC
1172 S 500 E SUITE 1
SALT LAKE CITY UT 84105

RUBY'S CATERING
564 E THIRD AVE
SALT LAKE CITY UT 84103

SALT LAKE COMMUNITY COLLEGE
PO BOX 30808
SALT LAKE CITY UT 84130

SCHEULLER, H COLEMAN
65 S 760 E
KAYSVIELLE UT 84037

RUDD PROPERTIES LLC
1794 E FORT DOUGLAS CIR
SALT LAKE CITY UT 84103

SALT LAKE THEOLOGICAL SEMINARY
PO BOX 2096
SALT LAKE CITY UT 84102

SCHMIDT, DENNIS R; ET AL
1366 E 5985 S
SALT LAKE CITY UT 84121

SCHMIDT, K WALTER & BARBARA B (TRS)
2460 E MELONY DR
SALT LAKE CITY UT 84124

SEARS, CLARA B
1178 S STATE ST
OREM UT 84097

SHERWOOD FOREST LTD
PO BOX 1848
PROVO UT 84603

SCHUMACHER, KERN W
PO BOX 30076
SALT LAKE CITY UT 84130

SEASTRAND, STEPHEN A & NANCY G; TRS
2883 E HILLSDEN DR
SALT LAKE CITY UT 84117

SHERWOOD, JOSEPH M
3664 S LAURELCREST ST
SALT LAKE CITY UT 84109

SCHWARZ, CHARLES M & VERED R; JT
427 S FLETCHER CT
SALT LAKE CITY UT 84102

SEGO JUNCTION LC
1451 S YUMA ST
SALT LAKE CITY UT 84108

SHERWOOD, MARK E
PO BOX 3341
TEMPE AZ 85280

SCHWIEGER, YONG SUK
604 E 1300 S
SALT LAKE CITY UT 84105

SELF, CARY A; ET AL
3443 S STATE ST SUITE 7
SALT LAKE CITY UT 84115

SHIELDS, DAVID G & ELEANOR D; JT
1748 S OAK SPRINGS DR
SALT LAKE CITY UT 84108

SCOTT B BRADSHAW LLC
PO BOX 1813
WEST JORDAN UT 84084

SENZEE, NORMA K
574 E TENTH AVE
SALT LAKE CITY UT 84103

SHIELDS, GLEN V & MARIA; JT
4950 S COTTONWOOD LN
SALT LAKE CITY UT 84117

SCOTT, KIMBERLY
323 N ALMOND ST
SALT LAKE CITY UT 84103

SEPEHRI-NIK, HOSSEIN KABIR; TR
PO BOX 100
MAGNA UT 84044

SHOOL, JOSEPH; TR
2388 E 1700 S
SALT LAKE CITY UT 84108

SCOTT, STEVEN L
204 N 'K' ST
SALT LAKE CITY UT 84103

SHEA, P DANIEL & WOOD, DENNIS E; TC
355 E 2100 S
SALT LAKE CITY UT 84115

SHOORE, JOSEPH D
2759 SAN JUAN LN
COSTA MESA CA 92626

SCROGGINS, A. DEWEY & CLARA D.
3045 S MAPLE WY
WEST VALLEY UT 84119

SHEN, GREGORY S
943 KINGSLEY DR
ARCADIA CA 91007

SHORTINO, NINA M.
8749 S IDA LN
SANDY UT 84093

SCSC LEASING LC
2202 S MCCLELLAND ST
SALT LAKE CITY UT 84106

SHEPHERD PROPERTIES LC
PO BOX 1049
SALT LAKE CITY UT 84110

SIDWELL, LYNN W. & GLENNIS V.
619 W 3100 S
BOUNTIFUL UT 84010

SEAL, CAROLEE C; TR
5330 S BAYWOOD CIR
SALT LAKE CITY UT 84117

SHERRATT, SCOTT W & MARIE; JT
1935 S DOUGLAS ST SUITE 4
SALT LAKE CITY UT 84105

SIGNATURE BOOKS, INC
564 W 400 N
SALT LAKE CITY UT 84116

SILLOWAY, STUART F JR & MARY H; JT
4 CREAM HILL RD
MENDON VT 05701

SMELSER, RONALD; TR ET AL
1747 E BROWNING AVE
SALT LAKE CITY UT 84108

SNYDER, DAVID & TERESA; JT
3130 E MILLCREEK DELL LN
SALT LAKE CITY UT 84109

SILVER SAGE CONDOMINIUM COMMON
2279 S 800 E
SALT LAKE CITY UT 84106

SMITH, BRADY & SMITH, CHAD; JT
1013 N 2925 W
LAYTON UT 84041

SOMPHOU, KHAMPHET & CHANTHANA T;
2941 E BANBURY RD
SALT LAKE CITY UT 84121

SIMONS, DELORES D; TR
69 W APRICOT AVE
SALT LAKE CITY UT 84103

SMITH, DAVID H
2356 E DIMPLE DELL RD
SANDY UT 84092

SONNTAG, DONALD T. & JUANITA L
PO BOX 22373
SALT LAKE CITY UT 84122

SIMONS, SPENCER W & LUCILLE M; JT
303 N 'A' ST SUITE 400
SALT LAKE CITY UT 84103

SMITH, DUSTIN M & O'VEY-SAYLOR,
478 N 'E' ST SUITE 14
SALT LAKE CITY UT 84103

SONNTAG, GLORIA B; TR
833 N GRANDRIDGE DR SUITE 42D
SALT LAKE CITY UT 84103

SIMS, BETTE L P; TR
521 E FIFTH AVE SUITE 204
SALT LAKE CITY UT 84103

SMITH, JACK B
10229 ANACAPA CT
RANCHO CUCAMONGA CA 91730

SORENSEN, BLAIR W. & MARGENE
PO BOX 526136
SALT LAKE CITY UT 84152

SINGH, ANIL K & VENUS; JT
2873 S 3200 W
SALT LAKE CITY UT 84119

SMITH, LAWRENCE P
1 S ROLLINGWOOD LN
SANDY UT 84092

SORENSEN, ROGER A & SHIRLEY R; TRS
806 N NORTHPOINT DR
SALT LAKE CITY UT 84103

SINGLETON, ERIC
925 E 900 S
SALT LAKE CITY UT 84105

SMITH, TERESA R
119 N 'M' ST SUITE 101
SALT LAKE CITY UT 84103

SOUTH EAST CENTER, LLC
PO BOX 521448
SALT LAKE CITY UT 84152

SKOUSA, RUTH
2277 S 800 E
SALT LAKE CITY UT 84106

SMITH'S FOOD KING PROPERTIES INC
3336 E 32ND ST SUITE 217
TULSA OK 74135

SOUTH TEMPLE ENTERPRISES, LLC
PO BOX 58139
SALT LAKE CITY UT 84158

SLOWIKOWSKI, LEO
1865 INDEPENDENCE BLVD SUITE L
SALT LAKE CITY UT 84116

SMOOT, A OWEN V; TR ET AL
849 N JUNIPERPOINT DR
SALT LAKE CITY UT 84103

SOUTHLAND CORPORATION
2711 N HASKELL AVE
DALLAS TX 75204

SMB LTD
PO BOX 373
BOUNTIFUL UT 84010

SNARR, RONALD P
1353 E RAMONA AVE
SALT LAKE CITY UT 84105

SOUTHWICK, GRANT H
843 N GRANDRIDGE CT
SALT LAKE CITY UT 84103

SPARKS, ARITA R; TR
2181 E IVERSON WOODS PL
SALT LAKE CITY UT 84117

STENDER, KATHRYN M & PETER J; TRS
2847 S 3000 W
OGDEN UT 84401

STODDARD, ALAN L
169 N 'G' ST
SALT LAKE CITY UT 84103

SPARKS, PRISCILLA C & PARKER, JERI; JT
936 E 1700 S
SALT LAKE CITY UT 84105

STEPHEN A REGAN INC
3031 E MORNINGSIDE DR
SALT LAKE CITY UT 84124

STOKER, DOUGLAS G & LOWE, MICHAEL K
144 S 700 E
SALT LAKE CITY UT 84102

SPENCER CHANCELLOR, LLC
754 E 1200 N
PLEASANT GROVE UT 84062

STEPHENSON, PHILIP L & AMY O; JT
1121 N GOODWIN CIR
SALT LAKE CITY UT 84116

STOKES, LYUDMYLA
1826 E 2700 S
SALT LAKE CITY UT 84106

SPENDLOVE, J CLIFTON & CAROL C; TRS
241 N VINE ST SUITE 306W
SALT LAKE CITY UT 84103

STERLING FURNITURE COMPANY
2051 S 1100 E
SALT LAKE CITY UT 84106

STOTT, GERALD
1358 E HEATHERTON CIR
SALT LAKE CITY UT 84121

SQUIRES, EDGAR L & APRIL B; JT
303 N 'A' ST SUITE 503
SALT LAKE CITY UT 84103

STERRETT, MORRIS R; TR
PO BOX 9452
OGDEN UT 84409

STOUT, RYAN D & CARRIE-ANNE T; JT
1935 S DOUGLAS ST SUITE 9
SALT LAKE CITY UT 84105

STALEY, LYNN
1935 S DOUGLAS ST SUITE 11
SALT LAKE CITY UT 84105

STEWART, ANN K; TR
480 N 'E' ST
SALT LAKE CITY UT 84103

STRACHAN, ROBERT K
7301 S HICKORY HILL
SALT LAKE CITY UT 84121

STANDARD LIFE & CASUALTY INSURANCE
68 S MAIN ST SUITE 500
SALT LAKE CITY UT 84101

STEWART, MARY BETH
211 E FIFTH AVE SUITE 204
SALT LAKE CITY UT 84103

STRAND, REX C & RENEE L; TRS
2209 S DALLIN ST
SALT LAKE CITY UT 84109

STAUFFER, MARY W
65 W APRICOT AVE
SALT LAKE CITY UT 84103

STILLMAN, LARRY
PO BOX 17019
SALT LAKE CITY UT 84117

STRONG, DAVID T & MERLE J
1045 S STATE ST
SALT LAKE CITY UT 84111

STEAD, MARJORIE M
1943 S 200 E
BOUNTIFUL UT 84010

STITES, MERRITT W & THOMAS H; JT
559 E TENTH AVE
SALT LAKE CITY UT 84103

STUBBS, BYRON L; TR
13052 S GREEN CLOVER RD
DRAPER UT 84020

STEFFENS, CAROL K
615 E SECOND AVE
SALT LAKE CITY UT 84103

STOCKMAN, DONALD G
2043 E 2700 S
SALT LAKE CITY UT 84109

STUBBS, GWEN P; TR
1495 S WASATCH DR
SALT LAKE CITY UT 84108

STUCKENSCHNEIDER, MARK
148 S MAIN
HELPER UT 84526

TANGREN, PAMELA Y & BRENT M; JT
1511 EMIGRATION CANYON RD
SALT LAKE CITY UT 84108

TERRY, EVAN R & JOAN C; JT
178 N 'E' ST
SALT LAKE CITY UT 84103

SUMMIT APARTMENTS LLC
1411 4TH AVE SUITE 1325
SEATTLE WA 98101

TAVAZOIE, MAHMOUD & BIGDELOO,
8617 S CIMA DR
SANDY UT 84093

TESEROS INVESTMENTS NO 1
8727 S TRACY DR
SANDY UT 84093

SWAIN, JEFFREY L & KIM L (TC)
6050 S 1820 W
TAYLORSVILLE UT 84118

TAYLOR RENTALS LLC
150 S 600 E
SALT LAKE CITY UT 84102

TESORO WEST COAST COMPANY
4393 S RIVERBOAT RD SUITE 330
TAYLORSVILLE UT 84123

SWEET, DON G; TR
2710 S 1000 E
SALT LAKE CITY UT 84106

TAYLOR, BLAINE G. & ANNETTE T.
1075 E GREEN RD
FRUIT HEIGHTS UT 84037

THAIN, BRANDON W & MARY K; JT
1918 S 900 E
SALT LAKE CITY UT 84105

SWENSEN, JOSHUA
869 E 4500 S SUITE 321
MURRAY UT 84107

TAYLOR, BRAD E
931 W EUCLID AVE
SALT LAKE CITY UT 84104

THAYNE LTD
1965 E ST MARYS DR
SALT LAKE CITY UT 84108

SWENSEN, KARL J & VIRGINIA E; JT
297 N 1100 E
OREM UT 84057

TAYLOR, CLINTON J & KARYN M; JT
176 S 1100 E
SALT LAKE CITY UT 84102

THE AVENUES CONDOMINIUMS COMMON
227 N 'H' ST SUITE 110
SALT LAKE CITY UT 84103

SYCAMORE HOLDINGS LLC
1462 E FEDERAL HEIGHTS DR
SALT LAKE CITY UT 84103

TEDESCO, FRED B & PAULETTE; JT
3612 S 5200 W
WEST VALLEY UT 84120

THE BARRACO-KURTZ PARTNERSHIP
160 W 300 N SUITE 5
SALT LAKE CITY UT 84103

TADJE, DAVID P & DIANE C; JT
288 E 350 N
ALPINE UT 84004

TELANDER, BRUCE N & BARBARA J; JT
150 S 5TH ST SUITE 2000
MINNEAPOLIS MN 55402

THE FOREST COMPANY
4222 S WANDER LN
SALT LAKE CITY UT 84124

TAFT, JOLENE
11920 S PINERIDGE RD
SANDY UT 84094

TERASAWA, KAZUKO; ET AL
822 W SIMONDI AVE
SALT LAKE CITY UT 84116

THE MID AVENUES CONDMN COMMON
720 E FIFTH AVE SUITE 7
SALT LAKE CITY UT 84103

TALIAFERRO, LYNN & JOANNA &
717 E FIFTH AVE SUITE 105
SALT LAKE CITY UT 84103

TERRACOR II
529 E SOUTHTEMPLE ST
SALT LAKE CITY UT 84102

THOMAS, DAVID E
244 W 400 S
SALT LAKE CITY UT 84101

THOMAS, LESLIE
414 E TENTH AVE
SALT LAKE CITY UT 84103

TOPHAM, JOYCE M; TR
847 N JUNIPERPOINT DR
SALT LAKE CITY UT 84103

TRUBETZKOY, SERGEI & LESLIE S; JT
804 S 600 E SUITE N
SALT LAKE CITY UT 84102

THOMAS, PATRICIA M; TR
1599 DAPHNE AVE
VENTURA CA 93004

TOWER HILL CONDM COMMON AREA
303 N 'A' ST SUITE 503
SALT LAKE CITY UT 84103

TRUJILLO, CARL J & BOGENSCHUTZ, JAMI;
1123 W PARK PALISADE DR
SOUTH JORDAN UT 84095

THOMAS, RICHARD K, JR
167 W 1300 N
SUNET UT 84015

TOWN CLUB INC.
1081 E SOUTHTEMPLE ST
SALT LAKE CITY UT 84102

TSUI, TEH-CHANG, CHU-HWA, TED L &
521 E FIFTH AVE SUITE 305
SALT LAKE CITY UT 84103

THOMSON, JULIENNE A; TR
839 N GRANDRIDGE CT
SALT LAKE CITY UT 84103

TOWNSEND, DAVID W
805 N GRANDRIDGE DR
SALT LAKE CITY UT 84103

TUITAVUKI, TRULIE A
969 N TERRACE HILLS DR
SALT LAKE CITY UT 84103

THORPE, DEBORAH M
211 E FIFTH AVE SUITE 304
SALT LAKE CITY UT 84103

TRAINING TABLE LAND & HOLDING
4535 S 2300 E
SALT LAKE CITY UT 84117

UJIFUSA, HOWELL & JEAN A; TRS
824 N JUNIPERPOINT DR
SALT LAKE CITY UT 84103

THREEDY, DEBORA L
801 E THIRD AVE
SALT LAKE CITY UT 84103

TRAN, KIEM TUAN & HOA HOANG; JT
2804 W MIDWEST DR
TAYLORSVILLE UT 84118

UNIVERSITY PROPERTIES INC
PO BOX 342
PROVO UT 84603

TILLY, SHANNON
785 E SECOND AVE SUITE 103
SALT LAKE CITY UT 84103

TRAN, STEVE
1063 W EUCLID AVE
SALT LAKE CITY UT 84104

URQUIDI, PETE & CATHY; JT
2240 S SCENIC DR
SALT LAKE CITY UT 84109

TIMOTHY, ROBERT B & DEVON H; JT
5905 W ZINA CIR
WEST VALLEY UT 84128

TRIPENY, PATRICK J
521 E FIFTH AVE SUITE 604
SALT LAKE CITY UT 84103

UTAH ALCOHOLISM FOUNDATION
321 S 600 E
SALT LAKE CITY UT 84102

TIOGA PROPERTIES LLC
544 W 20TH
MERCED CA 95340

TROLLEY HOLDINGS LLC
PO BOX 6120
INDIANAPOLIS IN 46206

UTAH MACHINE & MILL SUPPLY CO.
PO BOX 16112
SALT LAKE CITY UT 84116

TOMKAT ENTERPRISES, LTD
2451 E MAYWOOD DR
SALT LAKE CITY UT 84109

TROPHIES INC
831 W 100 S
SALT LAKE CITY UT 84104

UTAH NONPROFIT HOUSING CORPORATION
756 S 200 E SUITE A
SALT LAKE CITY UT 84111

UTAH PRIME PROPERTIES, INC
2290 E 4500 S SUITE 130
SALT LAKE CITY UT 84117

VENIZELOS, GEORGE A
470 E 900 S
SALT LAKE CITY UT 84111

W & R, INC
1164 W WASATCH DOWNS DR
SOUTH JORDAN UT 84095

UTAH RETAIL GROCERS ASSN
1578 W 1700 S
SALT LAKE CITY UT 84104

VICTORIAN CONDMN COMMON AREA
663 E THIRD AVE SUITE B
SALT LAKE CITY UT 84103

W. F. O. ASSOCIATES
125 S 900 W
SALT LAKE CITY UT 84104

VALERIO, CHRISTINO & LUCY; JT
3144 W MILLERAMA AVE
SALT LAKE CITY UT 84119

VIERIG, CRAIG R
5695 S HIGHLAND DR
SALT LAKE CITY UT 84121

WAILES, RICHARD R & MARY B; TRS
8340 S WASATCH BLVD
SALT LAKE CITY UT 84121

VALLEY VILLA INC
5965 S 900 E
SALT LAKE CITY UT 84121

VILLATORO, ERIC
702 N WALL ST SUITE 6
SALT LAKE CITY UT 84103

WAKEFIELD ANDREW L
152 N 'M' ST
SALT LAKE CITY UT 84103

VAN DE WATER, KAREN; ET AL
1872 N 40 E
OREM UT 84057

VIVA CORPORATION
3905 E PARKVIEW DR
SALT LAKE CITY UT 84124

WALKER ASSOCIATES
PO BOX 17356
SALT LAKE CITY UT 84117

VAN SCIVER, GLENDA N
1811 E SOUTHMOOR DR
SALT LAKE CITY UT 84117

VORMELKER, LEE E
975 W 300 N
SALT LAKE CITY UT 84116

WALKER, C BARRY; TR ET AL
2084 E HARVARD OAKS CIR
SALT LAKE CITY UT 84108

VANDIJK, LUSAS & DELIA; JT
7602 S 425 E
MIDVALE UT 84047

VOSNOS, GEORGE J & MARY J; TRS
3344 S 8525 W
MAGNA UT 84044

WALKER, H BLAINE & C HILEA; JT
4210 S PANORAMA DR
SALT LAKE CITY UT 84124

VANDONGEN, MARINUS A & BECKY L; JT
211 E FIFTH AVE SUITE 302
SALT LAKE CITY UT 84103

VR LTD
2490 E OLYMPUS DR
SALT LAKE CITY UT 84124

WALKOWSKI, ALOYSIUS J; ET AL
2726 E PARLEYS WY
SALT LAKE CITY UT 84109

VANIKIOTIS, GEORGE T. & MARIA G.(JT)
2277 S SIGNAL POINT CIR
SALT LAKE CITY UT 84109

W & B INVESTMENTS LLC
1686 E RIDGEMARK DR
SANDY UT 84092

WALL STREET CONDM COMMON AREA
4600 S HOLLADAY BLVD
SALT LAKE CITY UT 84117

VARDAKIS, MIKE M
601 S STATE ST
SALT LAKE CITY UT 84111

W & P, INC 401K AND PROFIT SHARING
6325 S WRENHAVEN RD
SALT LAKE CITY UT 84121

WALL, BONNIE K & GRUENDELL, BARBARA
1183 S 1000 E
SALT LAKE CITY UT 84105

WALLACE, GRAE
1861 S LAKE ST
SALT LAKE CITY UT 84105

WEBBER, JIM A; ET AL
3443 S STATE ST SUITE 7
SALT LAKE CITY UT 84115

WESTON, OLIVE W, AKA YOUNG, OLIVE W
2800 S IMPERIAL ST
SALT LAKE CITY UT 84106

WALLACE, WILLIAM; TR ET AL
PO BOX 203
WILSON WY 83014

WEILER, KIRK S & JENNIFER F; JT
2933 E 3135 S
SALT LAKE CITY UT 84109

WESTSIDE RESTORATIONS LC
1160 E GILMER DR
SALT LAKE CITY UT 84105

WANKIER, FARRELL T, JR & DEANNA R (TC)
461 E SECOND AVE
SALT LAKE CITY UT 84103

WEISHAN, JIN
235 E SOUTHSANDRUN RD
SALT LAKE CITY UT 84103

WEYHER, WILLIAM C & MARY J; TRS
36 S 1200 E
SALT LAKE CITY UT 84102

WARD, JANICE
227 N 'H' ST SUITE 201
SALT LAKE CITY UT 84103

WEIXLER ENTERPRISES
132 N 'E' ST
SALT LAKE CITY UT 84103

WHITE FAMILY HARMONY INVESTMENT
1382 W HEATHER BRAE CT
SOUTH JORDAN UT 84095

WARD, STEPHEN M
1486 S 1100 E
SALT LAKE CITY UT 84105

WERNLI INC
264 S GLENDALE ST
SALT LAKE CITY UT 84104

WHITE, ALFRED H; TR
8784 S GRAND OAK DR
SALT LAKE CITY UT 84121

WARHURST, PAUL C & HORNOK, AMBER;
785 E SECOND AVE SUITE 204
SALT LAKE CITY UT 84103

WEST JORDAN REAL ESTATE HOLDINGS
268 W 400 S
SALT LAKE CITY UT 84101

WHITE, KELLY S
211 E FIFTH AVE SUITE 206
SALT LAKE CITY UT 84103

WARNE, JEFFERY D
6661 N SKYWAY RD
TUCSON AZ 85718

WESTERMANN, PETER N
320 ST MARITZ STRAUSS
PARK CITY UT 84098

WHITE, VON M & CAROL S (JT)
3430 S 3570 E
SALT LAKE CITY UT 84109

WASHBURN, PAUL B
PO BOX 25484
SALT LAKE CITY UT 84042

WESTERN CITY ESTATES LC
PO BOX 2133
OREM UT 84059

WHITEHALL, LLC
2951 E 3215 S
SALT LAKE CITY UT 84109

WATERHAVEN, INC.
979 E SECOND AVE
SALT LAKE CITY UT 84103

WESTERN ODYSSEY INC
68 S 600 E
SALT LAKE CITY UT 84102

WHS PROPERTIES LC
PO BOX 697
KAYSVILLE UT 84037

WEBB, THAES JR; TR ET AL
466 E 500 S
SALT LAKE CITY UT 84111

WESTIEN, DONALD H & MARY JO; TRS
2006 S 775 E
BOUNTIFUL UT 84010

WIDFOERSTER, KAREN J
1633 S 1300 E SUITE D-2
SALT LAKE CITY UT 84105

WIEKHORST, MARK C & EVELYN L; JT
1825 S 700 E
SALT LAKE CITY UT 84105

WINDSOR STREET, LLC
2227 W GARDNER LN
WEST JORDAN UT 84088

WOODBURY, GORDON C, ET AL
1417 E SILVERCREST DR
SANDY UT 84093

WIGHTMAN, ALAINE; TR
158 W 300 N
SALT LAKE CITY UT 84103

WINEGAR, CARROLL E
247 E BURTON AVE
SALT LAKE CITY UT 84115

WOODBURY, MICHAEL L
1754 S OAK SPRINGS DR
SALT LAKE CITY UT 84108

WILCOX, FRANCES R; TR
807 N JUNIPERPOINT DR
SALT LAKE CITY UT 84103

WINTERROTH, CHRISTINE E
421 E NINTH AVE
SALT LAKE CITY UT 84103

WREN, MICHAEL V
717 E FIFTH AVE SUITE 206
SALT LAKE CITY UT 84103

WILKEY, MELVIN D, ET AL
775 E HARRISON AVE
SALT LAKE CITY UT 84105

WISE, BARBARA A; TR
97 FAIRFIELD CIR
VENTURA CA 93003

WRIDE INVESTMENTS
1568 E 4095 S
SALT LAKE CITY UT 84124

WILKING, JAMES H & SALLY F; JT
6423 S 1680 E
SALT LAKE CITY UT 84121

WISEMAN, RICK; TR
66 N 'D' ST
SALT LAKE CITY UT 84103

WRIGHT, GRAYSON S, ET AL (TC)
457 E 300 S
SALT LAKE CITY UT 84111

WILLIAMS, BENNIE L
724 N WALL ST
SALT LAKE CITY UT 84103

WOLFE, DOUGLAS B
211 E FIFTH AVE SUITE 303
SALT LAKE CITY UT 84103

WRIGHT, RICHARD B & RICHARD M (TC)
3795 S BECKY CIR
SALT LAKE CITY UT 84109

WILLIAMS, BRIAN C
11221 S AUBREY MEADOW CIR
SOUTH JORDAN UT 84095

WOOD, JOHN S & JANET H; JT
219 S ELIZABETH ST
SALT LAKE CITY UT 84102

WRIGHT, RICK & DAURI L; TC
2042 E 900 S
SALT LAKE CITY UT 84108

WILLIS, MARVIN B & NAOMI B; JT
7552 S 3430 W
WEST JORDAN UT 84084

WOOD, MARGARET H
1310 E 900 S SUITE 5
SALT LAKE CITY UT 84105

WRIGHT, TYLER W
1781 E SEVERN DR
SALT LAKE CITY UT 84124

WILSON, MICHAEL D & MICHELLE N; JT
1083 OAKRIDGE DR
FARMINGTON UT 84025

WOOD, RICHARD C & MARGARET E O; TRS
845 N VALLEY VIEW DR SUITE 905
SAINT GEORGE UT 84770

WRIGHT, WALLACE A JR
364 E CAPITOL PARK AVE
SALT LAKE CITY UT 84103

WILSON, TED L
409 E NINTH AVE
SALT LAKE CITY UT 84103

WOODALL, LAWRENCE S
910 N CATHERINE ST SUITE 1
SALT LAKE CITY UT 84116

YAUNEY, DAMON L
2722 S 1000 E
SALT LAKE CITY UT 84106

YEE, JACK NAM & SZETO HAR; TRS
1918 S WASATCH DR
SALT LAKE CITY UT 84108

ZIONS FIRST NATIONAL BANK; TR
310 S MAIN ST SUITE 1330
SALT LAKE CITY UT 84101

YONEMORI, MARSHA A
2150 PAUOLE PL
HONOLULU HI 96821

ZIPSER, EDWARD J
822 N GRANDRIDGE DR SUITE 49C
SALT LAKE CITY UT 84103

YU, JASON C & DOROTHY D S; JT
4845 S BRON BRECK ST
SALT LAKE CITY UT 84117

ZOUMADAKIS, WILLIAM & HELEN M R; TRS
3418 S 3650 E
SALT LAKE CITY UT 84109

ZEAMER, RICHARD J; TR
24 BRIAR LN
SURRY ME 04684

ZEITLIN, ALAN M & KATHLEEN B; JT
2483 E MICHIGAN AVE
SALT LAKE CITY UT 84108

ZHOU, NING & CHENG, TONG; TC
1169 S 2000 E
SALT LAKE CITY UT 84108

ZHOVNIROVSKAYA, SVETLANA B
6751 S 2300 E
SALT LAKE CITY UT 84121

ZHOVNIROVSKY, BORIS & IRENA; TRS
PO BOX 712224
SALT LAKE CITY UT 84171

ZIMMERMAN, THOMAS N & PATTI A; JT
959 E SILVER SAGE DR
SANDY UT 84094

ZINK, MONTE W & FREDERIEKA M; JT
2841 N 220 E
PROVO UT 84604

4. Planning Commission

Public Hearing Notice

Newspaper Ad

Agenda

Minutes

Public Meeting Form Cards

Staff Report

A. LOUIS ZUNGUZE
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

COMMUNITY DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON
MAYOR

NOTICE OF PUBLIC HEARING

The Salt Lake City Planning Commission will be reviewing Petition No. 400-03-34, a legislative action by the City Council, requesting review of the Nonconforming Uses and Noncomplying Structures section of the Zoning Ordinance related to the limitations for reconstruction, improvement or expansion of nonconforming uses and noncomplying structures; to establish refined standards, public notification, and review processes. The proposed text amendment will require amendment to the Avenues Community Master Plan policy regarding nonconforming uses.

Additional information regarding this petition may be reviewed on the city's web page at <http://www.slcgov.com/CED/planning/NonConforming/NonConforming.htm>

As part of the zoning text and master plan amendment process, the Planning Commission is holding a public hearing to receive comments regarding this petition request. During the hearing, the Planning staff will present information to the Commission on the petition request. Anyone desiring to address the Planning Commission about this matter can either attend the public hearing or send in written comments prior the hearing date to the address on the bottom of this notice.

Planning Commission Public Hearing

Petition Number 400-03-34
Nonconforming Uses and Noncomplying Structures

DATE: October 27, 2004
TIME: Starting generally at 5:45 P.M.
PLACE: ROOM 326*
City and County Building
451 South State Street
Salt Lake City, UT 84111

* Enter the building from the east entrance.

If you have any questions relating to this petition proposal, please attend the meeting or call Everett L. Joyce at 535-7930, between the hours of 8:30 a.m. and 5:30 p.m., Monday through Friday.

We comply with ADA guidelines. Assistive listening devices and interpretive services provided upon 24-hour advance request.

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111

TELEPHONE: 801-535-7757 FAX: 801-535-6174

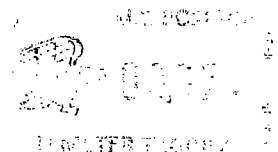
WWW.SLCGOV.COM



NOTICE OF PUBLIC HEARING
Petition 400-03-34 Nonconforming Uses

451 SOUTH STATE STREET
SALT LAKE CITY UT 84111

Salt Lake City Planning Division
451 South State Street
Salt Lake City, Utah 84111
EJ



PETITION 400-03-34 NONCONFORMING
EVERETT JOYCE
ROOM 400

Newspaper Agency Corporation

143 SOUTH MAIN ST.

P.O. BOX 45838

SALT LAKE CITY, UTAH 84145

FED. TAX I.D.# 87-0217663

The Salt Lake Tribune

DESERET
Morning News

CUSTOMER'S
COPY

PROOF OF PUBLICATION

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
PLANNING DIVISION 451 SOUTH STATE STREET, ROOM 4 SALT LAKE CITY UT 84111	P5356184L-07	10/12/04

ACCOUNT NAME	
PLANNING DIVISION	
TELEPHONE	INVOICE NUMBER
801-535-6184	TL8202LISF1
SCHEDULE	
START 10/12/04 END 10/12/04	
CUST. REF. NO.	
CAPTION	
SALT LAKE CITY PLANNING COMMIS	
SIZE	
50 LINES 1.00 COLUMN	
TIMES	RATE
1	1.68
MISC. CHARGES	AD CHARGES
.00	89.00
TOTAL COST	
89.00	

**SALT LAKE CITY PLANNING
COMMISSION
MASTER PLAN AND ZONING
ORDINANCE TEXT
AMENDMENT
PUBLIC HEARING**

On Wednesday, October 27, 2004 at 5:45 P.M., the Salt Lake City Planning Commission will hold a hearing to take comment on Petition 400-03-34, by the Salt Lake City Council. Requested is review of the Nonconforming Uses and Nonconforming Structures section of the Zoning Ordinance related to the limitations for reconstruction and improvement or expansion of nonconforming uses and nonconforming structures. The proposed text amendment will require amending the Avenues Community Master Plan policy regarding nonconforming uses. All persons interested and present will be given an opportunity to be heard.

The hearing will be held in Room 326 of the Salt Lake City and County Building, 451 South State Street. Accessible parking and entrance is located on the east side of the building. Hearing impaired individuals who wish to attend this meeting should contact our TDD service number, 535-6021, four days in advance. For further information regarding this hearing, call Everett Joyce at 535-7930. 8202LISF

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY CORPORATION LEGAL BOOKKEEPER, I CERTIFY THAT THE ADVERTISEMENT OF SALT LAKE CITY PLANNING COMMIS
PLANNING DIVISION WAS PUBLISHED BY THE NEWSPAPER CORPORATION, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH.

PUBLISHED ON START 10/12/04 END 10/12/04

SIGNATURE

Merrilyn D. Dore

DATE 10/12/04



THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
PLEASE PAY FROM BILLING STATEMENT.

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, October 27, 2004, at 5:45 p.m.**

The Planning Commission will be having dinner at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting will be open to the public.

1. APPROVAL OF MINUTES from Wednesday, October 13, 2004

2. REPORT OF THE CHAIR AND VICE CHAIR

3. REPORT OF THE DIRECTOR

4. UNFINISHED BUSINESS

- a. **PUBLIC HEARING** – Petition No. 400-04-11 (tabled on March 10, 2004), by the City of North Salt Lake, requesting a boundary adjustment between Salt Lake City and North Salt Lake concerning an 80-acre parcel of property owned by North Salt Lake City located east of the gravel pits along Beck Street (Continued from the March 10, 2004 Planning Commission meeting).
(Staff – Ray McCandless at 535-7282)

5. PUBLIC HEARINGS

- a. **PUBLIC HEARING** – Petition No. 410 – 678, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, and 696 by Qwest Corporation to install electrical utility cabinets measuring approximately 40 inches long by 48 inches high by 14 inches deep for Digital Subscriber Line (DSL) services at the following approximate locations:

<u>Petition No</u>	<u>Location</u>	<u>Zoning District</u>
410-678	1403 S. Roxbury Road	Single Family Residential – "R-1-12,000"
410-683	402 N. Virginia Street	Open Space – "OS"
410-684	395 E. 12 th Avenue	Foothills Residential – "FR-3"
410-685	704 N. East Capitol Boulevard.	Single Family Residential – "R-1-7000"
410-686	1304 Federal Heights Drive	Single Family Residential – "R-1-12,000"
410-687	22 East Zane Avenue	Single and Two-Family Residential – "R-2"
410-688	1357 East 100 South	Single Family Residential – "R-1-5,000"
410-689	699 East 13 th Avenue	Foothills Residential – "FR-3"
410-690	1744 N. Cavallo Drive	Single Family Residential – "R-1-7,000"
410-691	763 North 900 West	Single Family Residential – "R-1-7,000"
410-692	760 North 900 West	Moderate Density Multi-Family Residential – "RMF-35"
410-693	395 North 1300 West	Single Family Residential – "R-1-7,000"
410-694	589 North 1200 West	Single Family Residential – "R-1-7,000"
410-695	577 North Colorado Street (1350 West)	Single Family Residential – "R-1-7,000"
410-696	954 West 1000 North	Neighborhood Commercial – "CN"

(Staff – Ray McCandless at 535-7282)

- b. **PUBLIC HEARING** – Petition No. 410-700, by Greg Larson, requesting approval of a 6-unit residential planned development called the "Bungalows of Sugar House" located at approximately 1850 East 1700 South in an "R-1-7000" zoning district.
(Staff – Ray McCandless at 535-7282)
- c. **PUBLIC HEARING** – Petition No. 410-706, by Dru Damico, representing HOWA Properties, Inc. requesting a conditional use to allow for the construction of a new building and associated parking lot at 279 West South Temple in the "D-1", Central Business District. The conditional use is required because a portion of the building exceeds the maximum front and corner side yard setback (5 feet) and the building does not meet the minimum height requirement (100 feet) for corner buildings located in the "D-1" zone. The proposal also does not meet the zoning code relating to parking lots that must be located behind a principal building or setback at least seventy five feet from the front and corner side lot lines. The use is considered an interim commercial service use to support the Downtown Community, which is specifically allowed as a conditional use in the "D-1" zoning district. (Staff – Wayne Mills at 535-6173 or wayne.mills@slcgov.com))
- d. **PUBLIC HEARING** – Petition No. 400-03-34, by the Salt Lake City Council, requesting review of the Nonconforming Uses and Noncomplying Structures section of the Zoning Ordinance related to the limitations for reconstruction, improvement or expansion of nonconforming uses and noncomplying structures; to establish refined standards, public notification, and review processes. The proposed text amendment will require amendment to the Avenues Community Master Plan policy regarding nonconforming uses.
(Staff – Everett Joyce at 535-7930)

Salt Lake City Corporation complies with all ADA guidelines. If you are planning to attend the public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City 48 hours in advance of the meeting and we will try to provide whatever assistance may be required. Please call 535-7757 for assistance.

**PLEASE TURN OFF CELL PHONES AND PAGERS BEFORE THE MEETING BEGINS. AT YOUR
REQUEST A SECURITY ESCORT WILL BE PROVIDED TO ACCOMPANY YOU TO YOUR CAR AFTER
THE MEETING. THANK YOU.**

Petition No. 400-03-34, by the Salt Lake City Council, requesting review of the Nonconforming Uses and Noncomplying Structures section of the Zoning Ordinance related to the limitations for reconstruction, improvement or expansion of nonconforming uses and noncomplying structures; to establish refined standards, public notification, and review processes. The proposed text amendment will require amendment to the Avenues Community Master Plan policy regarding nonconforming uses.

This item was heard at 11:09 p.m.

Principal Planner Everett Joyce presented the petition as written in the staff report. He noted that many members of the community received a notice which caused confusion regarding the intent of the current proposal. He noted that he and Cheri Coffey met with interested people prior to the public hearing this evening to respond to questions or concerns. Mr. Joyce stated that the 31 people filled out cards indicating support for the proposal; the cards have been retained for the public record. Mr. Joyce noted that there were also 10 people who joined that meeting which will not be affected by the requested action.

Mr. Joyce stated that the request is a legislative action by the City Council to amend the Nonconforming Uses and Noncomplying Structures section of the zoning text related to the limitations for reconstruction when structures are damaged or destroyed. He stated that this change would apply to people who cannot get financing for their residential properties with four units or more within a single family zone. The driving force of the proposal is when a private property owner attempts to get financing, the financing entities are not giving loans; are charging higher rates; or they are requiring excessive amounts of money upfront. Mr. Joyce noted that it is difficult for the City to maintain housing stock if the public cannot get financing to invest in their properties.

Mr. Joyce stated that the proposed text change would restructure the nonconforming text to allow for reconstruction of properties that are damaged by fire or natural causes; however, if there is a voluntary demolition of the property, the nonconforming use is discontinued. Staff is looking at allowing 100 percent rebuild of residential properties which would be reviewed administratively. Commercial properties would be required to go through the Board of Adjustment for review for 100 percent rebuild. Mr. Joyce stated that there is a proposed option that refers to expansion or enlargement of nonconforming commercial uses which would go through the Planning Commission process for conditional use review. Mr. Joyce said that concept would allow nonconforming commercial properties to enlarge or intensify the use through a conditional use process rather than rezoning the property; which can then be developed under any of the uses in the zoning district.

Chair Chambless opened the public hearing.

Ms. Cindy Cromer addressed the Commission in support of the proposal. She noted that if one owns a nonconforming property and would like to sell it, the buyer needs to leverage one property against another, by taking out the accumulated equity of the other property and apply it to the first property. She said that the result of that scenario usually does not produce the revitalization of both properties because one was purchased at the cost of the other. Ms. Cromer said that the other way to obtain a nonconforming property is to sell it to a buyer who will pay cash. Ms. Cromer stated that there are ways to obtain nonconforming properties; however, they are not healthy for the community, because they involve robbing from other properties that need reinvestment or they involve the issues associated with the 1031 financing process. Ms. Cromer indicated concern with the commercial nonconforming uses expansion component of the proposal saying that it is problematic. She said that she felt that page 3, exhibit 1, items A & 1 are not clear and seem to contradict each other. She said that she feels that the Commission should revisit this item at a later date. Ms. Cromer noted that commercial nonconforming uses are not distributed evenly throughout the City. There are neighborhoods that have different characters and there are no standards for determining what is compatible with the character of the neighborhoods.

Mr. John McDonald, a real estate consultant addressed the Commission in support of the proposal. He noted issues associated with trying to finance nonconforming uses, and added that the statistics show that those who are purchasing properties are small investors who are purchasing one or two properties. Mr. McDonald stated that Utah is rated number one in the nation for loan fraud and foreclosures. He stated that lending institutions are scrutinizing every loan that is requested in Utah. He indicated that there is a need for the City to allow property owners to refinance and improve their properties.

Chair Chambless closed the public hearing.

Commissioner De Lay stated that she agreed with the comments expressed as a real estate professional. She added that she has dealt with a lot of seniors who rely solely on the income generated from their rental properties which may be nonconforming uses, and if they are destroyed by a natural disaster the property owners have no way of recouping that loss.

Motion for Petition No. 400-03-34

Commissioner De Lay made a motion with regard to Petition No. 400-03-34, based on the findings of fact, that the Planning Commission forward a favorable recommendation to the City Council to adopt the proposed nonconforming uses and noncomplying structures zoning text changes. In addition that the Planning Commission forward to the City Council a favorable recommendation to amend the Avenues Community Master Plan to support reconstruction of nonconforming

uses destroyed by fire or other natural causes as defined in the proposed nonconforming use and noncomplying text amendment.

Commissioner Scott seconded the motion.

Commissioner De Lay, Commissioner Galli, Commissioner Muir, Commissioner Noda, Commissioner Scott, and Commissioner Seelig voted "Aye". Tim Chambless as Chair did not vote. All voted in favor, and therefore the motion passed.

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print *Please ad to mailing address.* DATE: 10/27/04
NAME: Justin Barney PHONE: 270-8890
ADDRESS: 4393 Riverboat Rd, Suite 330
SUBJECT: Salt Lake City UT 84123

☐ I wish to speak. re: JTS' station I LLC
176 S. 1300 East
☒ In Support. ☐ In Opposition.

☒ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

Proposed Non-conforming use Ordinance re:
nonconforming commercial use - 176 S. 1300 East

☒ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify) Thank you for the information

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print NAME: JAY GREENAN DATE: _____
PHONE: 759 4151
ADDRESS: 1034 E 700 S, SALT LAKE
SUBJECT: PET 400-03.34 City

☐ I wish to speak.
☒ In Support. ☐ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

IN support

☐ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☒ Mail ☐ Newspaper ☐

Other (specify) _____

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: Oct 26, 2004

NAME:

Bill Damery

PHONE:

8910.3703

ADDRESS:

679 N. DeSoto

SUBJECT:

Petition 400.03.34

☐ I wish to speak.

☒ In Support.

☐ In Opposition.

☒ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

In full support.

☐ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☒ Mail ☐ Newspaper ☐

Other (specify) _____

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 10/27/04

NAME:

Dorothy D. Tu

PHONE:

278-8927

ADDRESS:

4845 Bron Breck St.

SUBJECT:

Petition 400-03-34

☐ I wish to speak.

☒ In Support.

☐ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

☐ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify) _____

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 10/27/04

NAME: Jason Yu PHONE: 278-8927
ADDRESS: 4845 Bron Breck St. Holladay, UT 84117
SUBJECT: Petition No. 400-03-34

☐ I wish to speak.

☒ In Support. ☐ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

☒ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify) _____

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 10-27-04

NAME: Joseph Barcelona Jr PHONE: 450-7862
ADDRESS: 5908 Stonyhurst Dr SLC UT 84118
SUBJECT: 1291 Non Conforming uses
petition 400-03-34

☐ I wish to speak.

☒ In Support. ☐ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

☒ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☒ Mail ☒ Newspaper ☐

Other (specify) _____

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE:

10/27/04

NAME:

Robb L. D'S

PHONE:

332-6282

ADDRESS:

1713 E. SUSAN DR.

SUBJECT:

400-03-34

☐ I wish to speak.

☒

In Support.

☐ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

☒ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify) _____

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE:

10-27-04

NAME:

JOHN ANDERSON

PHONE:

688-3192 CELL
364-6086

ADDRESS:

629 LAKE ST

SUBJECT:

No. 400-03-34

☐ I wish to speak.

☒

In Support.

☐ In Opposition.

☒ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

I WAS ORIGINALLY AGAINST THIS, BUT
I HAVE CHANGED MY MIND -

☐ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify) _____

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 10/27/04

NAME: Cora M. Peterson

PHONE: 860-1516

ADDRESS: 373 No. Quince St RI SLC, 84403

SUBJECT: 400-03-34 Zoning Text Amend.

for Nonconforming

☐ I wish to speak.

☒ In Support.

☐ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

assists in financial support of
individuals investing to support self
presently + in retirement so as not to be →
Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify) _____

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 10/27/04

NAME: Grayson Wright

PHONE: 532-3303

ADDRESS: 451 E. 300 So. SLC, Utah 84111

SUBJECT: rebuild ordinance - non conforming use

☐ I wish to speak.

☒ In Support.

☐ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

☐ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify) _____

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 10-27-04

NAME: Richard Romero PHONE: 580-3951

ADDRESS: 10961 Segovia Cir. Sandy UT 84094

SUBJECT: Petition # No. 400-03-34

☐ I wish to speak.

☒ In Support. ☐ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

☐ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify) _____

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 10-27-04

NAME: Jarrod Mudrock PHONE: 253-7383

ADDRESS: 12105 S. Willmar Circle

SUBJECT: Petition # No. 400-03-34

☐ I wish to speak.

☒ In Support. ☐ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

☐ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify) _____

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 10-27-04

NAME: Red Young

PHONE: 801 209 6670

ADDRESS: 1305 S. 900 E. # SLC, UT. 84105

SUBJECT:

☒ I wish to speak.

☒ In Support. ☐ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

☒ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify) Everett Joyce Mailing list

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 10-27-04

NAME: GUS N TESE ROS

PHONE: 942-6703

ADDRESS: 8727 TRACY DR SANDY UT 84093

SUBJECT: PETITION # 400-03-34

☐ I wish to speak.

☒ In Support. ☐ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

☒ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify)

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 10-27-04

NAME: Jeni Armbrust

PHONE: 577-2124

ADDRESS: 3443w. Kathy Ave

84119

SUBJECT: 400-03-34 NONCONFORMING

☐ I wish to speak.



In Support.

☐ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

☒ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify) _____

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 10-27-04

NAME: STEVEN R. HICKERSON

PHONE: 2950736

ADDRESS: 79 Bradley Dr.

SUBJECT: Non Conforming Use Structure

☐ I wish to speak.



In Support.

☐ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

☒ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify) _____

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 10/27/04

NAME: ALYN R MAHONEY PHONE: 278-1876

ADDRESS: 4605 LEDGEMONT DRIVE SLC UT 84124

SUBJECT: NONCONFORMING USE - change of ORDINANCE

☐ I wish to speak.

☒ In Support. ☐ In Opposition.

☒ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

I CONSIDER THIS TO BE OF SERIOUS
CONSEQUENCE. PLEASE GIVE THE
CHANGE YOUR SUPPORT

☐ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify) _____

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: _____

NAME: TODD RIDGWAY PHONE: 414-6242

ADDRESS: 610 N. COLUMBUS ST.

SUBJECT: LEGAL NON CONFORMING

☐ I wish to speak.

☒ In Support. ☐ In Opposition.

☒ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

PLEASE CHANGE THE ORDINANCE SO THAT
I CAN INVEST IN REPAIRS FOR MY HOME

☐ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☒ Mail ☐ Newspaper ☐

Other (specify) _____

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 10/27/07

NAME: Rex Morgan

PHONE: 261-3848

ADDRESS: 1569 Shenandoah Cir.

SUBJECT: 100% Rebuild Letter

☐ I wish to speak.

☒ In Support.

☐ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

I am an apt investor & have
a multiple unit build that some day I will (over)

☐ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify) _____

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 10/27/07

NAME: Linda Morgan

PHONE: 3848

ADDRESS: 1569 Shenandoah Cir.

SUBJECT: 100% Rebuild

☐ I wish to speak.

☒ In Support.

☐ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

This needs to pass to continue w/ the
ability to invest in property upgrades w/ as investor do
(over)

☐ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify) _____

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: Oct 27, 04

NAME: Joshua Chapman PHONE: 801-596-7316

ADDRESS: 473 N. 1100 W. SLC UT

SUBJECT: Nonconforming uses of structures ^{Petition #} 400-03-34

☐ I wish to speak.

☒ In Support.

☐ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

Please pass this petition. it will keep Rental
prices lower.

☒ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify) _____

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 10/27/04

NAME: Carol White PHONE: 277-7150

ADDRESS: 3438 So 3570 E. SLC, 84109

SUBJECT: 100% Re-Build letter

☐ I wish to speak.

☒ In Support.

☐ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

We wish to keep our property in good
shape & keep the value up - the neighborhood

☐ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify) _____

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 10/10/04

NAME: Scott Christensen

PHONE: 801 583 3561

ADDRESS: 1950 TARTAN AVE

SUBJECT: NON CONFORMING 3+ UNITS

TO 100%

☐ I wish to speak.

☒ In Support.

☐ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

☐ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify) + PRUDENTIAL UTAH R.E.

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 10/27/04

NAME: Garth C. North

PHONE: 364-5962

ADDRESS: 1071 North Redwood Road

SUBJECT: Petition 400-03-34

☐ I wish to speak.

☒ In Support.

☐ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

☐ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify)

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 10-27-04

NAME: ANN GIANNOPOLIS

PHONE: 801-467-7224

ADDRESS: 2537 S. 1900 E. SLC 84106

SUBJECT:

☐ I wish to speak.

☒ In Support.

☐ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

Please pass this Petition

☐ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify)

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 10-27-04

NAME: TED GIANNOPOLIS

PHONE: 801-467-7224

ADDRESS: 2537 S. 1900 E SLC 84106

SUBJECT:

☐ I wish to speak.

☒ In Support.

☐ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

Please pass this petition

☐ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify)

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 27 OCT 04

NAME: ROLAND H REITER PHONE: _____

ADDRESS: 874 E 20050 #6

SUBJECT: NON CONFORMING USES & STRUCTURES

_____ I wish to speak.

☒ In Support. _____ In Opposition.

_____ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

☒ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor _____ Mail ☒ Newspaper _____

Other (specify) _____

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 10-27-04

NAME: Charles H. Cowley PHONE: 355-9147

ADDRESS: 308 Alta St, SLC UT 84103-4419

SUBJECT: Ret 400-03-34

_____ I wish to speak.

_____ In Support. _____ In Opposition.

☒ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

I strongly request a favorable decision on this issue
It is the only fair outcome.

_____ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor _____ Mail ☒ Newspaper _____

Other (specify) _____

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 10-27-04

NAME: Hyo Capinza PHONE: 278-6203

ADDRESS: 4059 Hale Dr

SUBJECT: 400-03-34

☐ I wish to speak.

☒ In Support.

☐ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

☒ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify) _____

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE: 10/27/04

NAME: WEISHAN JIN PHONE: 524-8888

ADDRESS: 235 E So. Sandrun Rd. SLC. UT84103

SUBJECT: NON CONFORMING

☐ I wish to speak.

☒ In Support.

☐ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

☒ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify) _____

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE:

NAME:

PHONE:

ADDRESS:

SUBJECT:

☐ I wish to speak.

☒ In Support.

☐ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

Sub need to keep well-cared for
Commercial & Residential Properties on Aves.

☐ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify) _____

SALT LAKE CITY CORPORATION
PUBLIC MEETING REGISTRATION FORM

Please Print

DATE:

NAME:

PHONE:

ADDRESS:

SUBJECT:

☐ I wish to speak.

☐ In Support.

☒ In Opposition.

☐ I do not wish to speak, however, I would like to submit the following comments:
(Use back if necessary.)

☐ Yes, I would like information about my Neighborhood Council.

How did you learn of this meeting? Neighbor ☐ Mail ☒ Newspaper ☐

Other (specify) _____

DATE: October 22, 2004
TO: Salt Lake City Planning Commission
FROM: Everett L. Joyce, AICP
RE: **STAFF REPORT FOR THE OCTOBER 27, 2004 MEETING**

CASE#: Petition 400-03-34, Zoning Text Amendment and Master Plan Amendment.

APPLICANT: Salt Lake City Council.

PROJECT LOCATION: The text amendment affects the entire City and the master plan amendment affects the Avenues Community Master Plan.

COUNCIL DISTRICT: All Council Districts

REQUESTED ACTION: Amend the Nonconforming Uses and Noncomplying Structures section of the zoning text related to the limitations for reconstruction when structures are damaged or destroyed.

APPLICABLE LAND USE REGULATIONS: Zoning ordinance text modifications to Chapter 21A.38 Nonconforming Uses and Noncomplying Structures, Chapter 21A.52.Q Special Exceptions and Chapter 21A.62.040 Definitions. Applicable regulations for these modifications are in Section 21A.50.050 "Standards for General Amendments" of the Salt Lake City code.

MASTER PLAN SPECIFICATIONS: Most master plans do not contain specific policy regarding nonconforming uses and noncomplying structures. The *Avenues Community Master Plan* contains policy not permitting reconstruction of nonconforming uses and noncomplying structures. The *Capitol Hill Community Master Plan* contains policy recognizing a decrease in area density as nonconforming single-family structures which house three or more units are converted back to single-family use and structures lose their legal nonconforming status. This plan also recommends

phasing out incompatible industrial uses by rezoning the properties and encouraging their relocation to industrially zoned land in appropriate areas of the City. The *East Central Neighborhood Plan* identifies encouraging compatible infill housing on lots containing nonconforming uses.

PROJECT DISCRIPTION:

The City Council adopted legislative action requesting that the Administration review the Nonconforming Uses and Noncomplying Structures section of the Zoning Ordinance related to the current percentage limitations for reconstruction, improvement or expansion of nonconforming uses and noncomplying structures; and establish refined standards, public notification, and review processes that include:

- a. Replacement, reconstruction, improvement or expansion of certain types of non-conforming uses and non-complying structures;
- b. Establishment of categories of non-conforming uses and non-complying structures with a different level of review and public notification depending upon the impact to the surrounding neighborhood; and
- c. Identification of other options.

COMMENTS, ANALYSIS AND FINDINGS:

COMMENTS

The following City departments submitted comments.

Police – The Police Department had no concerns regarding the proposed nonconforming text amendments.

Transportation – The Transportation Division stated that there is no undo impact to the transportation corridor system by the proposed text changes. Reconstruction should be subject to site development standards and transportation issues for traffic access, staging, stacking and parking.

Public Utilities – The Public Utilities Department stated no objections to the proposal, but offered the following comment: All uses / buildings rebuilt or substantially rebuilt after damage will need to comply with all of the current conditions and codes applicable to the use and demands on water, sewer, and storm drainage. Note that many codes, regulations and standards have changed since these facilities were built. It is likely that some owners will need to upgrade utilities infrastructure to re-build replacement facilities.

Community Council(s) – On August 27, 2004, Staff mailed an Open House notice to all Community Councils along with background information and a copy of the proposed nonconforming text changes. The Open House was held on September 16, 2004. The East Liberty Park Community Council Chair attended the Open House as well as representatives of nonconforming property owners, real estate and financing industries. Other community council representatives did not attend the Open House. Comments received at the Open House were that the maintenance of nonconforming uses is essential to allow for the subsistence and development of livable communities. Nonconforming residential uses are essential to the City goal of high-density housing. Since many lenders require 100 percent rebuild letters, this ordinance change will facilitate investment in housing stock, high-density housing and healthy communities.

Other Organization Responses

Utah Apartment Association – L. Paul Smith, executive director of the Utah Apartment Association identified that they support the zoning policy change to allow the issuance of 100 percent rebuild letters to owners of nonconforming rental property. The association has been working with the State property rights Ombudsman and working on State legislation to address this problem.

State of Utah - Presently there are proposed changes to the Utah statutes regarding nonconforming uses. The key aspect of the proposed code change is that a municipality may not prohibit the reconstruction of a nonconforming structure or terminate the nonconforming use of a structure that is involuntarily destroyed in whole or part due to fire or other calamity. A copy of the proposed text change is included in Exhibit 6.

Craig M. Call, State Ombudsman has provided an opinion that local ordinances prohibiting reconstruction without the payment of just compensation for the nonconforming use are illegal and unconstitutional. A letter addressing this opinion is included in Exhibit 7.

ANALYSIS

Historical Zoning and Nonconforming Uses

Nonconforming uses and structures have existed ever since the first zoning emerged in the 1920s. With the advent of Euclidian zoning and its distinct doctrine of separation of land uses, it has been widely held that for this zoning approach to be successful, nonconformities have to be eliminated. It was considered that nonconformities reduced the effectiveness of what a community is trying to accomplish through its comprehensive plan, as implemented by its local zoning regulations. This only holds true to the extent that specific uses were made nonconforming as a means to eliminate the uses rather than as a means to control the creation of additional similar uses by leaving regulations in place.

Between 1940-1960 Salt Lake City's land use policy and zoning supported higher density residential land uses to mix within the lower density neighborhoods of the community.

During the 1970's and 1980's numerous down zonings occurred to prohibit further higher density residential development within many neighborhoods. These down zoning actions created a significant number of nonconforming dwellings. Other zoning text and mapping changes through time have created nonconforming nonresidential land uses throughout the City.

A variety of aspects can make a property and use nonconforming or noncomplying. The premise of nonconformities is non-compliance with requirements of a particular use or zoning standard. The fact that a use is non-compliant does not mean elimination of the use is necessary to protect the character and integrity of the community. It is important to note that the mere presence of nonconforming uses does not necessarily mean that it is a mistake or that it requires a remedy.

Communities, quite understandably, have been reluctant to call for the removal of nonconforming businesses and multiple family structures that reflect substantial financial investment, just because they fail to comply with current zoning requirements. The solution has been to subject nonconforming uses and structures to a diverse assortment of restrictions, all intended to hasten the day when the particular use or structure either disappears or comes into compliance with the existing zoning regulations.

State nonconforming statutes allow continued use of nonconforming uses and noncomplying structures. Most zoning codes have nonconforming text that limits reconstruction of nonconforming uses. Typically, City codes allow reconstruction when up to 50-60% destruction or damage occurs to a nonconforming use, although several City codes allow reconstruction of nonconforming residential land uses when completely destroyed.

The concept of encouraging elimination of nonconforming uses has created a burden on property owners and has discouraged further investment in these nonconforming use properties. Until recently, financing for purchasing or reinvestment into nonconforming structures was not a problematic issue. However today, the uncertainty to reconstruct dwelling units lost to fire or other natural calamity severely affects the financing of nonconforming structures. It has become difficult to process and approve financing for purchasing and reinvestment into multi-family dwelling units that are nonconforming or noncomplying. Most financial institutions are requiring complete rebuild letters before approval for financing. Other nontraditional financing means are required, which jeopardizes potential sales or reinvestment into the property. In some cases, alternative financing limits the amount of reinvestment into the development and minimizes improvements to the City's housing stock.

In recent years, the zoning concept of separate distinct land uses has been modified by many cities that have developed mixed use, neo-traditional and smart growth codes that actually reflect urban development patterns that existed prior to the past 70 years of traditional Euclidean zoning.

Nonconforming Residential Structures

Multi-family residential structures in single family and duplex zoning districts are nonconforming. Multi-family residential structures in multi-family zoning districts are noncomplying when the number of dwelling units exceeds the number of units permitted based on the lot size and minimum lot area requirements.

Current zoning regulations allow reconstruction of nonconforming structures if they are destroyed by fire, natural calamity or if voluntarily razed subject to the amount of damage being less than 50 percent of the structure. The table below shows estimates of the number of nonconforming multi-family dwellings in single family and duplex zoning districts within Salt Lake City by Community Planning areas.

Nonconforming Residential Multi-Family Dwellings In Single-Family – Duplex Zoning Districts								
Dwelling Units per Structure	Avenues	East Bench	Sugar House	Capitol Hill	Northwest	Central	West Salt Lake	SLC Total
3-4	36	3	96	39	78	256	34	542
5-9	66	20	34	16	5	74	12	227
10-19	32	26	20	25	4	23	2	132
20 plus	3	1	1	9	2	28	27	71
Multi-family					25	49		74
Condominiums	247							247
TOTAL	384	50	151	89	114	430	75	1293

Source: Comparison of Salt Lake County Assessor land use classification and existing zoning.

Noncomplying Residential Structures

Multifamily structures that do not comply with the lot area requirements of the multi-family zoning district in which they are located are considered noncomplying structures. Other aspects that can make a property noncomplying besides lot area are lot frontage, building or minimum yard setbacks, building height, parking, open space and building coverage requirements. When a noncomplying structure is damaged by fire or natural calamity, the current regulations allow reconstruction as long as the damage does not exceed 75 percent of the structure.

The Planning staff surveyed four randomly selected areas within the Sugar House and Avenues communities to assess the level of noncomplying properties. Lot area and side yard requirements were evaluated to determine the degree of zoning noncompliance. Two R-1/7000 zoned areas and two SR-1 zoned areas were evaluated. The number of noncomplying properties averaged 48 percent of the total properties. The table below shows the amount of noncomplying properties for the selected study areas.

Assessment of Noncomplying Properties			
Area	Number Parcels	Number Noncomplying	Percent Noncomplying
Lake Street between 1785-2028 South	57	45	78.9
Wilson Ave between 1900-2000 East	21	1	4.8
1 st Ave between "N" and "Q" Streets	39	9	23.1
8 th Ave between "E" and "F" Streets	23	12	52.2

Source: County Assessor's land use records, Salt Lake City GIS database and site visits.

Nonconforming Nonresidential Structures

There are over 300 nonconforming commercial, office and industrial uses located in residential zoning districts. The majority of the nonconforming nonresidential uses are commercial uses. The table below shows estimates of the number of nonconforming nonresidential uses in Salt Lake City by Community Planning areas.

Nonconforming Commercial, Office, and Industrial Uses In Residential Zoning Districts								
Type of Use	Avenues	East Bench	Sugar House	Capitol Hill	Northwest	Central	West Salt Lake	SLC Total
Commercial	19	6	58	25	15	107	21	251
Office	7		9			20		36
Industrial				3	2	8	11	24
TOTAL	26	6	67	28	17	135	32	311

Source: Comparison of Salt Lake County Assessor land use classification and existing zoning.

Exhibit 4 contains a map depicting the general distribution pattern of nonconforming uses within Salt Lake City.

Evaluation of Codes from Other Cities

Within Utah, several cities have standards that permit expansion of nonconforming uses within an existing building. (See Exhibit 5: Other Cities' Codes) Ogden, Murray and Orem permit 100 percent reconstruction of nonconforming and noncomplying residential structures. Ogden has a process for reconstruction of nonconforming uses when damaged in excess of 50 percent and Murray permits replacement up to 60 percent damage. The proposed text changes for nonconforming uses and noncomplying structures related to reconstruction and expansion are similar to existing elements of zoning ordinances within various Utah Cities' codes.

Financing of Nonconforming Properties

Fannie Mae and Freddie Mac are the largest providers of secondary mortgage market services. They ensure that money is available for mortgage lenders in support of homeownership and financing of affordable and market-rate rental housing. Fannie Mae

underwriting guidelines accept 1-4 dwelling unit properties or a unit in a PUD project; as long as the appraiser's analysis reflects any adverse affect the nonconforming use has on the value and marketability of the property. The underwriting of condominium projects that are nonconforming is not acceptable, if the zoning regulations prohibit rebuilding of the improvements to the current density in the event of their partial or full destruction. Freddie Mac will not underwrite a condominium unit, which is legal nonconforming unless legislation or the local zoning authority permits existing structures to be rebuilt to current density in the event of partial or full destruction.

The secondary market underwriting standards for nonconforming properties affects the primary mortgage market. The impact on mortgage loans for acquisition and major reinvestment of nonconforming properties have been problematic in that they require higher rates, excessive cash down and in some cases just not acceptable for financing. These factors affect affordability of housing units and reinvestment into the existing housing stock. This problem has become more prevalent in recent years and it is a national issue, not just a local phenomenon. Research has shown that cities are modifying their nonconforming codes to address financing issues caused by the local government not being able to provide property owners of nonconforming properties 100 percent rebuild letters if the property is destroyed by fire or natural calamity.

Elimination of Nonconforming Uses

When zoning laws are set in place to prevent further development of certain types of land uses, nonconforming uses are established. An example is when areas zoned for multiple family uses are rezoned to permit only single family development. Nonconforming zoning text outlines requirements for eliminating certain uses. The proposed nonconforming text amendment modifies when elimination of such uses occurs and it does not completely remove the ability to eliminate nonconforming uses. Voluntary demolition of a nonconforming use in excess of 50 percent of the cost of reconstruction or changing the nonconforming use to a conforming use ends the nonconforming status of a property. The proposed amendment permits reconstruction of residential uses when the loss of a nonconforming use is by causes outside the control of the property owner.

Analysis of the lower Avenues Community shows that from 1988 to 2004 approximately 84 properties converted from three and four dwelling unit structures to single family or duplex structures. A structure destroyed in excess of 50 percent of reconstruction cost is a rare occurrence within the City. These changes in land use have likely occurred in response to market demand for lower density housing opportunity within the Avenues. The number of nonconforming uses should continue to decline even if the nonconforming text is modified to protect property owners that invest in nonconforming or noncomplying properties. The protection is from hardships related to financing due to circumstances beyond property owner control specifically loss of property by either fire or other natural disasters. Exhibit 5 depicts the parcels that converted from three and four dwelling units to single family or duplex uses between 1988 and 2004.

Classes of Nonconforming Uses Approach

The existing ordinance regulates all nonconformities (nonconforming uses and noncomplying structures) equally. Under the existing regulation, there is an assumption that uses and structures that do not conform or comply with current code would eventually be discontinued or the noncomplying standards corrected.

While many nonconforming uses are part of the established character and do not negatively affect the surrounding area, some may pose land use issues, and an even smaller number may pose public health and safety issues. Additional flexibility in administering nonconforming provisions can be obtained by establishing classes of nonconforming uses to complement and reinforce planning and zoning policy. The concepts presented in the proposed text revisions establish for Salt Lake City the following three-tier classification system for nonconforming uses dependent upon the various levels of approval:

1. Reconstruction of nonconforming residential uses and noncomplying structures would be an administrative function;
2. Approval of nonresidential nonconforming uses would be through the special exception process; and
3. Enlargement and intensification approval of a nonconforming use would be a conditional use.

The disadvantage of using the existing nonconforming approach is that it does not encourage maintenance of and reinvestment in properties. The existing approach does not ensure marketability of property and discourages reuse of nonconforming sites.

The proposed multiple tier approach provides advantages to the City and property owners by reducing the number of uses expected to be eliminated, therefore stabilizing uncertainty in future land use, encourages reuse of existing buildings, aids in the retention of desirable uses, and reduces the number of properties being faced with increased financing difficulties.

Summary of Key Text Amendments

1. **Intent Statement.** An intent statement is added that identifies allowance for the continued use of legal nonconforming uses and structures, while at the same time protecting existing conforming development and furthering orderly development and improvement of the community. The intent is to allow uses of nonconforming buildings, structures or land that are compatible, complement existing or planned development patterns and improve better integration into the surrounding neighborhood. At the same time, the intent is to eliminate or bring into compliance nonconforming uses that hinder the attainment of the City's master plan policies, create a nuisance, or are a hazard.
2. **Destruction Greater Than 50 Percent.** Current Requirements. Presently structures containing nonconforming uses may be rebuilt if voluntarily razed or otherwise destroyed, if demolition or destruction does not exceed 50% of the replacement cost of the structure.

Proposed Requirements. The proposed changes allow reconstruction of nonconforming use structures if destroyed by fire or natural calamity in excess of 50% destruction. Reconstruction when a nonconforming use structure is voluntarily razed remains limited to 50% demolition of the structure. There are different levels of approval for residential and nonresidential uses.

Residential. The Zoning Administrator may administratively approve reconstruction of nonconforming residential uses subject to compliance with other development standards and no increase in the intensity or number of dwelling units.

Nonresidential. The Board of Adjustment may approve as a special exception the reconstruction of a nonconforming nonresidential use structure subject to the following:

- a) site plan review to better meet underlying zoning district standards;
- b) compliance with local or state development standards;
- c) reconstruction is compatible with the character of the neighborhood; and
- d) the property does not have a negative enforcement history regarding any continual public nuisance generated by the nonconforming use activity.

- 3. Noncomplying Structures.** Current Requirements. Presently the destruction limitation for rebuilding noncomplying structures is 75% if damaged by fire or natural calamity. This standard is applicable to both residential and nonresidential uses.

Proposed Requirements. The proposed text change eliminates the 75% restoration limit and allows 100% reconstruction. This would include existing multi-family structures that exceed the number of dwelling units permitted by the lot area requirements of underlying zoning districts.

- 4. Enlargement or Intensification.** Current Requirements. The existing ordinance allows enlargement of a nonconforming use if there is no increase in required parking. Additional text is added defining that required parking calculations are limited by parking capacity of existing hard surfaced parking area on the property.

Proposed Requirements. The proposed changes would permit as a conditional use the enlargement or reoccupation of a structure with a nonconforming use with a more intensive nonconforming use. Approval is subject to consideration of:

- a) the condition and economic life of the building;
- b) provides reuse of buildings with architectural or historic value;
- c) the use supports walk to work or live-work opportunities;
- d) the use provides an appropriate scale of neighborhood or community level of services;
- e) the enlargement and reuse of the structure would not substantially change the character of the neighborhood; and
- f) compliance with local or state development standards.

The enlargement and intensification of a nonconforming structure through the conditional use process is a concept that provides a specific land use option for nonconforming

commercial properties rather than rezoning the property. There have been concerns regarding rezoning of property that allows all permitted uses of the applicable zoning district. Land use changes are more acceptable when the uncertainty is removed about what future uses may occur. The conditional use enlargement and intensification concept allows a specific use that is approved through a public process and eliminates future land use uncertainty for neighbors that may result in rezoning to conform an existing nonconforming commercial property. An example is a recently processed petition to rezone property at 518 3rd Ave from RMF-35 to CN. The property has a nonconforming commercial use status. The present use is a coffee shop. Some adjacent residents are concerned about future intensification potential if the property is zoned CN.

FINDINGS

In reviewing this legislative action request, the Planning Commission is required to use the following zoning amendment standards:

ZONING AMENDMENT

CODE CRITERIA / DISCUSSION / FINDING OF FACT

Section 21A.50.050 Standards for General Amendments.

A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.

Discussion: Most master plans do not contain specific nonconforming use policy. The following master plan policies relate to the nonconforming text amendments proposed.

1. The *Avenues Community Master Plan* states that the City should not permit rebuilding structures containing nonconforming uses. Once a structure has deteriorated as defined in ordinance or is lost because of fire or other act of God, the property should revert to a use conforming to present zoning.
2. The *Capitol Hill Community Master Plan* identifies within the Marmalade Neighborhood that residential down zoning resulted in many nonconforming single-family structures which house three or more units. As homes are converted back to single-family use and structures lose their legal nonconforming status, the density in the area should decrease. This plan also recommends phasing out incompatible industrial uses by rezoning the properties. Master Plan policy encourages the relocation of existing industrial and heavy commercial land use to industrially zoned land in appropriate areas of the City.
3. The *East Central Neighborhood Plan* identifies that down zoning was to curtail speculation and disinvestment in properties due to anticipation of future higher density development permitted by current high-density zoning. An objective of the plan is to encourage compatible infill housing on vacant lots, lots containing nonconforming uses and residential structures in disrepair.

The 2000 Salt Lake City Community Housing Plan includes the following City Council policy statements:

1. The City Council supports a citywide variety of residential housing units, including affordable housing and supports accommodating different types and intensities of residential development.
2. The City Council supports promoting housing safety and quality through adequately funding by fees, the City's apartment inspection program and programs that assist home and apartment owners in rehabilitating and maintaining housing units.
3. On a citywide basis, the City Council endorses policies and programs that preserve housing opportunities as well as business opportunities within the City to ensure the continued existence of a population base and business base.

Due to its specific nonconforming policy text, there is a conflict with the Avenues Community Master Plan and the proposed text amendment. However, the proposed amendment is consistent with the citywide Salt Lake City Community Housing Plan. Amendment to the Avenues Community Master Plan eliminating the specific text regarding reconstruction of nonconforming uses when destroyed by fire or natural causes is necessary. Staff recommends modification of existing master plan nonconforming text to be consistent with the citywide policies of the Housing Plan and to eliminate inconsistencies with the proposed nonconforming uses and noncomplying structures text amendments.

Findings: The proposed text amendment would require modification of the Avenues Community Master Plan. The proposed text changes affect reconstruction of nonconforming uses due to loss by fire or other acts of God. Voluntary demolition and abandonment of a nonconforming use would still be applicable. The proposed text amendment is consistent with the Capitol Hill Community Master Plan and the East Central Neighborhood Plan policies, because the text is not as specific as that found in the Avenues Master Plan, and under the proposed text change, nonconforming uses that are voluntarily razed or changed to conforming uses would end the nonconforming use status. The proposed text amendment is consistent with City Council policy stated in the Salt Lake City Housing Plan.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.

Discussion: The text amendment is not site specific. The proposed nonconforming text establishes additional criteria that specifically addresses that the reconstruction of nonconforming uses be harmonious and compatible with the surrounding neighborhood.

Findings: The proposed text amendment standards when applied, support harmony and consistency with the existing overall development character of areas where nonconforming reconstruction activities would occur.

C. The extent to which the proposed amendment will adversely affect adjacent properties.

Discussion: The proposed amendments are not site specific. The proposed text amendment would allow the reconstruction of existing nonconforming and noncomplying buildings and structures. There are standards for review and approval that are designed to minimize potential adverse impacts upon adjacent properties.

Findings: The proposed standards that allow reconstruction of nonconforming uses would help ensure minimization of adverse impacts on adjacent properties.

D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts, which may impose additional standards.

Discussion: The proposed amendments are not site specific. The text amendments do not modify any existing zoning overlay standards.

Findings: The proposed text amendment is consistent with the provisions of existing zoning overlay districts. Submittal of individual site applications will require review for consistency with overlay zones.

E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

Discussion: The proposed amendments are not site specific. Submittal of individual site applications requires review for adequacy of public facilities and services.

Findings: The adequacy of public facilities and services criteria does not directly relate to the proposed text amendment and is not applicable. Reconstruction of damaged structures may require upgrading utility infrastructure.

MASTER PLAN AMENDMENT

The proposed nonconforming and noncomplying text amendment is consistent with the City's community master plans except the *Avenues Community Master Plan*. The land use section of the *Avenues Community Master Plan* contains the following nonconforming use policy.

Policy Regarding Nonconforming Uses "The city should not grant variances to rebuild structures containing nonconforming uses. Once a structure has deteriorated, as defined in ordinance (Chapter 8 of the Salt Lake City Zoning Ordinance), or is lost because of fire or other act of God, the property should revert to a use conforming to present zoning."

Based on arguments outlined previously, regarding the need for consistency with the City's Housing Policy Plan, staff recommends amending the Avenues Community Master Plan policy to reflect the intent of the proposed amendments for nonconforming uses and noncomplying structures. The proposed language to use in amending the master plan is as follows:

Policy Regarding Nonconforming Uses "Allow the continued use of legal nonconforming uses and noncomplying structures so long as in their particular location they are not detrimental to the surrounding neighborhood. Allow the continuation of nonconforming and noncomplying buildings, structures or use of land that are compatible and complement existing or planned development patterns, if destroyed by fire or other calamity. Eliminate or bring into compliance nonconforming and noncomplying situations that hinder attainment of the City's master plan goals and policies, that create a nuisance, or that are a hazard to the community or neighborhood.

A notice for the Master Plan amendment was published in the Salt Lake City Tribune and Deseret News on October 12, 2004 meeting State Law requirements for Master Plan amendments.

RECOMMENDATION:

Based on the findings of fact, staff recommends that the Planning Commission forward a favorable recommendation to the City Council to adopt the proposed nonconforming uses and noncomplying structures zoning text changes. Staff also recommends that the Planning Commission forward to the City Council a favorable recommendation to amend the Avenues Community Master Plan to support reconstruction of nonconforming uses destroyed by fire or other natural causes as defined in the proposed nonconforming use and noncomplying text amendment.

Exhibit 1: Proposed Nonconforming Uses and Noncomplying Structures Text Changes

Exhibit 2: Comparison of Existing Ordinance and Proposed Concept

Exhibit 3: Other City Codes

Exhibit 4: Map of Nonconforming Uses

Exhibit 5: Three to Four Dwelling Unit Conversions to Single Family or Duplex in the Avenues

Exhibit 6: Proposed Utah Statute Changes

Exhibit 7: Community Council and other Public Comments

Exhibit 8: Department Comments

Exhibit 1
Proposed Nonconforming Uses and
Noncomplying Structures Text Changes

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Chapter 21A.38
NONCONFORMING USES AND
NONCOMPLYING STRUCTURES

21A.38.010 Purpose Statement and Intent:

The purpose of this chapter is to regulate the continued existence of:

A. Legal nonconforming principal and accessory uses established prior to April 12, 1995, which do not conform to the use regulations of this title in the zoning districts in which such uses are located are referred to as nonconforming uses; and

B. Legally constructed noncomplying buildings, structures and property improvements constructed prior to April 12, 1995, that do not comply with the applicable bulk and/or yard area regulations of this title in the zoning districts in which such buildings or structures are located, for the purposes of this chapter, are referred to collectively as noncomplying structures. (Ord. 26-95 § 2(19-0), 1995)

The intent of this chapter is to allow continued use of legal nonconforming uses and noncomplying structures, while at the same time protecting existing conforming development and furthering orderly development and improvement of the community. Certain nonconformities are permissible as is their continued use so long as in their particular location they are not detrimental to the surrounding neighborhood.

A. Uses of nonconforming and noncomplying buildings, structures or land which are compatible and complement existing or planned development patterns, should be allowed to continue. Improvement for better integration into the surrounding neighborhood should be sought as much as possible.

B. Nonconforming and noncomplying situations which hinder the attainment of the City's master plan, create a nuisance, or are a hazard to a community or neighborhood, should be eliminated or brought into compliance with the provisions of this title.

21A.38.020 Scope Of Regulations:

This chapter applies to nonconforming uses, noncomplying structures and noncomplying lots. (Ord. 26-95 § 2(19-1), 1995)

21A.38.030 Determination Of Nonconforming Use Status:

A. **Burden Of Owner To Establish Legality Of Nonconforming Use:** The burden of establishing that any nonconforming use lawfully exists under the provisions of this title shall, in all cases, be the owner's burden and not the city's. Building permits, business licenses and similar documentation may be considered as evidence establishing the legality of use.

B. **Determination Of Nonconforming Status:** The zoning administrator shall determine the nonconforming use or noncomplying structure status of properties pursuant to the provisions of this chapter. (Ord. 26-95 § 2(19-2), 1995)

21A.38.040 Nonconforming Parking, Signs And Landscaping:

Nonconforming parking, signs and landscaping, as accessory uses, are regulated by the provisions set forth in chapters 21A.44, 21A.46 and 21A.48 of this part. (Ord. 26-95 § 2(19-3), 1995)

21A.38.050 Authority To Continue:

A. **Continuation Of Nonconforming Use:** A nonconforming use that lawfully occupies a structure or lot ~~on the effective date hereof, April 12, 1995, or of any subsequent amendment to this title,~~ may be continued so long as it remains otherwise lawful, subject to the standards and limitations in this chapter.

B. **Continuation Of Noncomplying Structure:** A noncomplying structure that was legally constructed ~~with a permit prior to April 12, 1995, or of any subsequent amendment to this title,~~ that ~~does~~ makes the structure not comply with the applicable bulk regulations and/or with the standards for front yards, side yards, rear yards, buffer yards, lot area, lot coverage, height, floor area of structures, driveways or open space for the district in which the structure is located may be used and maintained, subject to the standards and limitations in this chapter. (Ord. 35-99 § 53, 1999; Ord. 26-95 § 2(19-4), 1995)

21A.38.060 Ordinary Repair And Maintenance And Structural Safety:

Normal maintenance and incidental repair may be performed on a complying structure which contains a nonconforming use or on a noncomplying structure. This section shall not be construed to authorize any violation of section 21A.38.080 or 21A.38.090 of this chapter. This section shall not prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of the building official who declares a structure to be unsafe and orders its restoration to a safe condition. (Ord. 26-95 § 2(19-5), 1995)

21A.38.070 Abandonment Or Loss Of Nonconforming Use:

A. **Abandonment Of Nonconforming Use:** A nonconforming use of land or of a structure in a district that is discontinued or remains vacant for a continuous period of one year, shall be presumed to be abandoned and shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of the structure or site must conform with the regulations for the district in which it is located. ~~This provision shall not apply to a nonconforming detached single family dwelling in a residential district.~~

B. **Rebuttal Of Presumption Of Abandonment:** The presumption of abandonment may be rebutted upon a showing, to the satisfaction of the zoning administrator, that during such period the owner of the land or structure: 1) has been maintaining the land and structure in accordance with the building code and did not intend to discontinue the use, or 2) has been actively and continuously marketing the land or structure for sale or lease, with the use, or 3) has been engaged in other activities evidencing an intent not to abandon.

C. **Calculation Of Period Of Discontinuance:** Any period of such discontinuance caused by government actions, without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance pursuant to subsection A of this section. (Ord. 26-95 § 2(19-6), 1995)

21A.38.080 Moving, Enlarging Or Altering Nonconforming Uses Of Land And Structures:

Expanded Classes of Nonconforming Uses Option

No nonconforming use may be moved, enlarged or altered and no nonconforming use of land may occupy additional land, except as provided in this section.

A. **Enlargement:** A nonconforming use may not be enlarged, expanded or extended to occupy all or a part of another structure or site, that it did not occupy on the effective date of any amendment to this title that makes the use nonconforming hereof, April 12, 1995. A nonconforming use for the purposes of this section may be extended within the same structure or as an addition to the same structure, provided the ~~addition~~ enlargement does not increase the need for additional hard surface parking requirement than existing on the property.

1. **Enlargement Or Reoccupation Of A Structure With A More Intensive Nonconforming Use.** The Planning Commission may grant a conditional use permit for the enlargement, including additional parking area or the reoccupation of a structure with a nonconforming use that is more intensive, excepting uses which are only permitted as a conditional use in the Heavy Manufacturing District (M-2) of this title located within any residential, mixed use, or commercial zoning district, subject to consideration of the following standards:

i. The condition and economic life of the building is such that near future demolition is not likely to occur;

ii. The use provides reuse of buildings with architectural or historic value;

iii. The use supports walk to work or live-work opportunities;

iv. The use provides an appropriate scale of neighborhood or community level of services;

v. The enlargement will not create any additional noncompliance with zoning standards except for building modifications for life safety concerns;

vi. The enlargement and reuse of the structure would not substantially change the character of the neighborhood; and/or

vii. The use is not in conflict with any other current, local or state development standards. (i.e. Floodplain Hazard Protection, Fault Line Hazards, Ground Water Source Protection, Airport Flight Path Protection, Environmental Performance Standards, and Hazardous Waste Prohibition).

B. **Exterior Or Interior Remodeling Or Improvements To Structure:** Exterior or interior remodeling or improvements to a structure containing a nonconforming use shall be allowed provided the improvements do not increase the parking requirement.

C. **Relocation Of Structure:** A structure containing a nonconforming use may not be moved unless the use shall thereafter conform to the regulations of the zoning district into which the structure is moved.

D. **Change Of Nonconforming Nonresidential Use To Another Nonconforming Use:** Upon application to the zoning administrator ~~pursuant to part II, chapter 21A.12 of this title,~~ a nonconforming use may be changed to another nonconforming use of the same or similar land use type as defined in part VI, chapter 21A.62 of this title. Whenever any nonconforming nonresidential use is changed to a less intensive nonconforming nonresidential use, such use shall not be changed back to a more intensive nonconforming nonresidential use. A For purposes of this section a more intensive nonresidential use is determined when the existing hard surfaced parking available on site does not provide the required number of parking stalls requiring more parking than the existing nonconforming use shall be considered a more intensive use.

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Whenever any nonconforming nonresidential use is changed to a conforming use, such use shall not later be changed to a nonconforming use.

E. Destruction Of Structure With Nonconforming Use: No structure containing a legal nonconforming use may be reconstructed for a nonconforming use, except in the manner provided in subsections E1 and E2 of this section or unless required by law. Restoration of damaged or destroyed structure with a nonconforming use shall be started within one (1) year and diligently pursued to completion. Any delay in starting such restoration that is caused by government actions and without contributing fault by the owner, may, upon application to and determination by the zoning administrator, be deducted in calculating the starting date of restoration.

1. Destruction Of Structure To The Extent Of Fifty Percent: If a structure that contains a legal nonconforming use is destroyed to the extent of fifty percent (50%) by fire or natural calamity, or is voluntarily razed ~~or is required by law to be razed~~, the nonconforming use ~~shall not~~ may be resumed, and the structure ~~shall not be~~ restored, unless it is restored to accommodate a conforming use. The determination of the extent of damage or destruction under this subsection, shall be determined by the building official and based on the ratio of the estimated cost of restoring the structure to its condition before the damage or destruction to the estimated cost of duplicating the entire structure as it existed prior to the damage or destruction. The estimate shall be based on the current issue of "Building Standards" published by the International Conference of Building Officials. (Ord. 35-99 § 54, 1999; Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(19-7), 1995)

2. Destruction Of Structure Greater Than Fifty Percent: If a structure that contains a legal nonconforming use is destroyed by fire or natural calamity greater than fifty percent the nonconforming use may be resumed, and the structure may be restored to accommodate the nonconforming use subject to subsections E2a and E2b of this section.

a. Nonconforming Residential Uses. The Zoning Administrator may authorize the reconstruction and reestablishment of a legal nonconforming residential structure subject to consideration of the following:

i. Compliance with all other current, local or state development standards. (i.e. Floodplain Hazard Protection, Fault Line Hazards, Ground Water Source Protection, Airport Flight Path Protection, Environmental Performance Standards, and Hazardous Waste Prohibition); and/or

ii. The reconstruction will not increase the number of units.

b. Nonconforming Nonresidential Uses. The Board of Adjustment may authorize as a special exception the reconstruction and reestablishment of a legal nonconforming nonresidential use structure subject to consideration of the following:

i. Reconstruction plans shall be reviewed to consider the feasibility of site redesign to better meet underlying zoning district standards without a reduction in type or intensity of use of the property;

ii. Compliance with all other current, local or state development standards. (i.e. Floodplain Hazard Protection, Fault Line Hazards, Ground Water Source Protection, Airport Flight Path Protection, Environmental Performance Standards, and Hazardous Waste Prohibition);

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iii. The reconstruction and reuse of the structure would not change the character of the neighborhood by using construction materials which did not exist previously on the building. Other building material should not be used, unless the materials are compatible with the neighborhood and make the building or site more compatible with the surroundings; and/or

iv. Consideration of the enforcement history of the property regarding any continual public nuisance generated by the nonconforming use activity.

21A.38.090 Noncomplying Structures:

No noncomplying structure may be moved, enlarged or altered, except in the manner provided in this section or unless required by law.

A. Repair, Maintenance, Alterations And Enlargement: Any noncomplying structure may be repaired, maintained, altered or enlarged, except that no such repair, maintenance, alteration or enlargement shall either create any new noncompliance or increase the degree of the existing noncompliance of all or any part of such structure.

B. Moving: A noncomplying structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

C. Damage Or Partial Destruction Of Noncomplying Structure.

1. Restoration: If a noncomplying structure is damaged or destroyed by fire or natural calamity ~~to the extent of seventy five percent (75%) or less,~~ the structure may be restored if restoration is started within one (1) year ~~six (6) months~~ and diligently pursued to completion. ~~The city shall require a financial performance guarantee to ensure diligent progress and completion of the restoration.~~ Any delay in starting such restoration that is caused by government actions and without contributing fault by the owner, may, upon application to and determination by the zoning administrator, be deducted in calculating the starting date of restoration.

2. Destruction Of Noncomplying Structure With Nonconforming Use: No legal noncomplying structure containing a nonconforming use may be reconstructed, except in the manner provided in subsections C2a and C2b of this section or unless required by law. Restoration of a damaged or destroyed noncomplying structure with a nonconforming use shall be started within one (1) year and diligently pursued to completion. Any delay in starting such restoration that is caused by government actions and without contributing fault by the owner, may, upon application to and determination by the zoning administrator, be deducted in calculating the starting date of restoration.

a. Destruction Of Structure To The Extent Of Fifty Percent: If a noncomplying structure that contains a nonconforming use is destroyed to the extent of fifty percent (50%) by fire or natural calamity, or is voluntarily razed or destroyed by other means ~~is required by law to be razed,~~ the nonconforming use ~~shall not~~ may be resumed, and the structure ~~shall not be restored, unless it is restored to accommodate a conforming use.~~ The determination of the extent of damage or destruction under this subsection, shall be determined by the building official and based on the ratio of the estimated cost of restoring the structure to its condition before the damage or destruction to the estimated cost of duplicating the entire structure as it existed prior to the damage or destruction. The estimate shall be based on the current issue of "Building Standards" published by the

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International Conference of Building Officials.-(Ord. 35-99 § 54, 1999: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(19-7), 1995)

b. Destruction Of Structure Greater Than Fifty Percent: If a noncomplying structure that contains a legal nonconforming use is destroyed by fire or natural calamity greater than fifty percent the nonconforming use may be resumed, and the structure may be restored to accommodate the nonconforming use subject to subsections C2bi and C2bii of this section.

i. Nonconforming Residential Uses. The Zoning Administrator may authorize the reconstruction and reestablishment of a legal nonconforming residential structure with a nonconforming residential use subject to consideration of the following:

(A). Compliance with all other current, local or state development standards. (i.e. Floodplain Hazard Protection, Fault Line Hazards, Ground Water Source Protection, Airport Flight Path Protection, Environmental Performance Standards, and Hazardous Waste Prohibition); and/or

(B). The reconstruction will not increase the number of units.

ii. Nonconforming Nonresidential Uses. The Board of Adjustment may authorize as a special exception the reconstruction and reestablishment of a legal noncomplying structure with a nonconforming nonresidential use structure subject to consideration of the following:

(A). Reconstruction plans shall be reviewed through the site plan review process to consider the feasibility of site redesign to better meet underlying zoning district standards without a reduction in type or intensity of use of the property;

(B). Compliance with all other current, local or state development standards. (i.e. Floodplain Hazard Protection, Fault Line Hazards, Ground Water Source Protection, Airport Flight Path Protection, Environmental Performance Standards, and Hazardous Waste Prohibition);

(C). The reconstruction and reuse of the structure would not change the character of the neighborhood by using construction materials which did not exist previously on the building. Other building material should not be used, unless the materials are compatible with the neighborhood and make the building or site more compatible with the surroundings; and/or

(D). Consideration of the enforcement history of the property regarding any continual public nuisance generated by the nonconforming use activity.

21A.38.100 Noncomplying Lots:

A lot that is noncomplying as to lot area or lot frontage that was in legal existence prior to any amendment to this title that makes the existing lot noncomplying April 12, 1995, shall be considered a legal complying lot. Legal complying lots in residential districts shall be approved for the development of a single-family dwelling regardless of the size of the lot subject to complying with all yard area requirements of the R-1/5,000 District. Legal complying lots in residential districts shall be approved for any permitted use or conditional use allowed in the zoning district, other than a single-family dwelling, subject to complying with all lot area and minimum yard requirements of the district in which the lot is located. Legal complying lots in nonresidential districts shall be approved for any permitted use or conditional use allowed in the zoning district subject to

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complying with all yard requirements of the district in which the lot is located. (Ord. 26-95 § 2(19-9), 1995)

21A.38.110 Nonconforming Accessory Uses And Noncomplying Accessory Structures:

The continued existence of a nonconforming accessory use and a noncomplying accessory structure shall be subject to the provisions governing principal nonconforming uses and noncomplying structures set forth in sections 21A.38.080 and 21A.38.090 of this chapter. (Ord. 26-95 § 2(19-10), 1995)

21A.38.120 Legal Conforming Single-Family Detached Dwellings, Two-Family Dwellings, And Twin Homes:

Any single-family detached dwelling, two-family dwelling, or twin home, except those located in M-1 and M-2 zoning districts, that is in legal existence shall be considered legal conforming.

Subject to complying with all other current, local or state development standards, legal conforming status shall authorize alterations, extensions/additions, and replacement of the single-family detached dwelling, two-family dwelling, or twin home.

In zoning districts other than M-1 and M-2, which do not allow detached single-family dwelling units, two-family dwelling units or twin homes, the replacement structure may exceed the original footprint of the existing structure by twenty five percent (25%) when the structure has been destroyed by fire, voluntary demolition or natural calamity. Replacement structures which exceed twenty five percent (25%) of the original footprint, or the replacement of a single-family detached dwelling, two-family dwelling or twin home in an M-1 or M-2 zoning district may be allowed as a conditional use subject to the provisions of chapter 21A.54 of this title.

The replacement structure shall not project into a required yard beyond any encroachment established by the structure being replaced. All replacement structures in nonresidential zones are subject to the provisions of section 21A.36.190, "Residential Building Standards For Legal Conforming Single-Family Detached Dwellings, Two-Family Dwellings And Twin Homes In Nonresidential Zoning Districts", of this part.

When replacing a legal conforming single-family detached dwelling, two-family dwelling or twin home, the number of new parking stalls provided shall be equal to or more than the number of parking stalls being replaced. (Ord. 63-03 § 1, 2003; Ord. 26-95 § 2(19-11), 1995)

21A.38.130 Legal Conforming Single-Family Dwellings In The CN, CB, G-MU And D-3 Zoning Districts:

(Rep. by Ord. 63-03 § 2, 2003)

21A.38.140 Appeal:

Any person adversely affected by a decision of the zoning administrator on a determination of the status of a nonconforming use or noncomplying structure may appeal the decision to the board of adjustment pursuant to the provisions in part II, chapter 21A.16 of this title. (Ord. 35-99 § 55, 1999; Ord. 26-95 § 2(19-12), 1995)

Option**21A.38.150 Termination By Amortization Upon Decision Of Board Of Adjustment:**

The board of adjustment may require the termination of a nonconforming use, except billboards, under any plan providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of the owner's investment in the nonconforming use, if any, as determined by the zoning administrator. The board of adjustment may initiate a review for amortization of nonconforming uses upon a petition filed by the mayor or city council, in accordance with the following standards and procedures and consistent with the municipal land use development and management act, title 10, chapter 9, of the Utah Code Annotated and shall mail written notice to the owner and occupant of the property:

A. Initiation Of Termination Procedure: Board of adjustment review of a use determined to be nonconforming pursuant to the provisions of this section, for the purpose of establishing an amortization plan for termination of the use, shall first require a report from the zoning administrator to the board of adjustment. The zoning administrator's report shall determine the nonconforming use, provide a history of the site and outline the standards for determining an amortization period.

B. Notice To Nonconforming User: Upon receipt of the report of the zoning administrator, recommending the establishment of an amortization plan for a nonconforming use, the board of adjustment shall mail the report and plan to the owner and occupant(s) of the nonconforming use, giving notice of the board of adjustment's intent to hold a public hearing to consider the request in accordance with the standards and procedures set forth in part II, chapter 21A.10 of this title.

C. Board Of Adjustment Review: The board of adjustment shall hold a noticed public hearing within a reasonable time, following the procedures established in part II, chapter 21A.10 of this title, on the request for amortization of the nonconforming use. Upon the conclusion of the hearing, the board shall determine whether the nonconforming use should be amortized within a definite period of time.

D. Standards For Determining Amortization Period: The board of adjustment shall determine the appropriate amortization period upon the consideration of evidence presented by the zoning administrator and the owner of the nonconforming use that is sufficient to make findings regarding the following factors:

1. The general character of the area surrounding the nonconforming use;
2. The zoning classification and use(s) of nearby property;
3. The extent to which property values are adversely affected by the nonconforming use;
4. The owner's actual amount of investment in the property prior to the effective date of nonconformance ~~hereof, April 12, 1995~~, less any investment required by other applicable laws and regulations;
5. The amount of loss, if any, that would be suffered by the owner upon termination of the use; and
6. The extent to which the amortization period will further the public health, safety and welfare.

E. Appeal: Any person adversely affected by the decision of the board of adjustment may within thirty (30) days after the decision, present to the district court a petition specifying the grounds on which the person was adversely affected. (Ord. 26-95 § 2(19-13), 1995)

**Chapter 21A.52
SPECIAL EXCEPTIONS****21A.52.030 Special Exceptions Authorized:**

In addition to any other special exceptions authorized elsewhere in this title, the following special exceptions are authorized under the provisions of this title:

- A. Additional fence height (subsection 21A.52.100A of this chapter);
- B. Additional height in commercial districts (subsection 21A.52.100G of this chapter);
- C. Additional building height in foothills districts (subsection 21A.24.010O2 of this title);
- D. Alternative parking (section 21A.44.030 of this title);
- E. Amusement devices (section 21A.40.110 of this title);
- F. Barbed wire fences (subsection 21A.40.120G of this title);
- G. Circular driveways (subsection 21A.44.020F7d of this title);
- H. Conditional home occupations (subsection 21A.36.030D of this title);
- I. Handicapped access (subsection 21A.52.100C of this chapter);
- J. Amateur ("ham") radio antennas (subsection 21A.40.090D of this title);
- K. Hobby shops, studios and other noncommercial uses in accessory structures (subsection 21A.52.100D of this chapter);
- L. Legalization of excess dwelling units (subsection 21A.52.100E of this chapter);
- M. Modifications to maximum height in commercial districts (subsection 21A.26.010J of this title);
- N. Operation of registered home daycare or registered home preschool facility in residential districts (subsection 21A.36.130B of this title);
- O. Outdoor dining in required yard areas (subsection 21A.52.100F of this chapter);
- P. Razor wire (subsection 21A.40.120H of this title);
- Q. ~~Signs for nonconforming business in the RMF-35, RMF-45, RMF-75 districts (sections 21A.46.080 and 21A.46.140 of this title);~~ Reconstruction and reestablishment of nonresidential nonconforming uses and noncomplying structures with nonconforming uses damaged or destroyed greater than fifty (50) percent. (subsection 21A.38.080E2b and 21A.38.090C2b of this title);
- R. Front yard parking (subsection 21A.44.050A of this title);
- S. Routine and uncontested matters (part II, chapter 21A.14 of this title);
- T. Window mounted refrigerated air conditioners and evaporative "swamp" coolers located less than two feet (2') from a lot line (table 21A.36.020B, "Obstructions In Required Yards", of this title and subsection 21A.52.100H of this chapter); and
- U. Ground mounted central air conditioning compressors or systems, heating, ventilating, pool and filtering equipment located less than four feet (4') from a lot line (table 21A.36.020B, "Obstructions In Required Yards", of this title and subsection 21A.52.100I of this chapter).

21A.62.040 Definitions:

"Legal conforming" means a status conferred by a provision of this Title which shall be limited to the regulation(s) contained within that provision. Legal conforming status allows the reconstruction of a destroyed use/structure to its level of use intensity and building bulk before destruction.

~~"Legal noncomplying structure"~~ ~~means a building or structure lawfully constructed with a building permit prior to the effective date of the Ordinance codified in this Title, or any amendment thereto, which does not comply with the applicable bulk regulations of the zoning district in which it is located.~~

~~"Legal nonconforming use"~~ ~~means a use lawfully established prior to the effective date of the Ordinance codified in this Title or any amendment thereto, with appropriate building permits and/or business licenses;~~

"Noncomplying structure" means buildings and structures that ~~contain~~ serve complying land uses ~~but the building or structure which was~~ were legally established prior to any amendment to this title that makes the structure ~~April 12, 1995,~~ does not comply with the applicable yard area, height and/or bulk regulations of this title.

~~"Noneconforming Noncomplying Lot"~~ means a parcel of land which was legally established ~~prior to April 12, 1995,~~ but which has less area, frontage or dimensions than required in the district in which it is located.

"Nonconforming use" means any building or land legally occupied by a use at the time of passage of the ordinance codified in this title or amendment thereto which does not conform after passage of said ordinance or amendment thereto with the use regulations of the district in which located.

"Nonconformity" means the presence of any nonconforming use or noncomplying structure.

"Bulk" means the size and setbacks of the buildings or structures and the location of same with respect to one another, and including:

- a) height and area of buildings;
- b) location of exterior walls in relation to lot lines, streets or other buildings;
- c) gross floor area if buildings in relation to lot areas (floor area ratio);
- d) all open spaces allocated to buildings; ~~and~~
- e) amount of lot area required for each dwelling unit, and
- f) lot coverage.

Exhibit 2
Comparison of Existing Ordinance And
Proposed Concept

Comparison of Existing and Proposed Ordinance Concepts for Nonconforming Uses and Noncomplying Structures

Issue	Existing Ordinance	Proposed Ordinance
Nonconforming Uses: Destruction up to the extent of 50% when destroyed by fire, natural calamity or voluntarily razed.	Reconstruction permitted.	Reconstruction permitted.
Nonconforming Uses: Destruction greater than 50% when destroyed by fire, natural calamity or voluntarily razed.	Reconstruction <u>not</u> permitted.	Reconstruction permitted subject to review and approval. <u>Residential:</u> Zoning Administrator Approval standards a. Environmental standards of the zoning ordinance; and b. No increase in the number of dwelling units. <u>Nonresidential:</u> Board of Adjustment – Special Exception Approval standards a. Site Plan Review to improve zoning standards compliance; b. Environmental standards of the zoning ordinance; c. Rebuilt with compatible materials; and/or d. No public nuisance history.
Noncomplying Structures: Destroyed by fire or natural calamity.	Up to 75% damage reconstruction permitted.	100% damage reconstruction permitted.
Enlargement of nonconforming use.	A nonconforming use may be extended within the same structure or as an addition, provided there is no increase the parking requirement.	A nonconforming use may be extended within the same structure or as an addition, provided there is no increase the parking requirement.
Enlargement or reoccupation of a structure with a more intensive nonconforming use.	Not permitted.	The Planning Commission may grant a conditional use permit for the enlargement or reoccupation of a structure with a more intensive nonconforming use subject to the following standards: a. The condition and economic life of the building; b. Provides reuse of buildings with architectural or historic value; c. The use supports walk to work or live-work opportunities; d. The use provides an appropriate scale of neighborhood or community level of services; e. The enlargement will not create any additional noncompliance with zoning standards except for building modifications for life safety concerns; f. The enlargement and reuse of the structure would not change the character of the neighborhood; and/or g. Subject to complying with all other current, local or state development and environmental standards of the zoning ordinance.

Exhibit 3

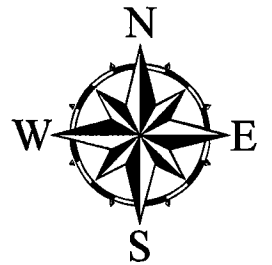
Other City Codes

Other City Codes - Nonconforming Uses and Noncomplying Structures

City	Change to another Nonconforming Use	Expansion	Restoration
Sandy	The Board of Adjustment approves a change from one to another nonconforming use	The Board of Adjustment approves an expansion of a nonconforming use.	<u>Nonconforming Use</u> : Damage to extent of 50% may be restored. Damage beyond 50% no reconstruction except for residential uses.
West Jordan	Permits change to a similar or less intensive nonconforming use.	The Board of Adjustment approves expansions in excess of 25%.	<u>Noncomplying Structure</u> : Damage by fire or natural disaster to the extent of 50% may be restored. <u>Nonconforming Use</u> : May be rebuilt, repaired or otherwise reestablished.
Murray	No nonconforming use may be changed to another nonconforming use.	Permits expansion into an existing building.	Permits 100% reconstruction of nonconforming residential uses. Nonresidential uses that are demolished or damaged by fire, explosion, act of God, or act of public enemy to the extent of 60% may be restored.
West Valley City	Permits change to an equally or more restrictive nonconforming use.	The Board of Adjustment approves a nonconforming use expansion throughout an existing building.	A nonconforming use destroyed to the extent of not more than 50% by fire, explosion, other casualty, act of God or action of a public enemy, may be restored.
Ogden	The Planning Commission approves a change of use to a similar or less intensive nonconforming use.	<u>Noncomplying Structure</u> : The Board of Adjustment approves expansion or additions. <u>Nonconforming Use</u> : The Board of Adjustment approves expansion of the use through the same building.	<u>Noncomplying Structure</u> : Permits 100% restoration. <u>Nonconforming Use</u> : Structure damaged or destroyed by fire, flood, wind, earthquake or other natural disaster may be restored or rebuilt provided restoration is started within one year. a. Damage up to 50% permitted. b. Damage in excess of 50% approved by the Planning Commission.
Orem	No nonconforming use may be changed to another nonconforming use.	A nonconforming use shall not be expanded or extended into any other portion of the land or structure.	Residential uses are exempt from nonconforming requirements, however, no additional dwelling units may be created when a property is restored. <u>Nonconforming Non-residential Use</u> : Damage or destroyed use up to 50% may be restored.

Exhibit 4
Map of Nonconforming Uses

Nonconforming Uses



Legend

-  3-4 Dwelling Units NonConforming Uses
-  Multi-Family NonConforming Uses
-  Commercial/Office NonConforming Uses
-  Industrial NonConforming Uses

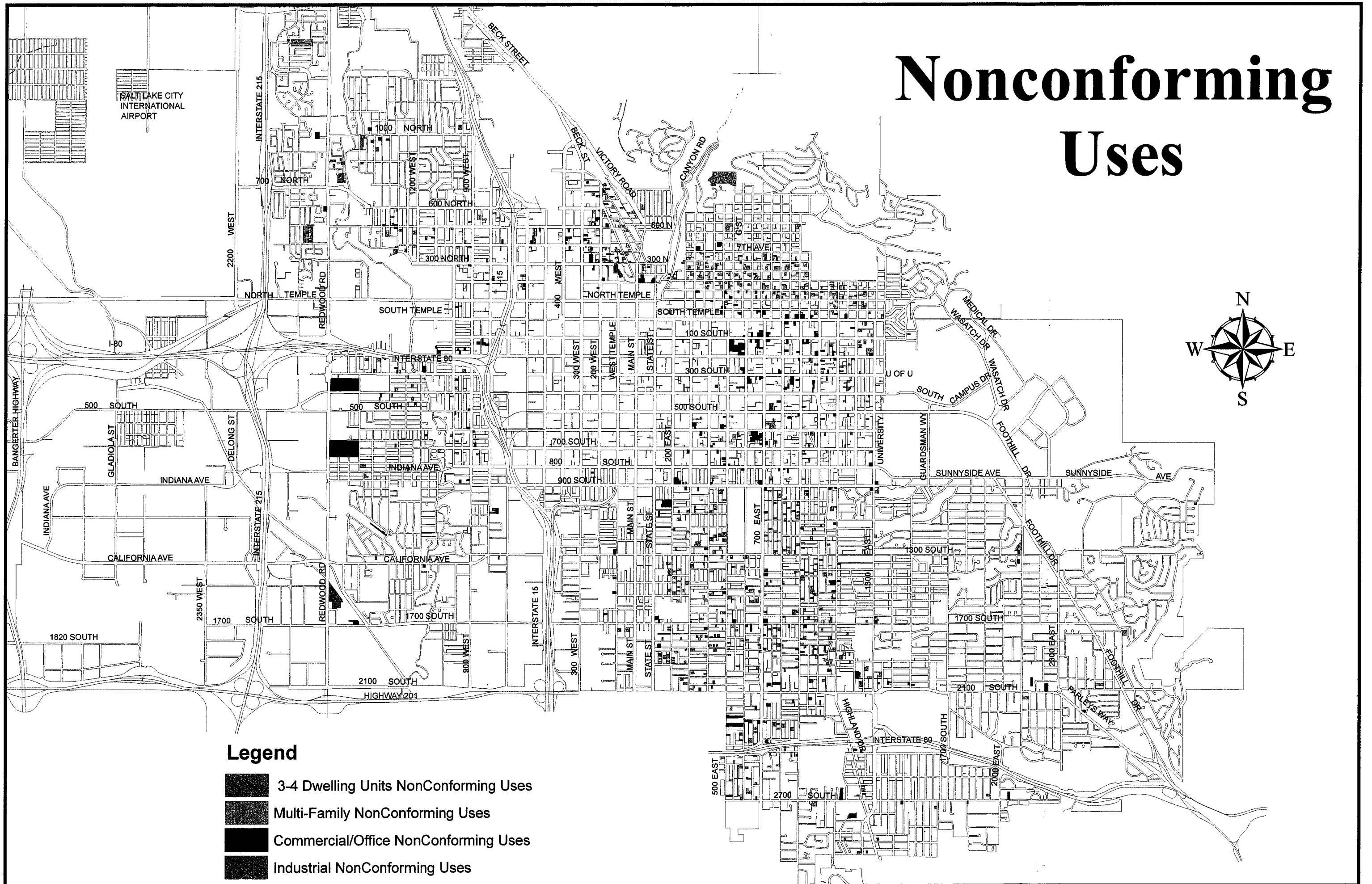


Exhibit 5
**Three to Four Dwelling Unit Conversions to Single Family
or Duplex in the Avenues**

Exhibit 6
Proposed Utah Statute Changes

PROPOSED CHANGES TO UTAH STATUTES REGARDING NONCONFORMING USES

10-9-103(1)(k) "Nonconforming (or noncomplying?) structure" means ...

(ii) because of subsequent zoning changes, does not conform with the regulation's setback, height restrictions, or other regulations, other than those that govern the use of the land.

(L) "Nonconforming use" means ...

(iii) because of subsequent zoning changes, does not conform with the zoning regulations that now govern the use of the land.

10-9-408(1)(a) Except as provided in this section, a nonconforming use or structure may be continued by the present or by a future property owner.

(2) The legislative body may provide in any zoning ordinance or amendment for:

(c) the termination of nonconforming uses due to abandonment;

[Continue with current subsection 2c, renumbered as subsection d.]

(3)(a) A municipality may not prohibit the reconstruction or restoration of a nonconforming structure or terminate the nonconforming use of a structure that is involuntarily destroyed in whole or in part due to fire or other calamity.

(b) A municipality may prohibit the reconstruction or restoration of a nonconforming structure or terminate the nonconforming use of a structure when:

(i) the structure is allowed to deteriorate to a condition that is it rendered uninhabitable and is not repaired or restored within 6 months after written notice to the property owner that the structure is uninhabitable and that the nonconforming structure or nonconforming use will be lost if the structure is not repaired or restored within 6 months; or

(ii) the property owner has voluntarily demolished a majority of the nonconforming structure or the building that houses the nonconforming use.

(4) Burden of proof

(a) The property owner shall have the burden of establishing the legal existence of a nonconforming structure or use.

(b) Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing such abandonment. Abandonment shall be presumed to have occurred if the use has been discontinued or the structure housing the nonconforming use remains vacant for a period of one year, or if a majority of the structure has been voluntarily demolished.

(c) The property owner may rebut the presumption of abandonment, and shall have the burden of establishing that any claimed abandonment has not occurred.

[Continue with subsections 3-5, renumbered as subsections 5-7.]

Exhibit 7
Community Council and other Public Comments



State of Utah

Office of
Private Property
Ombudsman

CRAIG M. CALL
State Ombudsman

OLENE S. WALKER
Governor

March 15, 2004

TO WHOM IT MAY CONCERN:

RE: Reconstruction of Nonconforming Uses After Destruction By Fire or Calamity

I have been contacted on occasion by property owners and loan officers who have asked that I express an opinion on the issue of the continuation of non-conforming uses after substantial damage by fire or other casualty. The nature of a "non-conforming use", as the term is used for city land use purposes, is defined in state statute:

"Nonconforming use" means a use of land that:

- (i) legally existed before its current zoning designation;
- (ii) has been maintained continuously since the time the zoning regulation governing the land changed; and
- (iii) because of subsequent zoning changes, does not conform with the zoning regulations that now govern the land. (Utah Code Annotated, §10-9-103(1)).

Some municipalities have provisions within their ordinances providing that a nonconforming use cannot be rebuilt if it is partially or totally destroyed. This letter is to discuss the legality of such a provision in local ordinance.

Utah statute further provides:

- (1) (a) Except as provided in this section, a nonconforming use or structure may be continued.

* * * *

- (2) The legislative body may provide in any zoning ordinance or amendment for:

- (a) the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of nonconforming uses upon the terms and conditions set forth in the zoning ordinance;
- (b) the termination of all nonconforming uses, except billboards, by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of his investment in the nonconforming use, if any; (U.C.A. §10-9-408).

Page 2
July 7, 2004
Subject: Nonconforming Uses

The provisions of 10-9-408(2)(a) allowing local government to regulate the "establishment, restoration, reconstruction . . ." of nonconforming uses does not allow local government to terminate the use, but only to impose reasonable regulations on its "restoration or reconstruction" when that becomes necessary. .

The owner of a legally established non-conforming use can continue that use even if the building that contains the use is destroyed. She must, however, comply with local ordinances such as building codes in the restoration or reconstruction of the building. A local government that refused to allow the restoration or reconstruction of the use, either through unreasonable regulation or through an ordinance attempting to prohibit the reconstruction or restoration, would be in violation of Article 1, Section 22 of the Utah State Constitution, providing that private property shall not be taken or damaged for public use without the payment of just compensation. The remedy in such a case would be for the municipality to compensate the owner for the full lost market value of the use.

This is illustrated by a case from the Utah Supreme Court, Rock Manor Trust v. State Rd. Comm'n 550 P.2d 205 (Utah 1976), where the Court held that refusal to allow a nonconforming sign to be rebuilt after a fire "is tenable only if the State decides to pay for such interdiction by purchase of the property (the right to use the sign), through the eminent domain route, to assure just compensation . . ."

"There is no question that if the barn had not burned down, the plaintiff could have indulged persistency in the use of the barn to store hay and horses, and the sign to sell the hay and horses or receive rentals for the same purpose such as publicizing Lifebuoy Soap.

"We are in accord with the State's thesis that there is a trend increasingly looking with disfavor upon nonconforming uses. Such trend, however, at least theoretically, or constitutionally, cannot, or at least, should not destroy property rights, or continued lawful use of one's property . . .

'Without citing extensive authority, we are of the opinion that even had this barn been prostrate in ashes in complete destruction, its soul, or Phoenix, if you will - a continuing nonconforming use, - can rise and live on, - unless the barn owner does not rebuild within a reasonable time, - as required under the statute, - which requirement seems reasonable enough.

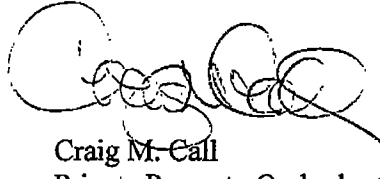
Owners of property whose current uses are nonconforming uses are therefore legally vested with the right to rebuild them if destroyed by fire or other calamity, so long as the reconstruction complies with the appropriate codes and regulations in place when the reconstruction is accomplished. In my opinion, therefore, local ordinances prohibiting reconstruction without the payment of just compensation for the nonconforming use are illegal and unconstitutional. Local ordinances requiring the reconstruction to be completed within a reasonable time frame and requiring

Page 3
July 7, 2004
Subject: Nonconforming Uses

that current building codes and other regulations be complied with are likely legal and enforceable.

The Office of Private Property Ombudsman is available to land owners, free of charge, to protect vested property rights and mediate or arbitrate such disputes as allowed by U.C.A. 63-34-13. If there are questions about these conclusions or other issues of vested property rights, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig M. Call', with a large, stylized initial 'C'.

Craig M. Call
Private Property Ombudsman



ASSURANCE MORTGAGE LLC

August 26, 2004

Greg Riley
Prudential Real Estate
6975 Union Park Center
Suite 620
Midvale, UT 84047

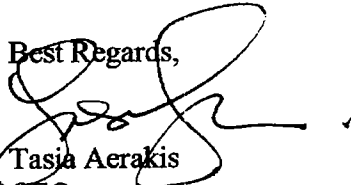
RE: 100 % Rebuild Letter

Greg,

As a lending agency, FannieMae underwriting guidelines will typically require an appraiser and or processor to obtain a rebuild letter from the applicable city and or county. I have attached the specific guideline from FannieMae's underwriting specific to properties with legal non conforming zoning, for your review. As a lending institution if a 100% rebuild letter is not provided directly to the end investor then the loan will not be approved or funded.

If you need any further information or assistance, please feel free to contact me directly.

Best Regards,



Tasia Aerakis
CEO

Assurance Mortgage LLC

Petition 400-03-34

Comments Sheet

Salt Lake City Planning Division Open House - Thursday September 16, 2004

Petition 400-03-34 is in response to City Council legislative action – The petition addresses proposed changes to the zoning ordinance regulations pertaining to nonconforming uses and noncomplying structures.

If you have concerns regarding this matter, please submit comments to the Planning Division. Either submit comments on this sheet, in a separate letter, or by e-mail. Please provide comments by September 30, 2004. If you have any questions please contact me at 535-7930 or at the e-mail address below.

Submit Comments To:

1. Everett Joyce
451 South State Street, Room 406
Salt Lake City, UT 84411
2. FAX to Everett Joyce at 535-6174
3. E-mail comments to everett.joyce@slcgov.com

Please Provide:

Name:

Boris Kurz

Mailing Address:

1203 S. 900E.

SLC, UT 84105

801-485-4585

boris.kurz@9900.com

Comments:

Given the unideal limitations of Euclidean zoning the maintenance of non-conforming uses is essential to allow for the subsistence + development of livable communities. Non-conforming residential uses are essential to contribute to the city goal of high density housing. Since many lenders require the 100% rebuild letter, this ordinance change will facilitate investment in housing stock, 0/0 high-density housing and healthy communities.

Joyce, Everett

From: Paul Smith [paul@uaahq.org]
Sent: Wednesday, September 01, 2004 9:39 AM
To: everett.joyce@slcgov.com
Cc: Kirk A. Cullimore; Keith Nielson
Subject: Zoning Change

Thank you for the invitation to make comment regarding the zoning policy change allowing the city to issue rebuild letters to be issued to owners of nonconforming rental property. This is good news and we support this change.

We have been working with Craig Call, the private property rights ombudsman on this issue and have also been working on legislation to address this problem. We are pleased that the city is changing course on their own and support this change. We have had several meetings on this issue this year, including one where Scott Mikklesen, Salt Lake City's Senior Housing Inspector attended. We were pleased to learn even he supported changing the law to issue rebuild letters. He shared an interesting perspective with us - that was that the City probably never intended its policy to have the effect on financing that it was having and perhaps if they better understood the issue they would change policy.

We are glad you have.

I will send you a letter by your deadline but I wanted you to know we appreciate asking us for input and are very supportive of the change.

You may feel free to change your contact at the UAA to me. Thanks again.

L. Paul Smith
Executive Director
Utah Apartment Association
801-487-5619 484-8649 Fax
paul@uaahq.org
paul@apartmentassn.com

9/22/2004

Everett Joyce
451 South State St, Room 406
Salt Lake City, UT 84111

Joseph G. Barcelon Jr.
5408 Stony Vista Dr.
Salt Lake City, UT 84118

PETITION 400-03-34

As an owner of a multi family housing unit in Morton Meadows my main concern is that the unit as an investment would no longer benefit me. Without the proposed ordinance change from R-1-5000 zoning back to RMF-30/35 I would not be able to sell the property, which would compromise the integrity of the community by restricting potential investors as well as current owners.

My other concern is that the property owners would cease to invest and improve the units because of the loss of financial gain. These units service low income families and would adversely effect the availability of affordable quality housing.

I would appreciate you taking my concerns into consideration.

Sincerely,
Joseph G. Barcelon Jr.
Property Owner

Exhibit 8
Department Comments

Joyce, Everett

From: Stewart, Brad
Sent: Tuesday, September 14, 2004 12:19 PM
To: Joyce, Everett
Cc: Garcia, Peggy; Cowles, Vicki
Subject: Petition 400-03-34 Zoning Text Amendment to Nonconforming Uses
Categories: Program/Policy

Everett,

I have read you packet with the explanation and suggested language changes to the nonconforming uses and non-complying structures zoning rules.

Public Utilities has no objections to the proposal, but offers the following comments:

All uses / buildings being rebuilt, substantially rebuilt after damage will need to comply with all of the current conditions and codes applicable to the use and demands on water, sewer, and storm drainage. It should be noted that many codes, regulations, and standards have changed since these facilities were built and "grandfathered". It is likely that some owners will need to upgrade utilities infrastructure to re-build replacement facilities.

Please call if you need more explanation.

Brad
483-6733

9/22/2004

Joyce, Everett

From: Walsh, Barry
Sent: Tuesday, August 31, 2004 11:37 AM
To: Joyce, Everett
Cc: Young, Kevin; Smith, Craig; Larson, Bradley; Goff, Orion
Subject: pet 400-03-34
Categories: Program/Policy

August 5, 2004

Everett Joyce

Re: Petition 400-03-34 Zoning text Amendment to Chapter 21A38 Nonconforming Uses and Noncomplying Structures.

We see no undo impact to the transportation corridor system by allowing the proposed changes to allow thing to remain as is. Subject to standard site development transportation issues for traffic access, staging, stacking, and parking as needed and referred to as 21A.44 and as per the purpose statement in that the continued use is “not detrimental to the surrounding neighborhood”, “or are a hazard to”, from a transportation view of traffic issues for vehicles or pedestrians in their function of: parking - circulation – access – or services.

Sincerely,

Barry Walsh.

9/22/2004

Joyce, Everett

From: Smith, JR
Sent: Wednesday, September 01, 2004 3:49 PM
To: Joyce, Everett
Subject: Petition 400-03-34 Zoning text amendment

Categories: Program/Policy

Everett,

I do not see any concerns from a Police Dept. perspective on the Zoning Text Amendment to Nonconforming Uses and Noncomplying Structures.

J.R. Smith
SLCPD
CAT Dist 4/5

5. Original Petition

PETITION NO. 400-03-34

PETITION CHECKLIST

<u>Date</u>	<u>Initials</u>	<u>Action Required</u>
<u>12-18-03</u>	<u>EAH</u>	Petition delivered to Planning
<u>12-18-03</u>	<u>EAH</u>	Petition assigned to: <u>Everett Joyce</u>
<u>10-27-04</u>	<u>EAH</u>	Planning Staff or Planning Commission Action Date
_____	_____	Return Original Letter and Yellow Petition Cover
<u>11/18/04</u>	<u>EAH</u>	Chronology
<u>N/A</u>	_____	Property Description (marked with a post it note)
<u>N/A</u>	_____	Affected Sidwell Numbers Included
<u>11/18/04</u>	<u>EAH</u>	Mailing List for Petition, include appropriate Community Councils
<u>10-12-04</u>	<u>EAH</u>	Mailing Postmark Date Verification
<u>11-18-04</u>	<u>EAH</u>	Planning Commission Minutes
<u>10-22-04</u>	<u>EAH</u>	Planning Staff Report
<u>11/18/04</u>	<u>EAH</u>	Cover letter outlining what the request is and a brief description of what action the Planning Commission or Staff is recommending.
_____	_____	Ordinance Prepared by the Attorney's Office
_____	_____	Ordinance property description is checked, dated and initialed by the Planner. Ordinance is stamped by Attorney.
<u>Everett Joyce</u>		Planner responsible for taking calls on the Petition
_____	_____	Date Set for City Council Action _____
_____	_____	Petition filed with City Recorder's Office

MEMORANDUM

DATE: April 11, 2003

TO: Council Members

FROM: Council Member Carlton Christensen

SUBJECT: Legislative Action – request to reevaluate the Zoning Ordinance relating to the nonconforming use regulations

CC: Rocky Fluhart, Dave Nimkin, DJ Baxter, Ed Rutan, Lynn Pace, Alison Weyher, David Dobbins, Roger Evans, Brent Wilde, Harvey Boyd, Craig Spangenberg, Enzo Calfa, Jan Aramaki, Marge Harvey, Sylvia Jones, Janne Neilson, Annette Daley, Barry Esham, Gwen Springmeyer

I would appreciate the Council's support for a Legislative Action requesting that the Administration reevaluate the non-conforming use and non-complying structure regulations in the Zoning Ordinance, Sec. 21A.38. I am aware that in the past several years other Council Members have been contacted by constituents and property owners who have experienced difficulty in selling their properties or securing financing and insurance for their properties and buildings at a competitive rate.

In following up on this with the Administration, Planning staff indicated that it would be appropriate to update the current non-conforming use and non-complying structure requirements to allow a case by case evaluation of uses and provide options for reconstruction in certain instances.

I would appreciate the support of Council Members in asking the Administration to reevaluate the regulations in the Zoning Ordinance and provide the Council with options. The result I would like to see is Zoning Ordinance language that would:

- Eliminate the current percentage limitations for reconstruction, improvement or expansion of non-conforming uses and non-complying structures.
- Establish refined standards, public notification and review processes that include:
 - Replacement, reconstruction, improvement or expansion of certain types of non-conforming uses and non-complying structures.
 - Establish categories of non-conforming uses and non-complying structures with a different level of review and public notification depending upon the impact to the surrounding neighborhood.
- Other options that may be identified by the Administration.

Legislative Action sponsored by Council Member Carlton Christensen relating to non-conforming use and non-complying structure regulations in the Zoning Ordinance.

- Council Members discussed this item with the Announcements on March 4, 2003.
- A majority of Council Members were comfortable with placing this on the Council's agenda for formal action.

Hansen, Diana

To: Taylor, Lucille
Subject: RE: Petition Number
Categories: Program/Policy

Is this a joke? I haven't a clue what you are talking about.

-----Original Message-----

From: Taylor, Lucille
Sent: Thursday, December 18, 2003 9:08 AM
To: Hansen, Diana
Subject: FW: Petition Number

Diana,

Will you please take care of setting up this petition for me?

Thanks,

Lucille

-----Original Message-----

From: Coffey, Cheri
Sent: Wednesday, December 17, 2003 11:55 AM
To: Taylor, Lucille
Cc: Joyce, Everett
Subject: Petition Number

Lucille,

The City Council enacted a Legislative Action Item requesting Planning Staff to analyze the feasibility of granting legal conforming status to non-conforming three family dwellings and above in all zoning districts. Will you please create a petition for this and send EJ the number (and petition when you have it ready)

Thanks.

REMARKS

Petition No. 400-03-34

By City Council

Is requesting Planning Staff to
analyze the feasibility of granting
legal conforming status to non-
conforming three family dwellings
and above in all zoning districts.

Date Filed _____

Address _____