



SALT LAKE CITY TRANSMITTAL

To:
Salt Lake City Council Chair

Submission Date:
02/20/2025

Date Sent to Council:
02/21/2025

From:

Department*
Community and Neighborhood

Employee Name:
Elmore, Noah

E-mail
noah.elmore@slc.gov

Department Director Signature

Tammy Hunsaker

Chief Administrator Officer's Signature

Jill Love

Director Signed Date
02/21/2025

Chief Administrator Officer's Signed Date
02/21/2025

Subject:
Text Amendment - Permitting Outdoor Theaters in Commercial Districts

Additional Staff Contact:

Presenters/Staff Table

Document Type
Ordinance

Budget Impact?
☐ Yes
☒ No

Recommendation:
Recommendation to approve.

Background/Discussion
See first attachment for Background/Discussion

Will there need to be a public hearing for this item? *
☒ Yes
☐ No

Public Process
Please see attachment under "background/discussion" section above

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ERIN MENDENHALL
Mayor



DEPARTMENT of COMMUNITY
and NEIGHBORHOODS
Tammy Hunsaker
Director

CITY COUNCIL TRANSMITTAL

BACKGROUND/DISCUSSION: At their Formal Meeting on May 7, 2024, the Salt Lake City Council initiated a petition to research and draft an ordinance to amend sections 21A.33.030 (Table of Permitted and Conditional Uses for Commercial Districts) and 21A.62.040 (Definitions of Terms) of the Salt Lake City Zoning Ordinance to permit live performance theaters, either indoor or outdoor, within the CG General Commercial District and any other district that may be appropriate based on its intensity, scale, and location. Currently, only indoor live performance theaters are permitted.

This proposal will allow for both indoor and outdoor live performance theaters in CG General Commercial Districts, instead of just indoor live performance theaters. It will also permit outdoor live performance theaters in the G-MU Gateway-Mixed Use District, OS Open Space District, PL-2 Public Lands District, and all four D Downtown Districts (D-1, D-2, D-3, and D-4). These other districts either already permit indoor live performance theaters or permit formal amphitheaters, which are of similar function and impact to outdoor live performance theaters. Outdoor live performance theaters will replace formal amphitheaters as a permitted use in the corresponding districts, OS and PL-2.

In addition to the changes to the land use tables, a footnote will be added prohibiting outdoor live performance theaters within 1,000 feet of residential zoning districts.

Finally, the definition of live performance theater will be updated to reflect both indoor and outdoor uses. Formal amphitheater will also be deleted where it is replaced by outdoor live performance theater.

Some of the proposed changes by this text amendment have already been included in the mixed-use zoning district consolidation. The CG General Commercial District is proposed to be consolidated into the new MU-11 District as part of the commercial and mixed-use zoning district consolidation (PLNPCM2024-00707). The new MU-11 District is currently proposed to permit outdoor live performance theaters (along with MU-6 and MU-8). The footnote included in this amendment prohibiting outdoor live performance theaters within 1,000 feet of residential districts is also proposed as part of the zoning consolidation.

PUBLIC PROCESS:

Community Council Notice: A notice of application was sent to all recognized community organizations on June 4, 2024, per City Code Chapter 2.60 with a link to the online open house webpage. The recognized organizations were given 45 days to respond with any concerns or to request staff to meet with them and discuss the proposed zoning amendment. The 45-day public engagement period ended on March 25, 2024.

Public Open House: An online open house was held from June 11, 2024 to July 26, 2024. No public comment was received.

Planning Commission Meeting: The Planning Commission held a public hearing on October 9, 2024. The Planning Commission forwarded a positive recommendation to City Council on the proposed amendment.

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Planning Commission (PC) Records

- a) [PC Agenda of October 9, 2024](#)
- b) [PC Minutes of October 9, 2024](#)
- c) [Planning Commission Staff Report of October 9, 2024](#)

EXHIBITS:

- 1) Ordinance
- 2) Project Chronology
- 3) Notice of City Council Public Hearing
- 4) Original Petition

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1. ORDINANCE

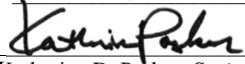
Project Title: Text Amendment to Permit
Outdoor Theaters in Commercial Districts

Petition No.: PLNPCM2024-00595

Version: 1

Date Prepared: February 14, 2025

Planning Commission Action: Recommended 10/9/2024

APPROVED AS TO FORM Salt Lake City Attorney's Office Date: February 14, 2025 By:  Katherine D. Pasker, Senior City Attorney

This proposed ordinance makes the following amendments to Title 21A. Zoning:

- Amends the land use tables to make outdoor live performance theater a permitted use in commercial districts, subject to spacing requirements from residential districts.
- Amends section 21A.62.040 to amend the definition of “theater, live performance”.

Underlined text is new; text with strikethrough is proposed to be deleted. Modifications made as part of the Planning Commission recommendation are highlighted in yellow. All other text is existing with no proposed change.

-
- 1 1. *Amending Table 21A.33.020 Table of Permitted and Conditional Uses for Residential*
2 *Districts by amending the use category “Theater, live performance” only, as follows:*

- 22 6. Amending only “Qualifying provisions” number 4 to Table 21A.33.020 Table of Permitted
 23 and Conditional Uses for Transit Station Area Districts, as follows:
 24
 25 4. Prohibited on lots located within 1,000 feet of a Single- or Two-Family Zoning District.
 26
 27
 28 7. Amending Table 21A.33.050 Table of Permitted and Conditional Uses for Downtown
 29 Districts by amending the use category “Theater, live performance” and creating a new use
 30 category “Theater, live performance (Outdoor)” only, as follows:
 31

Use	Permitted And Conditional Use By District			
	D-1	D-2	D-3	D-4
Theater, live performance (Indoor)	P ⁹	P ⁹	P ⁹	P ⁹
<u>Theater, live performance (Outdoor)</u>	<u>P²¹</u>	<u>P²¹</u>	<u>P²¹</u>	<u>P²¹</u>

- 32
 33
 34 8. Amending only “Qualifying provisions” number 9 and add a new qualifying provision
 35 number 21 to Table 21A.33.020 Table of Permitted and Conditional Uses for Downtown
 36 Districts, to be listed in numerical order with the other qualifying provisions, as follows:
 37
 38 9. Prohibited on lots located within 1,000 feet of a Single- or Two-Family Zoning District.
 39 21. Prohibited on lots located within 1,000 feet of Residential Districts (21A.24 of this title).
 40
 41
 42 9. Amending Table 21A.33.060 Table of Permitted and Conditional Uses for Gateway Districts
 43 by deleting the use category “Amphitheater, formal”, amending the use category “Theater,
 44 live performance” and creating a new use category “Theater, live performance (Outdoor)”
 45 only, as follows:
 46

Use	Permitted And Conditional Use By District
	G-MU
Amphitheater, formal	P
Theater, live performance (Indoor)	P ⁴
<u>Theater, live performance (Outdoor)</u>	<u>P¹¹</u>

47

- 48 10. Amending only “Qualifying provisions” number 4 and add a new qualifying provision
49 number 11 to Table 21A.33.020 Table of Permitted and Conditional Uses for Gateway
50 Districts, to be listed in numerical order with the other qualifying provisions, as follows:
51
52 4. Prohibited on lots located within 1,000 feet of a Single- or Two-Family Zoning District.
53 11. Prohibited on lots located within 1,000 feet of Residential Districts (21A.24 of this title).
54
55
56 11. Amending Table 21A.33.070 Table of Permitted and Conditional Uses for Special Purpose
57 Districts by deleting the use category “Amphitheater, formal”, amending the use category
58 “Theater, live performance” and creating a new use category “Theater, live performance
59 (Outdoor)” only, as follows:

Use	Permitted And Conditional Use By District																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Amphitheater, formal								P				P					
Theater, live performance (Indoor)	C ¹⁵	C ¹⁵									C ¹⁵	C ¹⁵	C ¹⁵	C ¹⁵			C ¹⁵
Theater, live performance (Outdoor)								P				P					

12. Amending only “Qualifying provisions” number 15 to Table 21A.33.070 Table of Permitted and Conditional Uses for Special Purpose Districts as follows:

15. Prohibited on lots located within 1,000 feet of a Single- or Two-Family Zoning District.

13. Amending Table 21A.33.080 Table of Permitted and Conditional Uses for Form Based Districts by amending the use category “Theater, live performance” only, as follows:

Use	Permitted And Conditional Use By District				
	FB-UN1	FB-UN2	FB-MU11	FB-SC	FB-SE
Theater, live performance (Indoor)			P		

71 14. Amending Section 21A.62.040 only as to the definition of “Theater, Live Performance” as
72 follows:

73

74 THEATER, LIVE PERFORMANCE: ~~An establishment for musical, theatrical, dance or any~~
75 ~~other combination thereof, performed by one or more persons, whether or not they are~~
76 ~~compensated for the performance, in a privately owned premises that is open to the public,~~
77 ~~whether or not admission is charged. An indoor or outdoor venue whose principal use is any~~
78 ~~combination of music, theater, or dance performed by one or more persons.~~

79

80

81

[end]

2. PROJECT CHRONOLOGY

ERIN MENDENHALL
Mayor



DEPARTMENT of COMMUNITY
and NEIGHBORHOODS
Tammy Hunsaker
Director

Project Chronology

Petition: PLNPCM2024-00595

May 7, 2024	Petition initiated by City Council.
May 20, 2024	Petition was deemed complete.
May 21, 2024	Petition assigned to Noah Elmore, Associate Planner.
May 2024 – October 2024	Staff drafted language to support goals of the petition.
June 4, 2024	Notice of petition sent to all city recognized community organizations.
June 11, 2024	Petition posted to the Planning Division's Online Open House webpage. Public comment period ended July 26, 2024
November 27, 2024	Planning Commission agenda posted to the website and emailed to the listserv.
October 3, 2024	Staff Report posted to Planning's webpage.
October 9, 2024	Planning Commission meeting and public hearing held. A positive recommendation was forwarded to the City Council.
February 14, 2025	Ordinance received from City Attorney's office.

3. NOTICE OF CITY COUNCIL PUBLIC HEARING

NOTICE OF CITY COUNCIL PUBLIC HEARING

The Salt Lake City Council is considering Petition **PLNPCM2024-00595**. At their Formal Meeting on May 7, 2024, the Salt Lake City Council initiated a petition to research and draft an ordinance to amend sections 21A.33.030 (Table of Permitted and Conditional Uses for Commercial Districts) and 21A.62.040 (Definitions of Terms) of the Salt Lake City Zoning Ordinance to permit live performance theaters, either indoor or outdoor, within the CG General Commercial District and any other district that may be appropriate based on its intensity, scale, and location. Currently, only indoor live performance theaters are permitted. Other related provisions in Title 21A may also be modified as part of this proposal.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During the hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The Council may consider adopting the ordinance the same night of the public hearing. The hearing will be held:

DATE:

TIME: 7:00 pm

PLACE: Electronic and in-person options.
451 South State Street, Room 326, Salt Lake City, Utah

**** This meeting will be held via electronic means, while also providing for an in-person that opportunity to attend or participate in the hearing at the City and County Building, located at 451 South State Street, Room 326, Salt Lake City, Utah. For more information, including WebEx connection information, please visit www.slc.gov/council/virtual-meetings. Comments may also be provided by calling the 24-Hour comment line at (801) 535-7654 or sending an email to council.comments@slcgov.com. All comments received through any source are shared with the Council and added to the public record.**

If you have any questions relating to this proposal or would like to review the file, please call Noah Elmore at (801) 535-7971 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, or via e-mail at noah.elmore@slc.gov. The application details can be accessed at <https://citizenportal.slcgov.com/>, by selecting the "Planning" tab and entering the petition number PLNPCM2024-00595.

People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the City Council Office at council.comments@slcgov.com, (801) 535-7600, or relay service 711.

4. ORIGINAL PETITION

MINUTES OF THE SALT LAKE CITY COUNCIL, LOCAL BUILDING AUTHORITY
AND REDEVELOPMENT AGENCY
Tuesday, May 7, 2024

1. **Legislative Action: Consider Allowing Outdoor Events in The General Commercial Zone**

The Council will consider adopting a Legislative Action that would initiate a zoning petition for City staff to research and draft an ordinance that would allow live performance theater use in the General Commercial Zone either indoors or outdoors.

FYI – Project Timeline: (subject to change per Chair direction or Council discussion)

Briefing - Tuesday, May 7, 2024

Set Public Hearing Date - n/a

Hold hearing to accept public comment - n/a

TENTATIVE Council Action - Tuesday, May 7, 2024

Staff Recommendation - Refer to motion sheet(s).

Motion:

Moved by Council Member Puy, seconded by Council Member Dugan to initiate a legislative action starting the process for City staff to research and draft an ordinance that would allow live performance theater use either indoors or outdoors in the General Commercial zone and other districts that may be appropriate based on the intensity, scale, and location of the district, by changing the title “theater, live performance” to “theater, live performance (indoor or outdoor)” in the land use tables.

AYE: Victoria Petro, Daniel Dugan, Chris Wharton, Alejandro Puy, Darin Mano, Sarah Young, Eva Lopez Chavez

Final Result: 7 – 0 Pass

2. **Legislative Action: Amend City Ordinance For The Amount of Time A Reconstructed Historic Building is Protected**

The Council will consider a Legislative Action that would initiate a zoning petition for City staff to research and draft an ordinance that would change the years reconstructed historic buildings must be protected from 25 to 50 years.

FYI – Project Timeline: (subject to change per Chair direction or Council discussion)

Briefing - Tuesday, May 7, 2024

Set Public Hearing Date - n/a

Hold hearing to accept public comment - n/a

TENTATIVE Council Action - Tuesday, May 7, 2024

Staff Recommendation - Refer to motion sheet(s).

1.

FYI – Project Timeline: (subject to change per Chair direction or Council discussion)

Briefing -

Set Public Hearing Date -

Hold hearing to accept public comment -

TENTATIVE Council Action -

Staff Recommendation -



MOTION SHEET

CITY COUNCIL *of* SALT LAKE CITY

TO: City Council Members

FROM: Nick Tarbet, Analyst

DATE: May 7, 2024

RE: Legislative Action: Outdoor Live Performance Events General Commercial Zone

Motion to Initiate Legislative Action

I move the Council initiate a legislative action starting the process for city staff to research and draft an ordinance that would allow live performance theater use either indoors or outdoors in the General Commercial zone and other districts that may be appropriate based on the intensity, scale and location of the district, by changing the title "theater, live performance" to "theater, live performance (indoor or outdoor)" in the land use tables.



5.7.2024

Announcements

Legislative Action: Consider allowing outdoor events in the CG (General Commercial) zone.

Issue Summary

The council will consider adopting a legislative action that would initiate a zoning petition for city staff to research and draft an ordinance that would allow live performance theater use in the CG (General Commercial) zone either indoors or outdoors. Currently they are only allowed indoors.

If the Council supports this action, it may consider formally adopting the legislative action in the May 7 formal meeting.

Motion to Initiate Legislative Action

I move the Council initiate a legislative action starting the process for city staff to research and draft an ordinance that would allow live performance theater use in the CG (General Commercial) zone either indoors or outdoors by changing the title “theater, live performance” to “theater, live performance (indoor or outdoor)” in the land use table for commercial districts in Chapter 21A.33.030 of Salt Lake City Code.

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