

**HISTORIC LANDMARK COMMISSION STAFF
REPORT**



Planning and Zoning Division
Department of Community and
Economic Development

**Character Districts Text Amendment
Zoning Text Amendment PLNPMC2011-00473
Citywide
October 6, 2011**

Applicant: Mayor Ralph
Becker

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Notification

- Notice published in the newspaper on 09/27/11
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites 09/22/11

Attachments:

- A. Draft Character District Ordinance

Request

Salt Lake City Mayor Ralph Becker is requesting a Zoning Text Amendment to add a chapter to the Zoning Ordinance to allow for Character Districts. Changes would apply citywide if adopted by the City Council.

Staff Recommendation

It is the Planning Staff's opinion that overall the information supports conservation efforts in Salt Lake City and therefore, recommends the Historic Landmark Commission transmit a favorable recommendation to the Planning Commission relating to this request.

Recommended Motion

Based on the information in the staff report, testimony and plans presented, I move that the Historic Landmark Commission transmit a favorable recommendation to the Planning Commission relating to this request to amend the Zoning Ordinance and allow for the creation of character districts.

Background

Project Description

The draft Preservation Plan identifies several tools that are available for the City to use as part of a historic preservation program. Not all of the tools are strictly for the preservation of historic resources. Some tools are broader and are designed to encourage neighborhood stability. Character districts are one of the tools that are available to staff to assist with a broader approach.

Whereas the purpose of a local historic district is to preserve *historic fabric*, including design, materials and integrity, a character district is used to preserve *community character*. Because the two districts preserve different things, this usually means that they will differ in the standards for designation, the level of regulation and the review process.

Character districts can be customized for specific areas and they usually have fewer restrictions than a local historic district. The focus is more on specific character defining features of a neighborhood. Character districts can then help preserve and protect unique and distinctive neighborhood and commercial centers from future development which may be incompatible with the character of the area.

The character district plan may also adjust current zoning regulations so they are better suited for area within the character district. The character district is intended to supplement existing zoning regulations to promote development that preserves and enhances the existing character. The size of each character district varies depending on each area.

Creation of character districts is a land use planning tool that assists neighborhood residents to identify the qualities and characteristics that should be conserved. With input from the neighborhood residents, the content and regulations vary according to what they view as being important. Some character districts focus on exterior improvements to the buildings themselves, whereas others may focus on demolition and new construction. However, character districts will not change what uses are allowed in different zoning districts, they will only regulate exterior improvements. As part of the adoption of the conversation district, the district plan will include design guidelines for the district. Any new development or modifications to the exterior of any property will need to comply with these guidelines.

Some examples of standards that could be regulated by a character district include, but are not limited to:

- building orientation
- general site planning (primary or accessory structures)
- density
- signage
- architectural style and details
- building materials
- front window and dormer size and location
- landscaping
- fences and walls
- driveways and sidewalks
- location of satellite dishes and utility boxes
- street furniture
- public art in a neighborhood

It needs to be stressed that the draft ordinance (Attachment A) does not designate any areas as character districts or create design guidelines. It only outlines the requirements and process for getting a character district adopted.

Because the character district becomes an overlay for the area which it encompasses, the process for adopting a character district is very similar to that of Zoning Map Amendment. Some highlights of the ordinance include:

- How to and who can initiate creation of a character district.
- Determination of eligibility by the Planning Division.
- Conceptual or character plan development by Planning Division staff in conjunction with the residents within the boundaries of the proposed character district.
- Adoption of the character plan by the City.

It should also be noted that the last section of proposed ordinance states that standards for demolition must be included for each character district, including a process for submittal and review. The draft ordinance does not contain specific demolition standards for each character district. Rather, each district will need to develop their own standards to be included in the character district. Standards could vary greatly between different districts.

Also please note that in order to prevent a possible confusion with State law, this tool that is part of the draft preservation program will now be referred to as character districts, not conservation districts. Within State law there is a process to create conservation districts which are independent local districts established to survey, investigate, and research soil erosion, floodwater, nonpoint source water pollution, flood control, water pollution, sediment damage, and watershed development. Staff does not want to cause confusion between the two types of districts.

Comments

Public Comments

The item was presented at the September 12, 2011 Open House meeting. Several residents asked questions of staff at the open house regarding the topic of character districts, but no formal comments were received that evening. In addition, no formal public comment regarding this application was received as of the date of the preparation and distribution of this staff report.

Analysis and Findings

Options

Support: If the Commission finds that the proposed project meets supports character efforts in Salt Lake City, a favorable recommendation should be transmitted to the Planning Commission.

Continuation: If the Commission finds that additional information is needed to support the creation of character districts, then a final decision may be postponed with

specific direction to the applicant or Planning Staff regarding the additional information needed.

Findings

21A.50.050 Standards for General Amendments.

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard.

A. In making its decision concerning a proposed text amendment, the City Council should consider the following factors:

1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;

Analysis: The community master plan's land use policies generally state that neighborhoods should be preserved. The proposed changes do not alter the various purpose statements included in the Zoning Ordinance. The proposed amendment will create a new tool that will help ensure development that is compatible with the surrounding neighborhood.

Finding: The proposed text amendment and new tools for preservation will assist in preserving character of neighborhoods which is consistent with the purposes, goals, objectives and policies of the City.

2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;

Analysis: The proposed text amendment is intended to clarify or further advance the purposes of the Zoning Ordinance by preserving neighborhood character.

Finding: No changes will be made to the specific purpose statements of the zoning ordinance. The character district will enhance and clarify the purpose statements for the areas in which they will be adopted.

3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and

Analysis: The proposed text amendment will allow for the creation of overlay districts in the form of character districts. Additional standards will be included in each conversation district which are consistent with the purposes and provisions of overlay zoning districts. The creation of character districts will be consistent with the provisions of other overlay zones.

Finding: Each character district will become an overlay district and will therefore need to be consistent with the purposes and provisions of overlay zoning districts. Additional standards that may be imposed will be created in conjunction with the property owners who would be affected by the change.

4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.

Analysis: The proposed change is a tool to implement the best current, professional practices of urban planning and design.

Finding: Character districts are used throughout the country to protect the character of residential and commercial areas. Character districts go beyond the standards of base zoning and neighborhood based zoning which generally regulate size, bulk and placement of development by addressing the important character defining features of a particular area.

ATTACHMENT A
Draft Character Districts Ordinance

Development of Character Districts is early in the process. This draft ordinance is open for review and comment. It is based on direction staff has been given, but public input on how it could be developed to fit the needs to the community is welcome.

Chapter 21A.XX Character Districts

21A.XX.010 Purpose

The city recognizes the substantial aesthetic, environmental and economic importance of its neighborhoods and commercial districts. The purpose of this chapter is to establish policies, regulations and standards to protect neighborhood character and to ensure that development in a character district is compatible and enhances the quality and character of Salt Lake City. The intent of this chapter is to promote the general welfare of the public of the city through the protection, conservation, preservation, enhancement, perpetuation and use of structures, site and areas that are characteristic to each of the unique areas of Salt Lake City.

21A.XX.020 Applicability

The regulations set forth in this chapter shall apply to properties located within the boundaries designated as a character district on the Salt Lake City Zoning Map. In the case of conflict between the character district standards and other requirements contained in other chapters of the zoning ordinance, the standards of the character district shall prevail.

21A.XX.030 General Provisions

1. Each character district must be established by a separate character district ordinance. The City Council shall approve a character district ordinance in accordance with this chapter.
2. If the Planning Director determines that, due to the sensitivity of the area, or due to the nature of the proposed regulations for the area, a special administrative procedure needs to be established for the review of proposed work in a character district, such a procedure may be incorporated into the character district ordinance before it is approved by the City Council.

21A.XX.040 Initiation of a Character District

1. Qualifying Conditions: A character district feasibility study may be initiated by a group of persons who collectively own:
 - a. More than 50 percent of the land, excluding streets and alleys, within the area of request; and
 - b. More than 50 percent of the building sites within the area of request.

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2. An agent of a group that satisfies the qualifying conditions in this section may file an application for a character district feasibility study with the Planning Director on an application form furnished by the Planning Division. Each property owner listed on the application that meets the qualifying conditions stated in this section must sign the application.
3. An application for a character feasibility study must include the following:
 - a. The application fee.
 - b. A list of the names, site address and mailing address of all property owners in the area of request.
 - c. A list of all neighborhood associations or other organizations representing the interests of property owners in the area of request. This list should include information as to the number of members and the officers' names, mailing addresses, and phone numbers.
 - d. A statement of justification. This statement should:
 - (i) identify the factors which make the area of request eligible for character district classification as per the determination of eligibility in this chapter; and
 - (ii) explain in detail how and why such a classification would be in the best interest of the city as a whole.
 - f. A description of the character defining features of the area. Character defining features may include, but are not limited to, architecture or architectural features, mass and scale of buildings, streetscape, building orientation, landscaping or other items that contribute to the overall character of the area.
 - g. Any additional information that the Planning Director determines to be necessary for the study.

21A.XX.050 Determination of Eligibility

1. When a character district feasibility study is initiated in accordance with this chapter, the Planning Director shall determine the eligibility of the area for character district classification in accordance with this subsection.

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2. The Planning Director's determination of eligibility must be based on a consideration of the standards in this subsection. An area is not eligible for character district classification unless it satisfies all of the following criteria:
 - a. The area must contain at least one block face.
 - b. The area must be either "stable" or "stabilizing" as those terms are defined in this title.
 - c. The area must contain significant character defining features as defined in this title.
 - d. The area must have a distinctive atmosphere or character which can be identified and conserved by protecting or enhancing its character defining features.
3. If the Planning Director determines that the area is not eligible for character district classification, they shall notify the applicant of this fact in writing. Notice shall be mailed to the address shown on the application. The decision of the Planning Director that an area is not eligible for character district classification may be appealed in accordance with 21A.16.
4. An appeal under this chapter is made in accordance with 21A.16. The request must be filed within 10 days of the date written notice is given to the applicant of the Planning Director's decision. In considering the appeal, the sole issue shall be whether or not the Planning Director erred in their determination of eligibility, and, in this connection, the commission shall consider the same standards that were required to be considered by the Planning Director in making their determination.
5. If it is determined by the final appeal authority that the area is not eligible for character district classification, no further applications for character district classification may be considered for the area of request for one year from the date of its decision.
6. If the Planning Director determines that the area is eligible for character district classification, they shall notify all owners of property within the boundaries of the character district that the preparation of the conceptual plan can be started in accordance with this chapter.

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21A.XX.060 District Plan and Design Guidelines Formulation and Review

1. If the area is determined to be eligible for character district classification pursuant to this chapter, the Planning Director shall schedule a public meeting for the purpose of informing property owners in the proposed district of the nature of the pending request. The Planning Director shall send mailed notice of the time and place of the meeting a minimum of twelve (12) calendar days in advance of the meeting to all property owners and tenants as shown on the Salt Lake City geographic information system records for all property included in the request.
2. The Planning Division shall prepare a draft plan and design guidelines for the proposed district with input from owners and residents of the proposed character district. Once the draft plan and design guidelines are developed, a public hearing before the Planning Commission will be scheduled to receive public comment regarding the plan. The Planning Director shall send written notice of the public hearing in accordance with Chapter 21A.10.

21A.XX.070 Character District Plan and Design Guidelines Ordinance Review

1. A staff report evaluating the application for establishment of the character district shall be prepared by the Planning Division.
2. The Planning Commission shall schedule and hold a public hearing on the application in accordance with the standards and procedures for conduct of the public hearing set forth in chapter 21A.10, "General Application And Public Hearing Procedures", of this title.
3. Following the public hearing, the Planning Commission shall recommend approval or denial of the proposed amendment or the approval of some modification of the amendment and shall then submit its recommendation to the City Council.
4. The City Council shall schedule and hold a public hearing to consider the proposed amendment in accordance with the standards and procedures for conduct of the public hearing set forth in chapter 21A.10, "General Application And Public Hearing Procedures", of this title.
5. Following the hearing, the City Council may adopt the proposed creation of a character district, adopt the proposed character district with modifications, or deny the proposed character district. However, no additional land may be added to the boundaries of the character district, without new notice and hearing.

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21A.XX.080 Character District Standards

A decision to create a character district is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard.

- A. In making its decision concerned creation of a character district, the City Council should consider the following factors:
 - 1. The proposed character district is an established area with shared distinguishing characteristics, which may include architecture, geography, development, services, and interests.
 - 2. The proposed character district is a logical neighborhood unit with a closely settled development pattern on similar sized parcels.

21A.XX.090 Demolition

Standards for demolition within any character district area shall be included within the ordinance for that specific character district. There shall also be included a process for submittal and review of demolition permits.

Definitions to be added to Chapter 21A.62

“BLOCK” means an area or bounded by streets on all sides.

“CHARACTER DEFINING FEATURES” may include, but are not limited to, architecture or architectural features, mass and scale of buildings, streetscape, building orientation, landscaping or other items that contribute to the overall character of the area.

“CHARACTER DISTRICT FEASIBILITY STUDY” means a study conducted by the Planning Director to determine whether or not a particular area of the city is eligible for character district classification.

“DISTRICT PLAN AND DESIGN GUIDELINES” means proposed design standards and provide for review of site plans in character districts, to ensure that the character and distinctive features of these districts are maintained and reinforced by new construction.

“STABLE” means that the area is expected to remain substantially the same over the next 20 years with continued maintenance of the property. While some changes in structures, land uses, and densities may occur, all such changes are expected to be compatible with surrounding development.

“STABILIZING” means that the area is expected to become stable over the next 20-year period through continued reinvestment, maintenance, or remodeling.

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“STREETSCAPE” means all public rights-of-way, all front yards to the plane of the front of the house, and on corner lots, all side yards to the plane of the side of the house.

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