

DATE: January 31, 2006
TO: Salt Lake City Planning Commission
FROM: Lex Traughber
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RE: STAFF REPORT FOR THE FEBRUARY 8, 2006 MEETING

CASE #: 400-02-22
APPLICANT: Council Members Jill Remington-Love & Nancy Saxton
STATUS OF APPLICANT: Council Members
PROJECT LOCATION: Citywide
PROJECT/PROPERTY SIZE: Not applicable
COUNCIL DISTRICTS: Citywide
REQUESTED ACTION: Proposal to amend the Zoning Ordinance relating to the definition of “restaurant”, and the associated parking requirements for retail goods establishment, retail service establishments, and restaurants. Additionally, the proposal includes a re-evaluation and expansion of alternative parking solutions, as well as an expansion of “off-site” and “shared” parking possibilities.
PROPOSED USE(S): Not applicable
APPLICABLE LAND USE REGULATIONS: The petition amends the CN (Neighborhood Commercial), CB (Commercial Business), CS (Community Shopping), C-SHBD (Commercial - Sugar House Business District), FR-1 (Foothills Estate Residential), FR-2 (Foothills Residential), FR-3 (Foothills Residential), R-1-12,000 (Single Family Residential), R-1-7,000 (Single Family Residential), R-1-5,000 (Single Family Residential), SR-1 (Special Development Pattern Residential),

SR-3 (Special Development Pattern Residential), R-2 (Single and Two Family Residential), RMF-30 (Low Density Multi-Family Residential), RMF-35 (Moderate Density Multi-Family Residential), RMF-45 (Moderate/High Density Multi-Family Residential), RMF-75 (High Density Multi-Family Residential), RB (Residential/Business), RMU (Residential Mixed Use), and RO (Residential Office) zones as found in the Salt Lake City Zoning Ordinance.

The petition amends the following Salt Lake City Code Sections:

21A24.190 – Table of Permitted and Conditional Use for Residential Districts

21A.26.080 – Table of Permitted and Conditional Uses for Commercial Districts

21A.44.010(G) – Damage Or Destruction

21A.44.020 – General Off-Street Parking Requirements

21A.44.030(A)(1) – Uses For Which An Alternative Parking Requirement May Be Allowed

21A.44.060 – Number of Off-Street Parking Spaces Required

21A.44.060(E) – Schedule of Shared Parking

21A.44.060(F) – Schedule of Minimum Off-Street Parking Requirements

21A.62.040 - Definitions

APPLICABLE

MASTER PLANS:

Salt Lake City Vision and Strategic Plan (1993)
Salt Lake City Transportation Master Plan (1996)

SUBJECT PROPERTY

HISTORY:

Not Applicable

ACCESS:

Not Applicable

PROJECT DESCRIPTION/HISTORY:

This petition was a result of two separate legislative actions initiated by City Council Members Jill Remington-Love and Nancy Saxton. Council Member Love's legislative action was initiated to study the parking impacts occurring in residential neighborhoods near small commercial areas due to the cumulative success of individual businesses and the lack of adequate parking within these commercial nodes. Examples of such businesses noted at that time included the Dodo Restaurant at 1321 South 2100 East, Cucina at 1026 E. Second Avenue, the Paris Restaurant/Bistro at 1500 South and 1500 East, and Liberty Heights Fresh Market at 1242 South 1100 East. Council Member Love's legislative action specifically requested that the administration look at the definition of "restaurants", "retail goods and retail service establishments", and the associated parking requirements for these uses, as well as off-site and alternative parking solutions.

Council Member Saxton's legislative action was initiated to look at parking requirements, alternative, shared, and off-site, for CB (Commercial Business) and CS (Commercial Shopping) zoning districts. The purpose of this action was to examine expanded opportunities for shared and more efficient use of existing parking areas in commercial centers.

These actions were studied and analyzed by Planning Staff, and the result of this work was presented to the Planning Commission on March 12, 2003. The original staff report in its entirety is attached to this supplemental report (Attachment 1). In addition, the minutes from the Planning Commission hearing concerning this matter are included for review (Attachment 2). In order to follow and understand this supplemental staff report, a review of the original staff report (Attachment 1) and hearing proceedings (Attachment 2) is imperative.

The Planning Commission heard the proposal and remanded the petition back to Planning Staff with six (6) specific items to evaluate and analyze. This supplemental staff report represents a detailed response to the Planning Commission's questions and comments, and includes a few adjustments to the discussion and recommendation originally presented at the March 12, 2003, hearing. Essentially, this report justifies the original work and provides further explanation and rationale.

Planning Commission Inquiries/Questions:

- 1. Compare parking ratio formulas and determine if a square footage ratio, perhaps in combination with seating provided can be used; include a formula that allows flexibility for small restaurants.**

Staff response: The idea of a parking ratio formula based on a combination of seating and floor space is one that does exist, however is somewhat uncommon. Examples of this type of requirement can be found in the ordinances of Provo,

Utah, Shasta, California, Hickory, North Carolina, and Sunnyvale, California. More typically, parking requirements for restaurants are a function of floor space. In the case of Salt Lake City, in order to easier facilitate the flexibility and interchangeability between retail service, retail goods, and small restaurants as proposed, Planning Staff recommends that the parking ratio remain as outlined at three (3) parking stalls per one thousand (1,000) square feet of gross floor area for these uses. The rationale behind this recommendation is the assumption that businesses of this nature would occupy similar existing spaces, therefore the requirements for parking should be the same.

2. Evaluate how the City will deal with businesses that would be moved from “conforming” to “non-conforming” status in terms of parking.

Staff response: Existing businesses will not be affected by the proposed text amendments in terms of required parking and “conforming” or “non-conforming” status. Conforming or non-conforming status is the relationship between land use and zoning, and whether the land use is allowed by zone. On the other hand, complying and non-complying status is a function of whether the permitted land use meets the standards established for the zone. To address this concern, a business may move from complying to non-complying status in terms of parking, but would not necessarily move from conforming to non-conforming status because the parking requirement is not met.

In light of the Planning Commission comment concerning conforming or non conforming status and parking, Planning Staff evaluated the section of the Zoning Ordinance that addresses this issue. Section 21A.44.010G – Damage or Destruction, is the paragraph in the Zoning Ordinance that is of concern in light of this proposal. This section states, *“For any conforming or nonconforming use which is in existence on the effective date hereof, April 12, 1995, which thereafter is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, reestablished or repaired, off-street parking or loading facilities in compliance with the requirements of this Chapter need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. It shall not be necessary to restore or maintain parking or loading facilities in excess of those required by this Title for equivalent new uses or construction.”*

This Section has been interpreted to apply to businesses that cease to operate whether due to destruction or economic reasons. This Section refers to a business that is “damaged or destroyed by fire, collapse, explosion or other cause”. The “other cause” can and has been interpreted to mean an enterprise that goes out of business. If a business ceases to exist, policy allows a replacement use of equal or less intensity if the space is continually being marketed for occupation.

Planning Staff notes that this Section is problematic, and as such proposes to amend this Section of Code. As it reads, this Section applies to businesses in

existence prior to April 12, 1995. It is likely that there are businesses that started operations after this date, and by doing so were only required to provide two (2) parking stalls as stated in the current adopted ordinance. Because this Section of Code addresses “conforming and non-conforming” uses, the date that a use becomes non-conforming is irrelevant. Planning Staff proposes that this date be eliminated because the City is essentially interested in knowing if the use is conforming or not, regardless of the date. The important issue is the fact that the parking requirement is not going to change if a building or use is damaged or destroyed.

3. Evaluate the proposal of two (2) parking stalls per one thousand (1,000) square feet for retail service establishments, retail sales establishments, and small restaurants. Eliminate the twenty five (25) seat cutoff for determining restaurant size.

Staff response: The Building Services and Transportation Divisions indicated that the proposed number of parking spaces required for a restaurant (either large or small) according to the proposed definition is inadequate. The Building Services Division noted that the Building Code and the Fire Code allow sixty-seven (67) occupants per one thousand (1,000) square feet of dining area in a restaurant. Therefore in the case of a “small restaurant”, three (3) parking spaces per one thousand (1,000) square feet of dining area appears inadequate. The Transportation Division notes that six (6) stalls per one thousand (1,000) square feet of dining area for any restaurant is not adequate according to the ITE Manual Parking Generation Guidelines, and that a “small restaurant” would be more preferably served with four (4) parking stalls per one thousand (1,000) square feet of dining area. Planning Staff notes that the parking requirement currently outlined in the Zoning Ordinance for a “restaurant” use is six (6) stalls per one thousand (1,000) square feet of gross floor area. To summarize, the Building Services and Transportation Divisions comments suggest that the currently required six (6) stalls per one thousand (1,000) square feet of gross floor area for any size restaurant is inadequate.

While Planning Staff respects and appreciates the comments received from the Building Services and Transportation Divisions, noting that these ratios are outlined in the ITE Parking Guidelines, the feasibility of these ratios is unrealistic for the specific issue that the City is attempting to address. Planning Staff contends that these numbers are a good “baseline” to start discussions and make decisions, however they should be tailored to address the specific reality of the situation encountered. If the City chooses to adopt parking requirement ratios such as those suggested in the ITE Parking Guidelines, Planning Staff contends that many restaurants across the City would be grossly short of required parking stalls.

At the opposite end of the parking requirement spectrum, Planning Staff has heard the comment, particularly from business owners, that the parking requirements for retail service establishments, retail sales establishments, and small restaurants

should be two (2) spaces per 1,000 square feet across the board. This would be a reduction of one (1) parking space for those establishments classified as retail goods or the proposed “small restaurant”.

To resolve this difference of opinions, Planning Staff has proposed a compromise of three (3) parking spaces per one thousand (1,000) square feet for retail goods establishments, retail service establishments, and small restaurants. This compromise position takes into account the input received and sentiments expressed from internal City Departments and various members of the public. Additionally, this compromise position addresses the interchangeability of these three uses in terms of parking requirements as businesses close and other businesses take their place. This ratio should provide a reasonable amount of required parking given the size and magnitude of the small businesses in the various zones affected. Planning Staff’s proposed parking requirement compromise of three (3) parking spaces per one thousand (1,000) square feet of floor space for these land uses is identical to the requirements of the Zoning Ordinance prior to 1995.

The elimination of the twenty five (25) seat threshold used for determining restaurant size is a valid comment that prompts re-evaluation of the original proposal. Planning Staff specifically looked at seating numbers in various restaurants that appear to be small in character and are located in the specific geographic areas that these proposed text amendments would most likely affect. The purpose of this field study was to formulate a baseline seating number for restaurants considered to be small in size. Seating counts for these “small restaurants” appear on page five (5) of the original staff report. While Planning Staff contends at this present date that the restaurants surveyed appear to fall into the “small restaurant” category, the rationale for the twenty five seat cutoff is flawed as it was originally defined.

The original definitions proposed are as follows:

Restaurant (Large) – means a food or beverage service establishment where seating is greater than 25 seats indoors, or more than 40 seats total, for both indoor and outdoor dining areas.

Restaurant (Small) – means a food or beverage service establishment that has limited seating of no more than 25 seats indoors with a maximum of 40 seats total, for both indoor and outdoor dining areas.

Under these definitions, a restaurant that has 26 seats indoors with no outdoor seating would be considered a “large restaurant”, while a restaurant having 10 seats indoors and 29 seats outdoors for a total of 39 seats would be considered a “small restaurant”.

To eliminate this inconsistency, based on the total seat numbers collected through field survey, Planning Staff at this time proposes the following restaurant definitions:

Restaurant (Large) – means a food or beverage service establishment where seating is greater than forty (40) seats total for both indoor and outdoor dining areas.

Restaurant (Small) – means a food or beverage service establishment where seating is less than or equal to forty (40) seats total for both indoor and outdoor dining.

This revised definition appears to support the idea that the large majority of surveyed restaurants in the original staff report are indeed truly small. It also allows the restaurants some flexibility in their seating arrangement, whether seats are indoors or outdoors, as weather conditions permit.

Forty (40) seats is a reasonable baseline number with which to start based on field observations. Should this number prove to be problematic in the future, Planning Staff would suggest that a re-evaluation occur at that time. As for now, Planning Staff recommends that the Planning Commission forward a positive recommendation to the City Council for approval of the forty (40) seat threshold as proposed, based on field study and analysis.

Finally, it should be noted here that the parking requirement for outdoor dining is outlined in Chapter 21A.40.065 of the Salt Lake City Code and reads, *“No additional parking is required unless the seating capacity is being increased by five hundred (500) square feet. Parking for outdoor dining areas in excess of five hundred (500) square feet is required at a ratio of three (3) stalls per one thousand (1,000) square feet of outdoor dining area.”* This requirement further supports the proposed compromise position of three (3) parking spaces per one thousand (1,000) square feet for retail goods establishments, retail service establishments, and small restaurants, as it promotes the interchangeability of these three uses in terms of parking requirements, and provides consistency in terms of the parking requirement for these uses as businesses close and other similar businesses take their place.

4. **Suggestion to change the word “uses” to “user” in the definition of “Shared Parking”, and the suggestion to eliminate the requirement that shared parking be located within five hundred feet (500’) of the primary use that it serves.**

Staff response: The definition of *Shared Parking* according to the Salt Lake City Zoning Ordinance reads, *“Off-street parking facilities on one lot shared by multiple uses because the total demand for parking spaces is reduced due to the differences in parking demand for each use during specific periods of the day.”*

As the Planning Director indicated during the Planning Commission hearing on March 12, 2003, the term “uses” in the context of this definition confers a different meaning than “users”. Multiple users in this instance would mean that there is more than one individual person using a parking lot. Each individual automobile in a parking lot would be an indication that the lot is for multiple users. On the contrary, multiple uses in this case means that there is more than one individual “land use” that is doing the sharing. For example, a restaurant and a church, two separately distinct land uses, may have an agreement to share the church’s parking lot. The term “uses” is also consistent in the context of the definition as there is reference to the parking demand for each “use”, not “user”.

During the Planning Commission hearing, former Planning Commissioner Arla Funk suggested elimination of Zoning Ordinance Section 21A.44.020(L) - Off Site Parking Facilities. This suggestion would call for the total elimination of the maximum distance allowed between a proposed use and the closest point of any related off-site parking; being either five hundred feet (500’) or one thousand two hundred feet (1,200’) in the D-1 Downtown District. Planning Staff contends that the elimination of the maximum distance of five hundred feet (500’) that an off-site parking facility can be located from an associated primary use is a suggestion that is not prudent; one that could potentially have detrimental impacts. An exaggerated example may illustrate this point best. Should the distance requirement be eliminated, there could be a business owner in the Capitol Hill area that will propose off-site parking to be located in Sugar House. The point being, if off-site parking is not within a reasonable distance to the primary use that it serves, clients/customers/employees, etc., will not use said parking, negating the sole function of the very lot itself.

In summary, Planning Staff contends that the definition of “shared parking” should remain intact, and the five hundred foot (500’) off-site parking requirement as it exists in the Zoning Ordinance should remain as well. Planning Staff does note that the proposed language in the original staff report calling for the elimination of the five hundred foot (500’) requirement in the RMU (Residential Mixed Use), CN (Neighborhood Commercial), CB (Community Business) and RB (Residential Business) zones is proposed to remain. The section is proposed to read as follows:

Off-site parking to support uses in the RMU, CN, CB, and RB zones or a legal non-conforming use in a residential zone need not comply with the maximum five hundred foot (500’) distance limitation, provided the applicant can demonstrate that a viable plan to transport patrons or employees has been developed. Such plans include, but are not limited to, valet parking or a shuttle system. Off-site parking within residential zones to support uses in the aforementioned zones or a legal non-conforming use in a residential zone may only be applied to properties occupied by an existing non-residential use and are subject to the conditional use process. Parcels with residential uses may not be used for the purposes of off-site parking. The Zoning Administrator has the authority to make discretionary

decisions concerning the provisions of Table 21A.44.060E – Schedule of Shared Parking, when actual data is presented which supports a change in the parking requirement. The Zoning Administrator may require a traffic and/or parking impact study in such matters

5. Bring back amendments that include the whole parking ordinance so the Commission can see the continuity.

Staff response: All the proposed amendments as identified in this staff report are included in the context of the entire ordinance section in which they are proposed to appear. In addition, the entire parking ordinance has been included as requested (Attachment 6).

6. Look at how angled, on-street parking can be used to address the parking issue.

Staff response: Planning Staff consulted with the City Transportation Division regarding this alternative. It is generally recognized that angled parking is a more efficient utilization of space than parallel parking. In other words, in a given stretch of block X, one could designate a greater number of angled parking spaces than parallel spaces. However, it should be recognized that angled parking requires minimum street widths to function. In those areas where angled parking is feasible, given required street widths and travel lanes, angled parking configurations could certainly be utilized.

The difficulty with the 15th & 15th area specifically is that the street width in certain portions of this business node is not wide enough to accommodate angled parking. Further, angled parking in this area would interfere with the designated, and highly utilized, bike lanes.

Alternative Parking:

The legislative actions initiated by Council Members Love and Saxton included a request of the Administration to evaluate the types of uses that may take advantage of alternative parking options such as shared, off-site or leased parking. Currently, Zoning Ordinance Section 21A.44.030(A)(1) indicates four uses for which an alternative parking requirement may be allowed, specifically, “intensified parking reuse, unique nonresidential uses, single room occupancy residential uses, or unique residential populations.”

In light of this request, Planning Staff contends that any entity meeting the criteria for alternative parking as outlined in the Zoning Ordinance under Section 21A.44.030(B)(4) should be eligible for consideration of such use. These criteria are:

- a. That the proposed parking plan will satisfy the anticipated parking demand for the use up to the maximum number specified in Table 21A.44.060 of the Zoning Ordinance, Schedule of Minimum Off-Street Parking Requirements;
- b. That the proposed parking plan does not have a material adverse impact on adjacent or neighboring properties;
- c. That the proposed parking plan includes mitigation strategies for any potential impact on adjacent neighboring properties, and;
- d. That the proposed alternative parking requirement is consistent with applicable City master plans and is in the best interest of the City.

The Board of Adjustment has decision making authority regarding alternative parking proposals through the Special Exception process.

Planning Staff proposes the elimination of the language in the Zoning Ordinance limiting alternative parking to the aforementioned four uses. In this manner, the possibilities for various uses to take advantage of alternative parking is expanded, while at the same time maintaining the specific criteria within the Zoning Ordinance for making recommendations and decisions for alternative parking requests to ensure that negative impacts are minimized.

DEPARTMENT/DIVISION COMMENTS:

The Department/Division comments concerning the proposed amendments are attached to the original staff report submitted to the Planning Commission for the meeting held on March 12, 2003 (Attachment 1). Of particular note are the comments received from Building Services, Transportation, and Public Utilities. The comments received from the Building Services and Transportation Divisions have been previously noted and discussed under number 3 in the "Planning Commission's Inquiries/Questions" section above.

The Public Utilities Department has stated opposition to any ordinance change that will weaken their ability to distinguish restaurant uses from other retail uses. This is based on the perception that the definition of "restaurant" is going to skew their ability to assess differing land uses in terms of the price paid for sewer service. Planning Staff notes that the definition of "restaurant" is proposed to change such that restaurants will be defined by the number of seats in the dining area as opposed to the percentage of gross volume of food sales served for consumption on the premises. This definition change will not affect the manner by which the Public Utilities Department determines the actual land use of a property, in particular a "restaurant" use. A restaurant use will remain consistent for sewer billing purposes. The use will still be licensed by the Business Licensing Department as a restaurant. Planning Staff is not proposing a zoning change for restaurant properties, thereby weakening the ability of the Public Utilities Department to distinguish restaurant use from other retail uses. The proposed definition change is

simply for the purpose of clarifying that which constitutes a “restaurant”, and further defining required parking for any type of restaurant use.

PUBLIC COMMENT:

Page two of the original Planning Commission staff report dated March 12, 2003, outlines the public notification process followed for the proposal. Also noted on page two is a summary of the written comments received from the Open House that was held on January 16, 2003, with response from Planning Staff.

In terms of public hearing notification for the current phase in the planning process, the following groups were contacted; all the Community Council Chairs, all Business Advisory Board members, the Vest Pocket Business Coalition, the Downtown Alliance, the Downtown Merchants Association, the Hispanic Chamber of Commerce, the Westside Alliance, the Sugar House Merchants Association, the Salt Lake Chamber of Commerce, as well as all property owners within 450 feet of the 9th & 9th, and 15th & 15th commercial nodes.

An Open House was again held on January 9, 2006. Three members of the public attended the meeting. The major concern raised at the Open House was a “solution” for the parking problem at the Paris Restaurant at the 15th & 15th commercial node. Planning Staff noted that the proposed text amendment may help to alleviate some of the parking difficulties in this area, however they would not “solve” the Paris Restaurant’s parking issues. Planning Staff noted that the proposed changes would likely eliminate a similar situation such as that of the Paris Restaurant in the future, particularly due to the re-definition/clarification of the term “restaurant” in the Zoning Ordinance.

Additional written comments received in January 2006 are attached to this staff report (Attachment 7).

ANALYSIS:

Because this petition is a modification of the Zoning Ordinance, the Planning Commission must review the proposal and forward a recommendation to the City Council based on adopted standards for general amendments as noted in Section 21A.50.050 of the Zoning Ordinance. An analysis of these standards was provided in the original Planning Commission staff report dated March 12, 2003, starting on page three. This analysis remains current and valid as follows:

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: One of the objectives of the Salt Lake City Strategic Plan (1993) is to develop “business friendly” licensing and regulatory practices (p.22). This

proposal is consistent with this policy by creating greater flexibility for shared and off-site parking that businesses may consider to address parking requirements. This proposal is also consistent by allowing retail operations and small restaurants (cafes/delis) to reuse the same building space by applying the same parking ratio requirement to these land use categories.

The Salt Lake City Transportation Master Plan (1996) guiding principles “support and encourage the viability and quality of life of its residential and business neighborhoods” (pg. 1). The Transportation Master Plan also states: “residential neighborhoods will be protected from the negative impact of overflow parking from adjacent land uses” (pg. 9). This proposal is consistent with these policies by addressing the negative impacts of overflow parking that have been created by the current definition of restaurants. This proposal amends the definition for a restaurant and parking requirement that is based on sales volume of take-out food with a definition based on the seats provided in a restaurant and an increased parking requirement for large restaurants. In many instances this new definition will limit the ability of large restaurants from locating in small neighborhood commercial notes.

Findings: The proposed amendment is consistent with the Salt Lake City Strategic Plan (1993) by allowing greater flexibility for shared and off-site parking that businesses can use to address parking requirements, and by facilitating the reuse of buildings between retail uses and small restaurants (cafes/delis). The amendments also support the policies of the Salt Lake City Transportation Master Plan (1996) by amending zoning ordinances to mitigate the negative impacts of overflow parking that are created by large restaurants that have a greater need for on-site parking.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.

Findings: The proposed amendment is not site specific; however, the amendments will work to alleviate negative impacts associated with overflow parking in residential neighborhoods.

C. The extent to which the proposed amendment will adversely affect adjacent properties.

Discussion: The proposed ordinance amendments are intended to mitigate the adverse impact to properties that are adjacent to large restaurants. Currently, the definition for restaurants allows businesses to use a parking ratio based on retail use if they prove that more than 60% of their food sales will be for take-out. This definition has been difficult to enforce, and has been criticized for how it is applied. Therefore, the proposed ordinance eliminates a definition that is based on the percentage of food sales and substitutes the number of seats in a restaurant as the measure for distinguishing between large and small restaurants. This in turn

will limit the size of the establishment to more closely reflect the scale of the area in which it is located.

The proposed amendments also address overflow parking by creating greater flexibility in the off-site and shared parking provisions. Shared parking is proposed to be allowed on more than one lot, where it was not before. Amendments are also proposed to the shared parking table to allow new categories that would include schools, churches and community centers, which may be located in residentially zoned districts. The shared parking table is also proposed to allow the Planning Commission to make exceptions when actual data on parking demand is presented.

Opportunities to use off-site parking are also proposed to be expanded by providing off-site parking as a conditional use in the CN (Neighborhood Commercial) zone and as a permitted use in the CB (Commercial Business), CS (Community Shopping) and CSHBD (Sugar House Business District) zones. Off-site parking opportunities are also expanded in residential zones to support non-conforming uses in a residential zone or uses in the RMU (Residential Mixed-Use), CN (Neighborhood Commercial), CB (Community Business) and RB (Residential/Business) zones. These zones were chosen due to the fact that they are typically located near or adjacent to residential zones. Off-site parking in residential zones for these purposes may also exceed the standard 500-foot distance limitation, and may only be applied on properties occupied by an existing non-residential use. In order to protect residential uses, this provision may not be used on residentially zoned land that is used for residential purposes.

Findings: The proposed ordinance amendments are intended to mitigate the adverse impact to properties that are adjacent to large restaurants. The proposed amendments also address overflow parking by creating greater flexibility in the off-site and shared parking provisions.

D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts, which may impose additional standards.

Findings: The proposed amendment is not site specific. Any new development will be required to comply with any applicable overlay zone.

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 amendments are not site specific. Staff requested feedback from the Building Services and Licensing Division, Public Utilities, Zoning Enforcement, Engineering, Transportation, Property Management, the Fire Department and the Police Department.

Findings: The proposed ordinance amendments strengthen the distinction between restaurants and other retail uses, for the purposes of billing and site plan review for the Department of Public Utilities. The ordinance amendments are not site specific. Therefore, determining adequacy of public facilities will occur with the review of specific development proposals. Both the Transportation Division and the Building Services and Licensing Division personnel have suggested increasing the parking ratios for small restaurants. Planning staff does not agree with their recommendations because 1) the definition for small restaurants will apply to a limited number of small businesses which may locate in buildings of a limited size with a fixed number of parking stalls, and 2) the intent is to facilitate reuse of small commercial buildings with a variety of land uses. Large restaurants create a greater impact and thus the parking ratio requirement is larger (6 stall per 1,000 square feet) for this land use category.

RECOMMENDATION:

Based on the comments and analysis of this staff report, as well as the findings of fact noted in the original staff report (Attachment 1), Planning Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to adopt the attached text (Attachments 3-6), amending the Salt Lake City Code concerning the definition of “shared parking” and “restaurant”, the parking requirements for restaurants and retail service establishments, the expanded opportunities for off-site and shared parking in certain residential and commercial districts, and the expansion of alternative parking options.

Attachments:

- Attachment 1 – Staff Report for the March 12, 2003 Planning Commission hearing
- Attachment 2 – Planning Commission hearing minutes, March 12, 2003
- Attachment 3 – Proposed Changes to the Table of Permitted and Conditional Uses for Commercial Districts
- Attachment 4 – Proposed Change to the Table of Permitted and Conditional User for Residential Districts
- Attachment 5 – Proposed Changes to Definitions
- Attachment 6 – Off-Street Parking Chapter and Proposed Changes
- Attachment 7 – Additional Comments received January 2006