




# Memorandum

Planning Division  
Community & Economic Development Department

**TO:** Salt Lake City Planning Commission

**FROM:** Lex Traugher – Principal Planner  
Salt Lake City Planning Division 

**DATE:** August 26, 2009

**RE:** Issues Only Hearing  
Draft Zoning Ordinance Amendment - Planned Developments  
• Draft Chapter 21A.55 – Planned Developments

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The Planning Division is currently reviewing a proposal to amend the City's Zoning Ordinance related to planned developments. Attached is a draft text of the proposed regulations.

To summarize, the following changes are proposed:

- ☐ Remove Planned Development regulations from the Conditional Use Chapter;
- ☐ Enhance the "Purpose Statement" and the desired "Objectives" of the Planned Development tool;
- ☐ Reduce the minimum net lot area required for Planned Development eligibility, and;
- ☐ Better define "Planned Development" in the list of terms in the Zoning Ordinance.

## PLANNED DEVELOPMENTS

### 21A.55.010 Purpose Statement:

A planned development is intended to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of development. Further, a planned development implements the purpose statement of the zoning district in which the project is located, utilizing an alternative approach to the design of the property and related physical facilities. A planned development will result in a more enhanced product than would be achievable through strict application of land use regulations, while enabling the development to be compatible and congruous with adjacent and nearby land developments. Through the flexibility of the planned development regulations, the city seeks to achieve any of the following specific objectives:

- A. Combination and coordination of architectural styles, building forms, building materials, and building relationships;
- B. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;
- C. Preservation of buildings which are architecturally or historically significant or contribute to the character of the city;
- D. Use of design, landscape, or architectural features to create a pleasing environment;
- E. Inclusion of special development amenities that are in the interest of the general public;
- F. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation;
- G. Inclusion of affordable housing with market rate housing; or
- H. Utilization of “green” building techniques in development.

### 21A.55.020 Authority:

The planning commission may approve planned developments for uses listed in the tables of permitted and conditional uses for each category of zoning district or districts. The approval shall be in accordance with the standards and procedures set forth in this chapter and other regulations applicable to the district in which the property is located.

### 21A.55.030 Authority To Modify Regulations:

In approving any planned development, the planning commission may change, alter, modify or waive any provisions of this title or of the city's subdivision regulations as they apply to the proposed planned development; however, additional building height may not be approved in the FR, R-1, SR, or R-2 zoning districts. In zoning districts other than the FR, R-1, SR, or R-2

districts, the Planning Commission may approve up to five feet (5') of additional building height in accordance with the provisions of this title if it further achieves one or more of the objectives in Section 21A.55.010.

21A.55.040 Limitation:

No change, alteration, modification or waiver authorized by Section 21A.55.040 of this Chapter shall authorize a change in the uses permitted in any district or a modification with respect to any standard established by this section, or a modification with respect to any standard in a zoning district made specifically applicable to planned developments, unless such regulations expressly authorize such a change, alteration, modification or waiver.

21A.55.050 Standards for Planned Developments:

The Planning Commission may approve, approve with conditions, or deny a Planned Development based upon written findings of fact according to each of the following standards. It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance with the following standards:

A. Planned Development Objectives: The Planned Development shall meet the purpose statement for a planned development (Section 21A.55.010) and will achieve at least one of the objectives stated in said Section;

B. Master Plan And Zoning Ordinance Compliance: The proposed planned development shall be:

1. Consistent with any adopted policy set forth in the citywide, community, and/or small area master plan and future land use map applicable to the site where the planned development will be located, and,
2. Allowed by the zone where the planned development will be located or by another applicable provision of this title.

C. Compatibility: The proposed planned development shall be compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located. In determining compatibility, the planning commission shall consider:

1. Whether the street or other means of access to the site provide the necessary ingress/egress without materially degrading the service level on such street/access or any adjacent street/access;
2. Whether the planned development and its location will create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected, based on:
  - i. Orientation of driveways and whether they direct traffic to major or local streets, and, if directed to local streets, the impact on the safety, purpose, and character of these streets;



ii. Parking area locations and size, and whether parking plans are likely to encourage street side parking for the planned development which will adversely impact the reasonable use of adjacent property;

iii. Hours of peak traffic to the proposed planned development and whether such traffic will unreasonably impair the use and enjoyment of adjacent property.

3. Whether the internal circulation system of the proposed planned development will be designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic;

4. Whether existing or proposed utility and public services will be adequate to support the proposed planned development at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources;

5. Whether appropriate buffering or other mitigation measures, such as, but not limited to, landscaping, setbacks, building location, sound attenuation, odor control, will be provided to protect adjacent land uses from excessive light, noise, odor and visual impacts and other unusual disturbances from trash collection, deliveries, and mechanical equipment resulting from the proposed planned development, and;

6. Whether the intensity, size, and scale of the proposed planned development is compatible with adjacent properties.

D. Landscaping: Existing mature vegetation on a given parcel for development shall be maintained. Additional or new landscaping shall be appropriate for the scale of the development, and shall primarily consist of drought tolerant species;

E. Preservation: The proposed Planned Development shall preserve any historical, architectural, and environmental features of the property;

F. Compliance With Other Applicable Regulations: The proposed planned development shall comply with any other applicable code or ordinance requirement.

#### 21A.55.060 Minimum Area:

A planned development proposed for any parcel or tract of land under single ownership or control in certain zoning districts shall have a minimum net lot area as set forth in table 21A.55.060 of this section. There is no minimum net lot area requirement for planned developments proposed in zoning districts not listed in table 21A.55.060.

Table 21A.55.060

## PLANNED DEVELOPMENTS

DISTRICT	MINIMUM PLANNED DEVELOPMENT SIZE
Residential Districts	
FR-1/43,560 foothills estate residential district	5 acres
FR-2/21,780 foothills residential district	5 acres
FR-3/12,000 foothills residential district	5 acres
R-1/12,000 single-family residential district	24,000 square feet
R-1/7,000 single-family residential district	14,000 square feet
R-1/5,000 single-family residential district	10,000 square feet
SR-1 special development pattern residential district	10,000 square feet
SR-3 interior block single-family residential district	9,000 square feet
R-2 single- and two-family residential district	9,000 square feet
RMF-30 low density multi-family residential district	9,000 square feet
RMF-35 moderate density multi-family residential district	9,000 square feet
RMF-45 moderate/high density multi-family residential district	9,000 square feet
RMF-75 high density multi-family district	9,000 square feet
R-MU-35 residential/mixed use district	9,000 square feet
R-MU-45 residential/mixed use district	9,000 square feet
Special Purpose Districts	
FP foothills protection district	32 acres
AG agricultural district	10 acres
AG-2 agricultural district	4 acres
AG-5 agricultural district	10 acres
AG-20 agricultural district	40 acres

#### 21A.55.070 Density Limitations:

Residential planned developments shall not exceed the density limitation of the zoning district where the planned development is proposed. The calculation of planned development density may include open space that is provided as an amenity to the planned development. Public or private roadways located within or adjacent to a planned development shall not be included in the planned development area for the purpose of calculating density.

#### 21A.55.080 Consideration Of Reduced Width Public Street Dedication:

A residential planned development application may include a request to dedicate the street to Salt Lake City for perpetual use by the public. The request will be reviewed and evaluated individually by appropriate departments, including transportation, engineering, public utilities, public services and fire. Each department reviewer will consider the adequacy of the design and physical improvements proposed by the developer and will make recommendation for approval or describe required changes. A synopsis will be incorporated into the staff report for review and decision by the planning commission. Notwithstanding the foregoing, no such street will be accepted as a publicly owned street unless there is a minimum width of twenty feet (20') of pavement with an additional right of way as determined by the planning commission.

#### 21A.55.090 Specific Standards for Planned Development in Certain Zoning Districts:

Planned developments within the TC-75 District, RB District, R-MU District, MU District, CN District, CB District, CSHBD District, South State Street Corridor Overlay District and CS District (when the CS District is adjacent to an area of more than sixty percent (60%) residential zoning located within 300 feet of the subject parcel to be development, either on the same block or across the street), may be approved subject to consideration of the following general conceptual guidelines (a positive finding for each is not required):

- A. The development shall be primarily oriented to the street, not an interior courtyard or parking lot;
- B. The primary access shall be oriented to the pedestrian and mass transit;
- C. The facade shall maintain detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction;
- D. Architectural detailing shall emphasize the pedestrian level of the building;
- E. Parking lots shall be appropriately screened and landscaped to minimize their impact on the neighborhood;
- F. Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods;
- G. Dumpsters and loading docks shall be appropriately screened or located within the structure, and;



H. Signage shall emphasize the pedestrian/mass transit orientation.

21A.55.100 Perimeter Setback:

If the planned development abuts a residential lot or a lot in a residential zoning district whose side and rear yard setback requirements are greater than the planned development lot's requirements, then the side and rear yard setback requirements of the subject planned development parcel shall be equal to the side and rear yard setback requirements of the abutting residentially used property or residentially zoned parcel.

21A.55.110: Development Plan:

The applicant must file an application for planned development approval with the Zoning Administrator.

A. Application Requirements: The planned development application shall be submitted on a form provided by the Zoning Administrator accompanied by such number of copies of documents as the Zoning Administrator may require for processing of the application, and shall include at least the following information set forth below:

1. General Information:

- i. The applicant's name, address, telephone number and interest in the property;
- ii. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
- iii. The street address and legal description of the subject property;
- iv. The zoning classification, zoning district boundaries and present use of the subject property;
- v. A vicinity map with north, arrow scale and date, indicating the zoning classifications and current uses of properties within eighty five feet (85') (exclusive of intervening streets and alleys) of the subject property; and
- vi. The proposed title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner or engineer on the project.

2. Planned Development Plan: A planned development plan at a scale of twenty feet to the inch (20' = 1") or larger, unless otherwise approved by the Zoning Administrator, setting forth at least the following, unless waived by the Zoning Administrator:

- i. The location, dimensions and total area of the site;
- ii. The location, dimensions, floor area, type of construction and use of each proposed building or structure;

- iii. The number, the size and type of dwelling units in each building, and the overall dwelling unit density;
- iv. The proposed treatment of open spaces and the exterior surfaces of all structures, with sketches of proposed landscaping and structures, including typical elevations;
- v. Architectural graphics, if requested by the Zoning Administrator, including typical floor plans and elevations, profiles and cross sections;
- vi. The number, location and dimensions of parking spaces and loading docks, with means of ingress and egress;
- vii. The proposed traffic circulation pattern within the area of the development, including the location and description of public improvements to be installed, including any streets and access easements;
- viii. A traffic impact analysis (if required by the City Transportation Division);
- ix. The location and purpose of any existing or proposed dedication or easement;
- x. The general drainage plan for the development tract;
- xi. The location and dimensions of adjacent properties, abutting public rights of way and easements, and utilities serving the site;
- xii. Significant topographical or physical features of the site, including existing trees;
- xiii. Soils and subsurface conditions, if requested;
- xiv. The location and proposed treatment of any historical structure or other historical design element or feature;
- xv. One copy of the development plan colored or shaded (unmounted) for legibility and presentation at public meetings; and
- xvi. A reduction of the development plan to eight and one-half by eleven inches (8 1/2 x 11"). The reduction need not include any area outside the property lines of the subject site.

3. Plat Of Survey: A plat of survey of the parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions of the parcel, lot, lots, block, blocks, or portions thereof, according to the registered or recorded plat of such land.



4. A Preliminary Subdivision Plat, If Required: A preliminary subdivision plat showing that the planned development consists of and is conterminous with a single lot described in a recorded subdivision plat, or a proposed resubdivision or consolidation to create a single lot or separate lots of record in suitable form ready for review.

5. Additional Information: The application shall also contain the following information as well as such additional information, drawings, plans or documentation as may be requested by the Zoning Administrator or the Planning Commission if determined necessary or appropriate for a full and proper consideration and disposition of the application:

- i. When the proposed planned development includes provisions for common open space or recreational facilities, a statement describing the provision to be made for the care and maintenance of such open space or recreational facilities;
- ii. A written statement showing the relationship of the proposed planned development to any adopted General Plan of the City;
- iii. A written statement with supporting graphics showing how the proposed planned development is compatible with other property in the neighborhood.

B. Review Procedure: Upon the review of a planned development application, the applicable City Department/Division shall notify the applicant of any deficiencies and or modifications necessary to complete the application.

1. Public Hearing: Upon receiving site plan review and recommendation from the applicable City Department(s)/Division(s), and completing a staff report, the planning commission shall hold a public hearing to review the planned development application in accordance with the standards and procedures set forth in part II, chapter 21A.10 of this title.

2. Planning Commission Action: Following the public hearing, the planning commission shall decide, on the basis of the standards contained in subsection 21A.55.050 whether to approve, approve with modifications or conditions, or deny the application.

3. Notification Of Decision: The planning director shall notify the applicant of the decision of the planning commission in writing, accompanied by one copy of the submitted plans marked to show such decision and a copy of the motion approving, approving with modifications, or denying the development plan application.

21A55.120 Appeal of the Planning Commission Decision:

Any party aggrieved by the decision of the planning commission may file an appeal to the land use appeals board.

21A.55.130 Time Limit On Approved Planned Development:

No planned development approval shall be valid for a period longer than one year unless a building permit has been issued or complete building plans have been submitted to the Division of Building Services and Licensing. The Planning Commission may grant an extension of a Planned Development for up to one (1) additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted prior to the expiration of the planned development approval.

21A.55.140 Effect Of Approval Of Planned Development:

The approval of a proposed planned development by the planning commission shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the city, including, but not limited to, a building permit, a certificate of occupancy and subdivision approval.

21A.55.150 Regulation During And Following Completion Of Development:

Following planned development approval, the development plan, rather than any other provision of this title, shall constitute the use, parking, loading, sign, bulk, space and yard regulations applicable to the subject property, and no use or development, other than home occupation and temporary uses, not allowed by the development plan shall be permitted within the area of the planned development.

21A.55.160 Modifications To Development Plan:

A. New Application Required For Modifications And Amendments: No substantial modification or amendment shall be made in the construction, development or use without a new application under the provisions of this title. Minor modifications or amendments may be made subject to written approval of the planning director and the date for completion may be extended by the planning commission upon recommendation of the planning director.

B. Minor Modifications: The planning director may authorize minor modifications to the approved development plan pursuant to the provisions for modifications to an approved site plan as set forth in chapter 21A.58 of this part, when such modifications appear necessary in light of technical or engineering considerations. Such minor modifications shall be limited to the following elements:

1. Adjusting the distance as shown on the approved development plan between any one structure or group of structures, and any other structure or group of structures, or any vehicular circulation element or any boundary of the site;
2. Adjusting the location of any open space;
3. Adjusting any final grade;



4. Altering the types of landscaping elements and their arrangement within the required landscaping buffer area;
5. Signs;
6. Relocation or construction of accessory structures; or
7. Additions which comply with the lot and bulk requirements of the underlying zone.

Such minor modifications shall be consistent with the intent and purpose of this title and the development plan as approved pursuant to this section, and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such modifications would result in a violation of any standard or requirement of this title.

C. Major Modifications: Any modifications to the approved development plan not authorized by subsection 21A.55.160(2) of this section shall be considered to be a major modification. The planning commission shall give notice to all property owners consistent with notification requirements located in chapter 21A.10 of this Code. The planning commission may approve an application for a major modification to the approved development plan, not requiring a modification of written conditions of approval or recorded easements, upon finding that any changes in the plan as approved will be in substantial conformity with the approved development plan. If the commission determines that a major modification is not in substantial conformity with the approved development plan, then the commission shall review the request in accordance with the procedures set forth in this subsection.

#### 21A.55.170 Disclosure Of Private Infrastructure Costs For Planned Developments:

Planned developments, approved under this title after January 1, 1997, shall include provisions for disclosure of future private infrastructure maintenance and placement costs to unit owners.

A. Infrastructure Maintenance Estimates: Using generally accepted accounting principles, the developer of any planned development shall calculate an initial estimate of the costs for maintenance and capital improvements of all infrastructure for the planned development including roads, sidewalks, curbs, gutters, water and sewer pipes and related facilities, drainage systems, landscaped or paved common areas and other similar facilities ("infrastructure"), for a period of sixty (60) years following the recording of the subdivision plat for the estimated date of first unit occupancy of the planned development, whichever is later.

B. Initial Estimate Disclosure: The following measures shall be incorporated in planned developments to assure that owners and future owners have received adequate disclosure of potential infrastructure maintenance and replacement costs:

1. The cost estimate shall be recorded with and referenced on the recorded plat for any planned development. The initial disclosure estimate shall cover all private infrastructure items and shall be prepared for six (6) increments of ten (10) years each.



2. The recorded plat shall also contain a statement entitled "Notice to Purchasers" disclosing that the infrastructure is privately owned and that the maintenance, repair, replacement and operation of the infrastructure is the responsibility of the property owners and will not be assumed by the city.

3. The cost estimate shall be specifically and separately disclosed to the purchaser of any property in the planned development, upon initial purchase and also upon all future purchases for the duration of the sixty (60) year period. [Recorded on property]

C. Yearly Maintenance Statements: The entity responsible for the operation and maintenance of the infrastructure shall, at least once each calendar year, notify all property owners in the planned development of the estimated yearly expenditures for maintenance, repair, operation or replacement of infrastructure, and at least once each calendar year shall notify all property owners of the actual expenditures incurred, and shall specify the reason(s) for any variance between the estimated expenditures and the actual expenditures.

D. Maintenance Responsibilities: The property owners in a planned development shall be collectively and individually responsible, on a pro rata basis, for operating, maintaining, repairing and replacing infrastructure to the extent necessary to ensure that access to the planned development is available to the city for emergency and other services and to ensure that the condition of the private infrastructure allows for the city's continued and uninterrupted operation of public facilities to which the private infrastructure may be connected or to which it may be adjacent.

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#### Changes to other Sections of the code

#### Conditional Use Chapter – Eliminate planned development statements

◆◆ 4, 5 (Exh. A), 2005: Ord. 12-05 ◆ 1, 2005: Ord. 3-05 ◆◆ 9 (Exh. A), 10, 2005: Ord. 71-04 ◆ 27 (Exh. G), 2004: Ord. 13-04 ◆◆ 36, 37 (Exh. K), 2004: Ord. 77-03 ◆ 8, 2003: Ord. 73-02 ◆ 19 (Exh. G), 2002: Ord. 70-02 ◆ 4, 2002: Ord. 14-00 ◆ 15, 2000: Ord. 35-99 ◆◆ 96-99, 1999: Ord. 17-99 ◆ 1, 1999: Ord. 52-97 ◆ 1, 1997: Ord. 88-95 ◆ 1 (Exh. A), 1995: Ord. 26-95 ◆ 2(27-15), 1995)