PLANNING COMMISSION STAFF REPORT

Salt Lake City Code Maintenance
City Code Amendment
Petition PLNPCM2009-00509 – City-wide
June 10, 2009

Planning Division
Department of Community and Economic Development

Applicant
Salt Lake City Mayor

Staff
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Master Plan Designation
City-wide

Council District
City-wide

Review Standards
21A.50.050 Standards for General Amendments

Affected Text Sections
21A.28.040
2.20.080
21A.04.030
21A.54.120
21A.18.100
21A.52.090
21A.54.150. O
21A.58.080 C
21A.59.070.C

Notification
- Notice mailed on May 26, 2009
- Published in Deseret News May 22, 2009
- Posted on City & State Websites May 26, 2009

Attachments
A. Proposed Text Amendments

REQUEST

On April 27, 2009 Salt Lake City Mayor Ralph Becker initiated a petition to amend the following sections of the Zoning Ordinance.

1) Maximum Lot Size – Amend the Manufacturing Table of Permitted and Conditional Uses to delete the maximum lot size for institutional uses in the manufacturing zones.

2) Modify Section 2.20.080A to note that the Planning Commission should meet at least once a month rather that twice a month.

3) Clarify Chapter 21A.04.030 by stating that a Certificate of Appropriateness for a contributing structure or Landmark Site may be required even if a building permit is not necessary.

4) Clarify in various sections of the Zoning Ordinance that the approval timeframe expires if complete building plans are not submitted to the Permits Office or a permit issued rather than based on the issuance of a building permit and construction actually begun.

The purpose of the request is to provide further clarity and efficiency in the document.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the proposed amendments to the Salt Lake City Zoning Ordinance, conduct a public hearing and transmit a favorable recommendation to the City Council pursuant to the analysis and findings of fact written in this staff report.

Background/ Project Description

From time to time, staff encounters issues or problems with the code that require clarification or modification. These revisions are generally classified as "fine tuning" and are intended to clarify the intent of the ordinance, but not to substantially alter it. Previous ordinance adjustments were processed in 1995, 1999, 2004 and 2008.

Amendments to the City Code selected for Fine Tuning processing meet the following objectives:

- Improves the clarity and usability of the Zoning Code without changing the intent behind the specific regulation in question, and clarifies wording that may be open to interpretation;
- Addresses ongoing problems with administration of the existing Code language, and may result in a minor policy change of low significance;
- Implement the City's Comprehensive Plan: and
- Provide ordinance consistency with existing policies, procedures and objectives.

Summary of Proposed Code Changes

The following is a short synopsis of the changes proposed by Mayor Becker (language and redlines attached as Exhibit A):

1) Maximum Lot Size – This change would eliminate the requirement that institutional uses in the Manufacturing zones (M-1 and M-2) have a lot size of no greater than two (2) acres. The regulation is problematic for training facilities which are classified as schools, such as the proposed Pipe Fitters Union training facility. Staff can find no rationale for this regulation that would justify the limitation of institutional uses when other similar or more intensive uses have none.

   Affected Section: Section 21A.28.040 Table of Permitted and Conditional Uses for Manufacturing Districts

2) Planning Commission Meetings – This amendment would resolve the issue of how many monthly meetings the Planning Commission is required to hold. Currently, Section 21A.06.030 (E) requires the Commission to meet at least once a month, whereas Section 2.20.080A of the City Code requires two monthly meetings. While the Commission normally meets twice a month, it is not remarkable if it meets once, due to a holiday or other mitigating factor. Therefore it is recommended that Section 2.20.080A of the City Code be amended to require a minimum of one meeting per month.

   Affected Sections: 21A.06.030 (E) and 2.20.080A

3) Certificate of Appropriateness – Chapter 21A.04.030 establishes that a building permit is required for all construction activity on a site, unless the Division of Building Services and Licensing states otherwise. This amendment clarifies that buildings in historic preservation overlays and landmark sites still require certificate of appropriateness review even if a building permit is not required.

   Affected Sections: Chapter 21A.04.030

4) Time Expiration of Approval – Currently the ordinance states that an approval of a variance, special exception, conditional use, planned development, site plan review, or design review expires after 12 months unless a building permit has been issued. The proposed changes state that the approval expires

if complete building plans have not been submitted to the Permits Office within 12 months of the approval, and clarifies language relating to extensions, by requiring applicants to demonstrate that no unmitigated impact has occurred on site in the time since the original approval.

Affected Sections: 21A.18.100: 21A.52.090: 21A.54.120: 21A.54.150 (O): 21A.58.080 (C) (6): and 21A.59.070 (C) (6)

Public Participation

Community Council Meeting

An Open House was held on May 18, 2009. Notice of the Open House was sent to Community Council chairs, business groups and those whose names are on the Planning Divisions List serve. Notice was also posted on the City and State website.

Public Comments

At the time of this writing staff has received no public comment.

City Department Comments:

Staff sent information regarding the proposed text changes to applicable City Departments. Department responses are included in Attachment B.

Analysis

Standards of Review

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. However, in making its decision concerning a proposed amendment, the city council should consider the following factors:

A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City;

Analysis: The community master plan land use policies generally define neighborhood, community and regional land use locations and characteristics. They do not specifically address the level of detail that code maintenance addresses.

In Salt Lake City, the Zoning Ordinance and Subdivision Ordinance has been the main tools used to implement the goals and objectives of the adopted land use planning documents. All of the proposed changes to the text, as outlined, are intended to clarify or further advance the purposes, goals, objectives and policies of the adopted general plan of Salt Lake City. The proposed changes do not alter the various purpose statements included in the Zoning Ordinance. The proposed amendments will help insure compatibility with the adopted master plans of the City.

Finding: The proposed text amendments provide additional refinement of the zoning regulations of the City's code by providing corrections, clarification and consistency within existing regulations. The proposed fine tuning regulations are consistent with the City's land use policies.

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

Analysis: The proposed amendments are not site specific. Therefore, they will not interfere with the character of specific properties. The proposed amendments reflect minor code maintenance issues and do not modify any intent or purposes of the exiting City code.

Finding: The proposed amendments are part of a citywide code maintenance approach and do not impact the overall character of existing development.

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

Analysis: The technical standards of the City Code including the zoning ordinances generally will not change their functions. The amendments are minor and they will improve the consistency and clarity of existing City code sections. This standard is site specific and does not relate to the general amendments proposed for the text of the ordinance.

Finding: The proposed text changes will not adversely affect adjacent properties.

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

Analysis: The proposed text amendments do not specifically relate, nor impact provisions of any adopted overlay zone.

Finding: The proposed text amendments are consistent with the provisions of all applicable overlay zoning districts that may impose additional standards.

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 wastewater and refuse collection.

Analysis: The proposed ordinance changes do not relate to provisions governing public facilities and services.

Finding: The proposed ordinance changes should not impact the adequacy of public facilities and/or services.

Attached Exhibits

Attachment A – Proposed language
Attachment B – Department Comments

Attachment A
Proposed Ordinance Amendments

21A.28.040 Table of Permitted and Conditional Uses for Manufacturing Districts:

Legend	Permitted And Conditional Uses, By District Manufacturing Districts	
C = Conditional use P = Permitted use		
Use	**M-1**	**M-2**
Institutional ~~(sites <<2 acres):~~		
Adult daycare center	P	P
Child daycare center	P	P
Local government facilities	P	P
Museum	P	C
Music conservatory	P	C
Places of worship	C	
Schools, professional and vocational (with outdoor activities)	P	
Schools, professional and vocational (without outdoor activities)	P	P
Seminaries, religious institutes	P	C

2.20.080 Meetings:

A. The planning commission shall meet at least ~~twice~~ once each month, as designated by the commission. Public hearings of the planning commission may be held at such meetings, however, all public hearings shall be held after the regular working hours of the city, upon proper notice, to consider any matters within the scope of the commission's duties as provided by ordinance or state statute.

21A.04.030 Building/Demolition Permits Required:

It is unlawful, whether acting as owner, occupant or contractor, or otherwise to erect, construct, reconstruct, alter, demolish, or change the use of any building or other structure within Salt Lake City contrary to any provisions of this title without first obtaining a building or demolition permit from the division of building services and licensing unless the proposed improvements are such that the division of building services and licensing does not require a permit. It is also unlawful for any person, whether acting as owner, occupant or contractor to install any hard surfacing material, other than sidewalks, ornamental landscaping features, or for the minor repair of existing legal hard

surfaced areas on any property without first obtaining a building permit from the division of building services and licensing. It is also unlawful for any person, whether acting as an owner, occupant or contractor, to install accessory structures without first obtaining a building permit from the division of building services and licensing, unless the adopted building code excludes such accessory structure from a building permit requirement.

Projects located within the boundaries of a Historic Preservation Overlay District, or on a Landmark Site shall submit an application for certificate of appropriateness for all improvements regardless of any building permit requirements.

21A.18.100: LIMITATIONS ON VARIANCES:

Subject to an extension of time granted upon application to the ~~zoning administrator~~ Planning Director no variance shall be valid for a period longer than ~~six (6) months~~ one (1) year unless a building permit is issued or complete building plans have been submitted to the Division of Building Services and Licensing within that period ~~and construction is diligently pursued to completion~~. ~~Prior to the completion of the six (6) months, the applicant may request and the zoning administrator shall approve a six (6) month extension.~~ The Planning Director may grant an extension of a variance 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 variance.

21A.52.090: GENERAL CONDITIONS TO BE APPLIED TO ALL SPECIAL EXCEPTIONS:

The following conditions shall apply to all special exceptions granted by the board of adjustment. These conditions shall be in addition to any other conditions set by the board of adjustment or required by this title for certain special exceptions. (See section 21A.52.100 of this chapter.)

A. Special Exceptions: Subject to an extension of time granted upon application to the zoning administrator, no special exception shall be valid for a period longer than ~~twelve (12) months~~ one (1) year unless a building permit is issued or complete building plans have been submitted to the Division of Building Services and Licensing within that period ~~and construction is diligently pursued to completion~~. ~~Prior to the completion of the twelve (12) months, the applicant may request and the zoning administrator shall approve a twelve (12) month extension.~~ The Planning Director may grant an extension of a special exception 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 to the Planning Director in writing prior to the expiration of the permit

21A.54.120 Limitations on Conditional Use Approval:

Subject to an extension of time granted by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, no conditional use shall be valid for a period longer than ~~twelve (12) months~~ one (1) year unless ~~a building permit is issued and construction is actually begun~~ a building permit has been issued or complete building plans have been submitted to the Division of Building Services and Licensing within that period and is thereafter diligently pursued to completion, or unless a certificate of occupancy is issued and a use commenced within that period, or unless a longer time is requested and granted by the planning commission, or, in the case of

administrative conditional uses, the planning director or designee. Any request for a time extension shall be required not less than thirty (30) days prior to the twelve (12) month time period. The approval of a proposed conditional use by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, shall authorize only the particular use for which it was issued.

21A.54.150 Planned Developments:

O. **Time Limit On Approved Planned Development:** No planned development approval shall be valid for a period longer than one (1) year unless a building permit has been issued or complete building plans have been submitted to the Division of Building Services and Licensing ~~a building permit is issued and construction is diligently pursued. However, upon written request of the applicant, the one year period may be extended by the planning commission for such time as it shall determine for good cause shown, without further public hearing.~~ The Planning Director 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 permit.

21A.58.080 Procedures For Site Plan Review:

6. **Time Limit on Approval:** Approval of the site plan, landscape plan and other applicable plans shall be void unless a building permit has been issued or complete building plans have been submitted to the Division of Building Services and Licensing ~~building permit has been issued or use of the land has commenced within twelve (12) months~~ one (1) year from the date of approval. ~~Upon request, revalidation of the site plan may be granted for an additional twelve (12) months if all factors of the original site plan review are the same. The written notice requesting revalidation shall be received by the zoning administrator prior to expiration of the original twelve (12) month period.~~ The Planning Director may grant an extension of a conditional use permit 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 to the Planning Director in writing prior to the expiration of the permit

21A.59.070 Procedures For Design Review:

6. **Time Limit on Approval:** Approval of design review shall be void unless a ~~building permit has been issued or use of the land has commenced~~ building permit has been issued or complete building plans have been submitted to the Division of Building Services and Licensing within ~~twelve (12) months~~ one (1) year from the date of approval. ~~Upon request, revalidation of the site plan may be granted for an additional twelve (12) months if all factors of the original design review are the same. The extension shall be considered by the applicable approval authority without additional public notice. The written notice requesting revalidation shall be received by the planning director prior to expiration of the original twelve (12) month period.~~ The Planning Director may grant an extension of a site plan approval 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 to the Planning Director in writing prior to the expiration of the permit