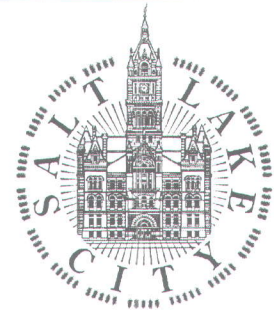


PLANNING COMMISSION STAFF REPORT

Salt Lake City Code Maintenance, Fine Tuning Zoning Text Amendment PLNPCM2008-00643 City-wide

June 24, 2009



Planning and Zoning Division
Department of Community and
Economic Development

Applicant: Salt Lake City Mayor
Ralph Becker

Staff: Everett Joyce 535-7930
everett.joyce@slcgov.com

Tax ID: n/a

Current Zone: n/a

Master Plan Designation:
City-wide.

Council District: City-wide

Lot Size: n/a

Current Use: n/a

**Applicable Land Use
Regulations:**

Review Standards: 21A.50.050
Standards for General Amendments

Affected Text:

21A.26, Commercial Districts
21A.32.140 Table of Permitted and
Conditional Uses
21A.36, General Provisions
21A.40 Accessory Uses
21A.46 Signs

Notification

- Notice mailed on June 9, 2009
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites June 9, 2009
- Newspaper Notice June 10, 2009

Attachments:

- A. .Proposed Ordinance
Amendments

Request

Salt Lake City Mayor Ralph Becker is requesting the Planning Commission analyze and adjust the City Ordinances to provide for clarity and efficiency of use as part of a code maintenance program. The five minor Fine Tuning text amendments being processed with this petition address the following issues:

- 1 Chapter 21A.36 Home Day Care and Home Occupations: Allow home day care and home occupations in legal conforming single family and duplex properties that are located within commercial or other non-residential zones
- 2 Chapter 21A.36 General Provisions: Add the MU - Mixed Use Zoning District to the Resident Healthcare, Assisted Living and Nursing Care Facilities; Group Homes; Transitional Victim, Treatment and Substance Abuse Homes; Adult and Child Day Care uses listed in Chapter 36. Section 21A.32.140 Table of Permitted And Conditional Uses For Special Purpose Districts: Add Transitional Victim Homes, Transitional Treatment Homes and Residential Substance Abuse Treatment Homes uses within the MU – Mixed Use Zoning District.
- 3 Chapter 21A.40 Accessory Uses, section 21A.40.090E: Add the MU - Mixed Use Zoning District to the wireless communications facilities table.
- 4 Chapter 21A.26 Commercial Districts: Amend 21A.26.080 Table of Permitted and Conditional Uses. Allow single-family and duplex uses as part of a mixed use development in the CN Zoning District.
- 5 Chapter 21A.46 Signs, section 21A.46.110 Signs, Corporate Flag: Allow additional anchoring at the bottom of flag to prevent excessive movement.

Staff Recommendation

Based on the findings listed in the staff report, it is the Planning Staff's opinion that overall the project generally meets the applicable standards and therefore, recommends the Planning Commission transmit a favorable recommendation to the City Council.

Background

Project Description

The City adopted a comprehensive Zoning Ordinance in April 1995. At that time, it was understood that adjustments to the Zoning Ordinance would be necessary once it had been implemented, and people had an opportunity to work with it. Salt Lake City intermittently processes Fine Tuning ordinance adjustments to provide code maintenance for the City's ordinances.

Overall, the framework and structure of Salt Lake City's zoning regulations and development standards are sound and do not require wholesale restructuring of the code. However, at times code changes are processed due to land use policy changes adopted by the City or because of State enabling regulation changes. It would be beneficial for Salt Lake City to make minor code revisions that lead to a greater ease of use and understanding.

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;
- Implements the City's Comprehensive Plan; and
- Provides ordinance consistency with existing policies and objectives.

Proposed Code Changes

The Salt Lake Planning Division is processing specific adjustments to the Salt Lake City code. The five minor Fine Tuning text amendments being processed with this petition are discussed below.

Item 1. Chapter 21A.36 Child Day Care and Home Occupations – Allow in residences within non-residential zoning districts, except manufacturing districts

The current code allows child day care and home occupation operations in homes within all residential districts. Child day care includes non-registered home day care, registered home day care and registered home preschools. However, there is a substantial amount of housing located within other mixed use districts and within non-residential districts that do not allow these ancillary uses. Child daycare and home occupations would be a typical use within homes located within residential developments whether or not the properties are zoned residential or mixed use. To allow a more uniform application of such ancillary uses to residences within the city, staff believes that Child Day Care and Home Occupations should be allowed subject to regulations within any residence. However, an exception for child day care uses should not be allowed within residences located within industrial zoning districts.

Recommended Code Changes

Allow child day care and home occupations in legal conforming single family, duplex, and multi-family properties that are located within commercial and other non-residential zoning districts. However, child day care would not be permitted uses within industrial zoning districts.

Item 2. Chapter 21A.36. General Provisions and Section 21A.32.140 Table of Permitted and Conditional Uses for Special Purposes Districts – Allow nursing home and specialty housing type uses in the MU Zoning District

General Provisions. Several specific land uses are identified within the Tables of Permitted and Conditional Uses as well as in section 21A.36 General Provisions, such as Resident Healthcare Facilities, Assisted Living, Nursing Care, Small Group Homes, Large Group Homes, Adult Day Care and Child Day Care uses. Typically the general provisions section provides standards such uses need to meet in addition to those required in the specific zoning districts. This fine tuning amendment is to add the MU – Mixed Use District to several categories within Chapter 36, General Provisions that are listed within the Tables of Permitted and Conditional Uses.

Special Purpose District Table of Permitted and Conditional Uses. Within the table of permitted and conditional uses for the MU – Mixed Use Zoning District Transitional Victim Homes, Transitional Treatment Homes and Residential Substance Abuse Treatment Homes are not listed. Within the RMF-35, RMF-45, RMU-35, RMU-45, RMF-75, R-MU, and RO Districts these uses are permitted. These zoning districts allow similar uses as the MU Zoning District allows. Staff believes that not including these uses was an oversight and that it is appropriate to add these land uses to the MU Zoning District.

Recommended Code Changes

Add the (MU) Mixed Use Zoning District to the Resident Healthcare Facilities, Assisted Living Facilities, Nursing Care Facilities; Group Homes; Transitional Victim Homes, Transitional Treatment Homes, Residential Substance Abuse Treatment Homes; Adult Daycare Centers and Child Day Care uses listed in Chapter 36, General Provisions.

Add Transitional Victim Homes, Transitional Treatment Homes, Residential Substance Abuse Treatment Homes uses to the MU- Mixed Use Zoning District within section 21A.32.140 Table of Permitted and Conditional Uses for Special Purpose Districts.

Item 3. Chapter 21A.40.090E Accessory Uses – Wireless Telecommunication Facilities – Allow in the MU Zoning District

The MU – Mixed Use Zoning District is not listed within Table 21A.40.090E Wireless Telecommunications Facilities. This zoning district is being added to the table and the telecommunications facilities listed as permitted or conditional use are those permitted in similar zoning districts such as other mixed use and multi-family zoning districts.

Recommended Code Changes

Add the MU- Mixed Use Zoning District to Table 21A.40.090E Wireless Telecommunications Facilities and identify wall mounted as a permitted use and roof mounted facilities as a conditional use.

Item 4. Chapter 21A.26 Commercial Districts - 21A.26.080 Table of Permitted and Conditional Uses – Allow single family and two family dwellings as part of a mixed use project in the CN Zoning District

The Table of Permitted and Conditional Uses for Commercial Districts allows “mixed use developments including residential and other uses allowed in the zoning district”. The same table also allows multi-family dwellings within commercial districts. Multiple family dwellings are defined as three or more dwelling units.

The CN Zoning District is intended for small scale commercial uses. Parcels within the CN Zoning District, typically are smaller than in other commercial districts. These smaller parcels could support mixed use developments that include single family or duplex dwellings. Since mixed use developments are permitted within the CN Zoning District staff believes that adding a qualifying provision to allow mixed use

developments within the CN Zoning District that contain single family or duplex dwellings would support the intent of allowing mixed uses without compromising the purpose and intent of the commercial districts.

Recommended Code Changes

Add a Qualifying Provision to the CN Zoning District in section 21A.26.080 Table of Permitted and Conditional Uses for Commercial Districts. The qualifying provision will state "Mixed use development within the CN Zoning District may include single family and duplex dwellings".

Item 5. Chapter 21A.46, Section 21A.46.110 Signs - Anchoring of corporate flags

The zoning ordinance allows for corporate flags. Such flags shall not interfere with street trees, light poles, utility lines, etc. The ordinance only permits corporate flags that hang freely. It has been identified that such flags can have excessive movement that limits their use since they may interfere with street trees and utilities structures. It is recommended to allow anchoring corporate flags at the bottom to prevent excessive movement and allow for more continuous display and minimize the potential for interference with surrounding objects.

Recommended Code Changes

Add to the definition and standards of corporate flags that they may be anchored at the bottom with a cable, chain, rope or other non-rigid device to prevent excessive movement.

Comments

Public Comments

An Open House was held on October 16, 2008. 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's website. There were no comments received directly related to the posted Open House issues.

City Department Comments

The Planning Division routed a request for department comments on December 2, 2008. The staff did not receive any comments from the applicable City Departments / Divisions.

Analysis and Findings

Section 21A.50.050. 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 zoning at the level of detail that that are specific to individual zoning classifications or the specific zoning district table of permitted and conditional uses or the specific level code maintenance addresses.

In Salt Lake City, the Zoning Ordinance and Subdivision Ordinance have 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 and intent statements included in the Zoning Ordinance. The proposed amendments support ordinance 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: Generally, the proposed amendments will not change the functions of the technical standards of the zoning ordinance. 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; and

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.

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.

Attachment A
Proposed Ordinance Amendments

Petition PLNPCM2008-00643 Salt Lake City Code Maintenance

Recommended Code Text Changes

Language to be **added** is underlined.

Language to be **deleted** is ~~strikethrough~~

21A.36.030 Home Occupations:

- A. **Purpose:** The purpose of this section is to permit the establishment of home occupations in all residential districts and within legal conforming single family, duplex, and multifamily dwellings within commercial and nonresidential districts and ensure that the home occupations are compatible with the ~~residential~~ district in which they are located and have no negative impact upon the surrounding neighborhood.

21A.36.130 Child Daycare:

Child daycare shall be permitted pursuant to the following provisions:

- A. **Nonregistered Home Daycare:** Nonregistered home daycare, limited to no more than two (2) children, excluding the provider's children, is permitted in the home of the care provider in the FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, MU and RO districts and within legal conforming single family, duplex, and multifamily dwellings within commercial and nonresidential districts excluding M-1 and M-2 districts. A business revenue license or home occupation conditional use approval shall not be required.
- B. **Registered Home Daycare Or Registered Home Preschool:** A registered home daycare or registered home preschool as defined in part VI, chapter 21A.62 of this title, may be allowed as an accessory use in the FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, MU and RO districts and within legal conforming single family, duplex, and multifamily dwellings within commercial and nonresidential districts excluding M-1 and M-2 districts as a home occupation special exception pursuant to the provisions of part V, chapter 21A.52 of this title. The permittee shall also obtain appropriate licensing where applicable from the state pursuant to the Utah Code Annotated, 1953.

Section 21A.32.140 Table of Permitted and Conditional Uses For Special Purpose Districts.

Use	Permitted And Conditional Uses
	MU
Residential:	
Residential substance abuse treatment home, large (see section 21A.36.0100 of this title)	<u>C</u>
Residential substance abuse treatment home, small (see section 21A.36.0100 of this title)	<u>P</u>
Transitional treatment home, large (see section 21A.36.090 of this title)	<u>C</u>
Transitional treatment home, small (see section 21A.36.090 of this title)	<u>C</u>
Transitional victim home, large (see section 21A.36.080 of this title)	<u>C</u>
Transitional victim home, small (see section 21A.36.080 of this title)	<u>P</u>

21A.36.040 Resident Healthcare Facilities:

A "resident healthcare facility" as defined in part VI, chapter 21A.62 of this title, shall be permitted as of right in the RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, MU and RO districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title and of this code, including business licensing requirements.

21A.36.050 Assisted Living Facilities:

An "assisted living facility" as defined in part VI, chapter 21A.62 of this title, shall be permitted in the RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, MU and R-MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title and of this code, including business licensing requirements. If the assisted living facility is an apartment building, the facility shall not exceed the density allowed in the base zoning district. If the assisted living facility is a rooming house, for the purpose of calculating the density allowed under the base zoning district, three (3) boarders shall constitute one dwelling unit.

21A.36.060 Nursing Care Facilities:

A "nursing care facility" as defined in part VI, chapter 21A.62 of this title, shall be permitted in the RMF-45, RMF-75, R-MU-35, R-MU-45, MU and R-MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title.

21A.36.070 Group Homes:

- C. Small Group Homes - Authorized As Permitted Uses:** Small group homes shall be permitted pursuant to subsection B of this section in the FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, MU, CC, CG, D-2, D-3, AG, AG-2, and AG-5 districts provided:
- D. Large Group Homes - Authorized As Conditional Uses:** Large group homes, as either principal or accessory uses, may be allowed, as conditional uses pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, MU, CC, CG, D-2, D-3 and G-MU districts provided:

21A.36.080 Transitional Victim Homes:

- C. Small Transitional Victim Homes - Authorized As Permitted Uses:** Small transitional victim homes shall be permitted as either principal or accessory uses pursuant to subsection B of this section in the RMF-75, R-MU, MU and RO districts provided:
- D. Small Transitional Victim Homes - Authorized As Conditional Uses:** Small transitional victim homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, R-MU-35, R-MU-45, CC, CG, D-2, D-3, and G-MU districts provided:
- E. Large Transitional Victim Homes - Authorized As Conditional Uses:** Large transitional victim homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, MU, CC, CG, D-2, D-3, and G-MU districts provided:

21A.36.090 Transitional Treatment Homes:

- C. Small Transitional Treatment Homes - Authorized As Conditional Uses:** Small transitional treatment homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, MU, RO, CC, CG, D-2, D-3, and G-MU districts provided:
- D. Large Transitional Treatment Homes - Authorized As Conditional Uses:** Large transitional treatment homes may be allowed as either principal or accessory uses, as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, MU, CC, CG, D-2, D-3, and G-MU districts provided:

21A.36.100 Residential Substance Abuse Treatment Homes:

C. Small Residential Substance Abuse Treatment Homes - Authorized As Permitted Uses:

Small residential substance abuse treatment homes shall be permitted as either principal or accessory uses pursuant to subsection B of this section in the RMF-75, R-MU-35, R-MU-45, R-MU, MU and RO districts provided:

D. Small Residential Substance Abuse Treatment Homes - Authorized As Conditional Uses:

Small residential substance abuse treatment homes, as either principal or accessory uses, may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, CC, CG, D-2, D-3 and G-MU districts provided:

E. Large Residential Substance Abuse Treatment Homes - Authorized As Conditional Uses:

Large residential substance abuse treatment homes, as either principal or accessory uses, may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, MU, CC, CG, D-2, D-3, and G-MU districts provided:

21A.36.120 Adult Daycare Center:

A. Permitted Use: An adult daycare center is a permitted use in the R-MU-35, R-MU-45, R-MU, RO, MU, CN, CB, CC, CS, CSHBD, CG, D-1, D-2, D-3, I, UI and M-1 districts.

Section 21A.40 Accessory Uses

Table 21A.40.090E
WIRELESS TELECOMMUNICATIONS FACILITIES

	Wall Mount	Roof Mount	Monopole With Antennas And Antenna Support Structure Less Than 2 Feet Wide		Monopole With Antennas And Antenna Support Structure Greater Than 2 Feet Wide		Lattice Tower
			District Height Limit But Not To Exceed 60 Feet (Whichever Is Less)	60 Feet Or Exceeding The Maximum Height Limit Of The Zone	District Height Limit But Not To Exceed 60 Feet (Whichever Is Less)	60 Feet Or Exceeding The Maximum Height Limit Of The Zone	
Special Purpose/Overlay Districts							
<u>MU</u>	P	C					

Notes:

P Permitted use.

C Conditional use.

Section 21A.26.080 Table of Permitted and Conditional Uses For Commercial Districts.

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS						
C = Conditional Use P = Permitted Use							
USE	CN	CB	CC	CS1	CSHBD1	CG	TC-75
Residential							
Mixed use developments including residential and other uses allowed in the zoning district	P <u>8</u>	P	P	P	P	P	P

Qualifying Provisions:

8. Mixed use development within the CN Zoning District may include single family and duplex dwellings.

21A.46.110 Sign Regulations For Downtown Districts:

A. Sign Regulations For The D-1 And D-4 Downtown Districts:

4. Supplementary Regulations:

c. **Corporate Flags:** The pole support must be attached directly to the building and located so that all portions of the flag clear the pedestrian level of the building. Flags shall not interfere with street trees, light poles, utility lines, etc., and shall maintain a ten foot (10') clearance from the sidewalk. Corporate flags may be additionally anchored at the bottom with a cable, chain, rope or other non-rigid devise, to prevent excessive movement. However, if more than one structural support is provided, the flag shall be considered a fabric "projecting sign".