

PLANNING COMMISSION STAFF REPORT

Salt Lake City Code Maintenance City Code Amendment Petition PLNPCM2010-00223 – City-wide August 25, 2010



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.48.110B
21A.06.060
21A.62.040
21A.10.020D.1
21A.40.052
21A.56.040A.3
21A.18.040A.1.f
21A.46.060
21A.46.020B
21A.10.020C.1
21A.10.020F
21A. 56.060C.1
21A.56.050D.1
21A.36.140I.1

Notification

- Notice mailed on August 13, 2010
- Published in newspapers August 16, 2010
- Posted on City & State Websites August 18, 2010

Attachments

A. Proposed Text Amendments

REQUEST

On April 21, 2010 Salt Lake City Mayor Ralph Becker, represented by Wilf Sommerkorn, Planning Director, initiated a petition to amend the following sections of the Zoning Ordinance:

1. Freeway Landscaping Requirements – Amend the Freeway Landscape Requirements that currently applies to all zones, to exclude Single-Family, R-2 Single - and Two - Family Residential Districts
2. Ensure that the Zoning Ordinance states that the Zoning Administrator is the Planning Director not the Building Official or the Director of the Building Services and Licensing Director.
3. Eliminate the requirement for newspaper notice for zoning map amendments.
4. Eliminate the verbiage in Chapter 21A.40 relating to accessory uses on accessory lots (in residential zones)
5. Eliminate the words ‘excluding streets’ in Chapter 21A.56.040.A3, relating to noticing for condominiums.
6. 21S.18.040.S.1.f, relating to Variance application submittal requirements.
7. 21A.46 Signs Specifically Prohibited in the Zoning Districts.
8. Clarify in various sections of the Zoning Ordinance that the notification requirement is 12 calendar days, rather than 12 days prior to the meeting.
9. Clarify in various sections of the ordinance that the mailing is by first class mail.

B. Departmental Comments	<p>10. 21A.34.90B remove the phrase “six stories or” relating to building height.</p> <p>The purpose of the request is to provide further clarity and efficiency in the document.</p> <p>STAFF RECOMMENDATION</p> <p>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.</p>
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Background/ Project Description

Once in a while, staff encounters issues or discrepancies 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) Freeway Scenic Landscape Setback Requirement – This change would require freeway scenic landscape setback requirements to be applied to all zones except for single-family and duplex districts. The current verbiage enumerates each zoning district where these requirements apply. Once in a while, new zoning districts are created and this verbiage change will ensure that as new zones are created, unless they are for single-family or two family uses, all of the freeway landscaping provisions will apply.

Affected Section: Section 21A.48.110 Freeway Scenic Landscape Setback

- 2) Zoning Administrator – This amendment would clarify that the Planning Director is the Zoning Administrator not the Building Official, nor the Director of Building Services and Licensing Director. Currently, Section 21A.06.060 recognizes the Director of the Division of Building Services and Licensing or its successor division as the Zoning Administrator. Section 21A.62.040A of the City Code defines the term Zoning Administrator as the director of the division of building services and licensing.

Both will be changed to specify that the zoning administrator is “director of the planning division” to reflect current practice.

Affected Sections: 21A.06.060 Zoning Administrator and 21A.62.040 Definition of Terms

- 3) Publication of First Public Hearing – Chapter 21A.10.020D1 establishes that for both zoning ordinance text amendments as well as zoning map amendments public hearing notice be given to the public in a newspaper of general circulation at least 12 calendar days in advance. This amendment will eliminate the newspaper noticing requirement for zoning map amendments in accordance to State Law. Newspaper notice for zoning text amendments will still occur since actual notice to all affected property owners is not practical and highly costly.

Affected Sections: Chapter 21A.10.020.D.1 Publication (First Public Hearing)

- 4) Accessory Uses on Accessory Lots – In 2008 all accessory uses in accessory lots were deleted from the use tables except the language in chapter 21A.40.052. The proposed change will remove the entire text from the zoning code and will eliminate confusion between the text and the use tables.

Affected Sections: 21A.40.052A-F Accessory Uses on Accessory Lots

- 5) Noticing for Condominiums – This change will eliminate the words “gummed” and “excluding streets” from the text to ensure consistency with the amendments relating to noticing for condominiums adopted by City Council in December 2009. This change will ensure that the noticing requirement language is consistent from one process to another.

Affected Sections: 21A.56.040A.3 Proposed Project; Application Fees

- 6) Variances Application Submittal Requirements – This amendment will change the text relating to the variance application submittal requirements and will replace it with a reference to Section 21A.10.020.A.1 that describes the Public Hearing Notice Requirements for Special Exception Permits, Variances and Appeals of Zoning Administrator Decisions.

Affected Sections: 21A.18.040A.1.f Variances Procedures

- 7) Pennant Flags – The Zoning Ordinance is not clear whether pennant flags are prohibited. However, similar types of signs such as balloons and snipe signs are included in the list of prohibited signs. As a practice, pennant flags have not been allowed. Moreover, Section 21A.46.060J does not include pennant flags as a prohibited sign nor does Section 21A.46.020 have a definition for such sign. This amendment will specify the prohibition of pennant flags in all zoning districts as well as add a definition of what constitutes a pennant flag. This amendment will also make it easier for the Enforcement Officers to require the removal of such signs.

Affected Sections: 21A.46.060J Signs specifically prohibited in all zones and 21A.46.020 Definitions

- 8) Twelve (12) Calendar Days requirements – In these sections of the ordinance, the notification requirements specify that the notice requirements should be done within twelve (12) day notification period. The text change will read “twelve (12) calendar days in advance” and “twelve (12) calendar

day notice period” so that it ensures that this notification is based on a calendar and a not a weekday or some other timeframe.

Affected Sections: 21A.10.020C.1 and 21A.10.020F Public Hearing Notice Requirements

- 9) First Class Mail and Twelve (12) Calendar Days Requirements. – The purpose of this amendment is to ensure the mailing is not sent by another method that may be slower than first class mail (such as through bulk mailing system which would not necessarily guarantee timely delivery). The changes will also include the “twelve (12) calendar” days in advance insertion as in the previous amendment.

Affected Sections: 21A.56.060C.1 Public Hearing Notification of the Condominium Notification Process and 21A.56.050D.1 New Construction Process

- 10) Fourteen (14) Calendar Days to twelve (12) Calendar Days – As part of the clarification to ensure that the notification requirement is based on a calendar and a not a weekday or some other timeframe, this section will change from fourteen (14) calendar days to twelve (12) calendar days in advance.

Affected Sections: 21A.36.140I.1-2 Sexually Oriented Business Mailing

Public Participation

Community Council Meeting

An Open House was held on June 17, 2010. 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.

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

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

Analysis: The community master plans and their land use policies generally outline neighborhood, community and regional uses of land and their characteristics. The purpose is to guide land use but not specifically address the level of detail as the zoning ordinance. Maintenance and update of the code is often necessary to increase consistency with goals, objectives and policies of Salt Lake City.

Finding: The proposed text amendments provide additional refinement of the zoning regulations of the City's code by providing corrections and clarification of existing regulations. The proposed amendments will help insure compatibility and consistency with goals, objectives and policies of the adopted master plans of the City.

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

Analysis: 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 statements included in the Zoning Ordinance.

Finding: The proposed text amendments are consistent with current practices and further the specific purpose statements found throughout the Zoning Ordinance.

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

Analysis: The proposed text amendments are neither site nor overlay zoning district specific. Therefore they will not interfere with the character of specific properties. The proposed amendments reflect minor code maintenance issues and 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 and do not modify any intent or purposed of the existing City code.

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

Analysis: The proposed text amendments are to correct minor issues with the City code language in order to eliminate minor process inefficiencies and also reflect current practices.

Finding: The proposed text amendments are consistent with the purpose of the Zoning Ordinance and implement best current and professional practices of urban planning and design.

Attachment A
Proposed Ordinance Amendments

21A.48.110: FREEWAY SCENIC LANDSCAPE SETBACK

21A.48.110.B

B. Applicability: Freeway scenic landscape setbacks shall be required for all lots abutting an interstate highway that are subdivided after April 12, 1995, for construction of a principal building, or for a twenty five percent (25%) floor area increase of a principal building, or for any new use of a previously undeveloped site or twenty five percent (25%) expansion of an existing use on a developed site, in ~~the CS, CC, CG, D-2, D-3, G-MU, M-1, M-2, RP, BP, PL, PL-2, I, UI, EI, A and MH districts.~~ all zones except Single-Family, R-2 Single - and Two - Family Residential Districts.

21A.06.060 ZONING ADMINISTRATOR:

Primary responsibility for administering and enforcing this title shall be delegated to the ~~director of the division of building services and licensing or its successor division~~ Planning Director. Except as otherwise specifically provided in this title, the director may designate a staff person or staff persons in the division to carry out these responsibilities. The staff person(s) to whom such administrative and enforcement functions are assigned shall be referred to in this title as the "zoning administrator". (Ord. 26-95 § 2(3-6), 1995)

21A.62.040 DEFINITIONS OF TERMS:

ZONING ADMINISTRATOR: ~~The director of the division of building services and licensing~~ The director of the planning division of the department of community and economic development or such person as the zoning administrator shall designate.

21A.10.020.D.1 PUBLICATION (FIRST PUBLIC HEARING)

1. Publication (First Public Hearing): At least twelve (12) calendar days in advance of the first public hearing on an application for an amendment to the text of this title ~~or the zoning map~~, the city shall publish a notice of such public hearing in a newspaper of general circulation in Salt Lake City.

21A.40.052: ACCESSORY USES ON ACCESSORY LOTS:

Accessory uses may be located on all residential zoned accessory lots subject to the following circumstances:

~~A. The accessory use is located on an accessory lot adjoining the principal residence and shall function and be regulated as an accessory structure and use.~~

~~B. The accessory and principal residence lot are under common ownership.~~

~~C. The accessory lot must be landscaped and properly maintained as part of the principal lot according to the established zoning requirements.~~

~~D. Light standards shall be allowed as part of the conditional use pursuant to the provisions of chapter 21A.54 of this title in all zones (except for FR zones where lighting is not permitted). Glare shields or baffles shall be attached to all lighting fixtures to prevent lighting from being directed toward or impacting neighboring properties.~~

~~E. Fences for accessory uses on accessory lots, to prevent the loss of recreational equipment, shall not exceed twelve feet (12') when they are located at least ten feet (10') from the closest property line. A maximum fence height of six feet (6') within ten feet (10') of side yard and rear yard property lines shall be permitted. Fences exceeding six feet (6') shall be made on a flexible nonopaque material, mesh, or netting.~~

~~F. When the accessory use is for parking on an existing accessory lot within the FR 1, FR 2, FR 3, R 1/5,000, R 1/7,000, R 1/12,000, R 2, SR 1 and SR 3 zones, the conditional use for accessory uses on accessory lots is not applicable for parking. Refer to section [21A.44.020](#) of this title regarding parking on adjacent residential lots. (Ord. 30-98 § 5, 1998)~~

21A.56.040: PROPOSED PROJECT; APPLICATION; FEES:

21A.56.040.A.3

3. A printed list on ~~gummed~~ mailing labels of owners of all real property within three hundred feet (300'), ~~excluding streets,~~ of the proposed condominium. Where conversion of an existing building is proposed, the mailing list shall include current tenants of the building.

21A.18.040: PROCEDURES:

21A.18.040A.1.f

f. ~~Gummed m~~Mailing labels for all owners of property, as shown on the latest published property tax records of the Salt Lake County assessor, located within eighty five feet (85'), or three hundred feet (300') if the proposal involves construction of a new principal building, in each direction of the subject property (exclusive of intervening streets and alleys). to meet the notification requirement per Section 21A.10.020.A.1, Public Hearing Notice Requirements for Special Exception Permits, Variances and Appeals of Zoning Administration Decisions."

21A.46.060: SIGNS SPECIFICALLY PROHIBITED IN ALL ZONING DISTRICTS:

21A.46.060J

The following exterior signs, in addition to all other signs not expressly permitted by this chapter, are prohibited in all zoning districts and shall not be erected:

- A. Animated signs excluding public service signs;
- B. Any snipe sign;
- C. Balloons;
- D. Bench signs;
- E. Portable signs, except where specifically permitted by district sign regulations;
- F. Signs overhanging the property line other than signs that are permitted under the sign regulations applicable to each zoning district;
- G. Signs which are structurally unsafe, hazardous or violate the uniform building code or the uniform fire code;
- H. Signs located near streets which imitate or are easily confused with official traffic signs and use words such as "stop", "look", "danger", "go slow", "caution" or "warning", except where such words are part of the name of a business or are accessory to parking lots; ~~and~~
- I. Painted signs which do not meet the definition of wall signs. (Ord. 53-00 § 3, 2000: Ord. 88-95 § 1 (Exh. A), 1995); and
- J. Pennant Flags.

21A.46.020: DEFINITIONS:

21A.46.20B

FLAG, PENNANT: Any geometric shaped cloth, fabric, or other lightweight material normally fastened to a stringer which is secured or tethered so as to allow movement of the sign caused by movement of the atmosphere. A sign, with or without a logo, made of flexible materials suspended from one or two corners, used in combination with other such signs to create the impression of a line.

21A.10.020 Public Hearing Notice Requirements:

21A.10.020C.1

1. **Notification:** The city shall provide written notice a minimum of twelve (12) calendar days in advance of the requested action to all owners of the land and tenants subject to the application, as shown on the Salt Lake City Geographic Information System records included in the application, as well as to the planning commission and to all owners of land and tenants as shown on the Salt Lake City Geographic Information System records adjacent to and contiguous with the land subject to the application. At the end of the twelve (12) calendar day notice period, if there are requests for a public hearing, the planning commission will schedule a public hearing and consider the issue; if there are no requests for a public hearing, the planning commission may authorize the planning director to decide the issue administratively.

21A.10.020F

F. Determination Of Noncontributing Status Within An H Historic Preservation Overlay District: Prior to the approval of an administrative decision for a certificate of appropriateness for demolition of a noncontributing structure, the planning director shall provide written notice of the determination of noncontributing status of the property to all owners of the land and tenants, as shown on the Salt Lake City Geographic Information System records, included in the application for determination of noncontributing status, as well as to the historic landmark commission and to all owners of land and tenants as shown on the Salt Lake City Geographic Information System records within eighty five feet (85') of the land subject to the application. At the end of the twelve (12) calendar day notice period, the planning director shall either issue a certificate of appropriateness for demolition or refer the application to the historic landmark commission.

21A.56.060: CONDOMINIUM CONVERSION PROCESS:

21A. 56.060.C.1

1. Public Hearing Required: No condominium conversion project shall be approved without a public hearing. The planning official shall schedule the time for an administrative public hearing to consider the condominium conversion application. Notice shall be first class mailed to all property owners and current tenants of the building, and to the chair of the appropriate community council, as specified in subsection 21A.56.040A3 of this chapter at least ~~fourteen (14)~~ twelve (12) calendar days in advance of the scheduled hearing. The notice shall inform the notified party of the date and time of the public hearing.

21A.56.050: NEW CONSTRUCTION PROCESS:

21A.56.050D.1

1. Public Hearing Required: No condominium project shall be approved without a public hearing. The planning official shall schedule the time for, and hold an administrative public hearing to consider the condominium application. Notice shall be first class mailed to all property owners, as specified in subsection 21A.56.040A3 of this chapter at least ~~fourteen (14)~~ twelve (12) calendar days in advance. The notice shall inform the notified party of the date and time of the public hearing.

21A.36.140: SEXUALLY ORIENTED BUSINESSES:

21A.36.140I.1

1. Mailing: Notice by first class mail shall be provided a minimum of ~~fourteen (14)~~ twelve (12) calendar days in advance of the planning commission's public hearing to all owners of the land, as shown on the latest published property tax records of the county assessor, included in the application requiring conditional site plan review, as well as to all owners of land, as shown on the latest published property tax records of the county assessor, within one thousand feet (1,000') (exclusive of intervening streets), of the periphery of the land subject to the application requiring conditional site plan review. Notice shall be given to each individual property owner if an affected property is held in condominium ownership.
2. Notification To Recognized And Registered Organizations: The city shall give notification a minimum of ~~fourteen (14)~~ twelve (12) calendar days in advance of the planning commission's meeting by first class mail to any organization which is entitled to receive notice pursuant to title 2, chapter 2.62 of this code.

Attachment B
Departmental Comments

