

## Planning Commission Staff Report

### INITIATING ZONING AMENDMENT PETITIONS (MAP AND ORDINANCE)

Zoning Amendment PLNPCM2011-00553

Hearing date: December 14, 2011



Planning Division  
Department of Community &  
Economic Development

#### **Applicant**

SLC Corp., Mayor Ralph Becker

#### **Staff**

Casey Stewart 535-6260  
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#### **Current zone**

N/A

#### **Current master plan designation**

City-wide

#### **Council District**

City-wide

#### **Community Council**

City-wide

#### **Affected Ordinance Sections**

- 21A.50 Amendments

#### **Attachments**

A. Proposed Amendment

#### ***Request***

Mayor Ralph Becker has initiated a request to amend the Salt Lake City Zoning Ordinance to modify who can initiate a petition to amend the City Zoning Ordinance and Zoning Map. Those eligible to initiate amendment petitions would be the city council, the mayor, and private property owners or their authorized agents.

#### ***Staff recommendation***

Based on the findings in the staff report, it is the Planning Staff's opinion that the Planning Commission transmits a favorable recommendation to the City Council to amend the Zoning Ordinance relating to who can petition to amend the Zoning Ordinance and Zoning Map.

## ***Background***

### **Project Description**

The City's Zoning Ordinance currently has a process by which the Ordinance and the associated Zoning Map can be amended. Reasons for amending the Zoning Ordinance and Map can vary, and so can those who desire to amend the ordinance or map. In the past, conflicts have occurred when various City boards or commissions petition to amend the ordinance or map, directing time, effort, and resources toward an effort which is not always consistent with the Mayor's or the City Council's goals or available resources. Those appointed bodies are appointed by the Mayor or possibly the Council yet currently have the ability to divert money and time toward a potentially conflicting goal or effort. These past conflicts have raised the issue of who should be able to initiate a petition to amend the Zoning Ordinance or Zoning Map.

The ability of private property owners or their authorized agents to initiate petitions is not involved in the question. Private property owners will always retain the right to petition for zoning amendments.

### ***Public Notice, Meetings, Comments***

Notice of the public hearing for the proposal included:

- Public hearing notice mailed on December 2, 2011
- Public hearing notice published in a local newspaper on December 2, 2011
- Public notice posted on City and State websites and Planning Division listserve: December 2, 2011

### **Public Comments**

Planning division staff conducted an open house for this petition on Thursday, November 17, 2011. There were no attendees at the open house to discuss the petition.

### **City Department Comments**

No other city departments offered any concerns, objections, or other comments on this proposed amendment.

## ***Analysis and Findings***

### **Standards for General Amendments**

A decision to amend the text of the Zoning Ordinance 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:

- 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 proposed amendment pertains solely to who can initiate amendments to the Zoning Ordinance and Zoning Map, it does not directly tie in with any purpose, goal, objective, or policy found in adopted planning documents or master plans. For amendments not initiated by a private property owner, the amendment seeks to concentrate the ability to initiate a zoning amendment to the main branches of city government that can prioritize the petition and also dictate the amount of time and resources associated with each petition. The amendment in no way seeks to restrict the right of private property owners or their authorized agents to initiate amendments. The amendment would not conflict with any of the purposes, goals, objectives, or policies of the City as stated through its various adopted planning documents.

**Finding:** The proposed amendment meets this standard and does not conflict with any adopted purposes, goals, objectives, or policies of adopted planning documents.

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

**Analysis:** Chapter *21A.02.030* of the Zoning Ordinance states:

***“PURPOSE AND INTENT:***

*The purpose of this title is to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the city, and to carry out the purposes of the municipal land use development and management act, title 10, chapter 9, of the Utah Code Annotated or its successor, and other relevant statutes. This title is, in addition, intended to:*

- a. Lessen congestion in the streets or roads;*
- b. Secure safety from fire and other dangers;*
- c. Provide adequate light and air;*
- d. Classify land uses and distribute land development and utilization;*
- e. Protect the tax base;*
- f. Secure economy in governmental expenditures;*
- g. Foster the city's industrial, business and residential development; and*
- h. Protect the environment. (Ord. 26-95 § 2(1-3), 1995)”*

The proposed amendment is considered a process-oriented change rather than a qualitative change related to any particular purpose of the Zoning Ordinance and, as such, would not conflict with any of the purposes and intents of the Zoning Ordinance.

**Finding:** The proposed amendment meets this standard and does not conflict with any of the stated purposes of 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.**

**Analysis:** The proposed text amendment would be city-wide and by its nature is not tied directly to any property or specific geographic location within the city. Therefore, the amendment would not be subject to any overlay zoning district standards.

**Finding:** The proposed text amendment meets this standard.

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

**Analysis:** The proposed text amendment is not particularly related to urban design and planning; it is more related to process. The amendment would serve to improve efficiency in time and resources used in the process of amending the City’s Zoning Ordinance and Zoning Map. By limiting who can initiate amendments to the city council, mayor, and private property owners or their agents, it prevents other city-sponsored boards and commissions and special interest groups from initiating work requests that may conflict with City legislative and administrative intent.

Those same boards, commissions, or groups could still influence amendment petitions by requesting the city council or mayor initiate the petition. The amendment would also indirectly serve to prioritize petitions initiated by City officials, both elected and appointed to avoid wasted resources and conflicting interests.

**Finding:** The proposed text amendment meets this standard by improving the Zoning Ordinance and Zoning Map amendment process.

***Attachment A***  
Proposed Amendment

Chapter 21A.50  
AMENDMENTS

21A.50.010: PURPOSE STATEMENT:

21A.50.020: AUTHORITY:

21A.50.030: INITIATION:

21A.50.040: PROCEDURE:

21A.50.050: STANDARDS FOR GENERAL AMENDMENTS:

21A.50.060: LIMITATION ON AMENDMENTS:

21A.50.070: APPEAL OF DECISION:

21A.50.010: PURPOSE STATEMENT:

No change...

21A.50.020: AUTHORITY:

No change...

21A.50.030: INITIATION:

~~Amendments to the text of this title or to the zoning map may be initiated by filing an application for an amendment addressed to the planning commission.~~ Applications for amendments to the text of this title or to the zoning map may be initiated by the mayor, a city council member, ~~a planning commissioner,~~ or the owners of the property<sup>ies</sup> included in the application, or the property owner's <sub>authorized agent</sub>. Applications related to H historic preservation overlay districts or landmark sites shall be initiated as provided in subsection 21A.34.020C1 of this title. (Ord. 26-95 § 2(25-2), 1995)

21A.50.040: PROCEDURE:

An amendment to the text of this title or to the zoning map initiated by any of the methods described in section 21A.50.030 of this chapter shall be processed in accordance with the following procedures:

A. Application: An application shall be made to the zoning administrator on a form or forms provided by the office of the zoning administrator, which shall include at least the following information:

1. A statement of the text amendment or map amendment describing the purpose for the amendment and the exact language, boundaries and zoning district;
2. Street address and legal description of the property;
3. A complete description of the proposed use of the property where appropriate;
4. Site plans drawn to scale (where applicable);
5. Related materials or data supporting the application as may be determined by the applicant and the zoning administrator;

B. Fees: The application for an amendment shall be accompanied by the fee shown on the Salt Lake City consolidated fee schedule. Applications filed by a city council member, ~~planning commissioner~~ or the mayor shall not require the payment of any fees.

C. Determination Of Completeness: Upon receipt of an application for an amendment, the zoning administrator shall make a determination of completeness pursuant to section [21A.10.010](#), "General Application Procedures", of this title.

D. Staff Report: A staff report evaluating the amendment application shall be prepared by the planning director.

E. Planning Commission Public Hearing: The planning commission shall schedule and hold a public hearing on the completed application in accordance with the standards and procedures for conduct of the public hearing set forth in chapter [21A.10](#), "General Application And Public Hearing Procedures", of this title.

F. Planning Commission Decision: Following the public hearing, the planning commission shall recommend approval or denial of the proposed amendment or the approval of some modification of the amendment and shall then submit its recommendation to the city council.

G. City Council Hearing: The city council shall schedule and hold a public hearing to consider the proposed amendment in accordance with the standards and procedures for conduct of the public hearing set forth in chapter [21A.10](#), "General Application And Public Hearing Procedures", of this title.

H. City Council Decision: Following the hearing, the city council may adopt the proposed amendment, adopt the proposed amendment with modifications, or deny the proposed amendment. However, no additional land may be zoned to a different classification than was contained in the public notice, and no land may be rezoned to a less restricted classification, without new notice and hearing. (Ord. 24-11, 2011)

#### 21A.50.050: STANDARDS FOR GENERAL AMENDMENTS:

No change...

#### 21A.50.060: LIMITATION ON AMENDMENTS:

No application for an amendment to this title shall be considered by the city council or the planning commission within one year of the withdrawal by the applicant or final decision of the city council upon a prior application covering substantially the same subject or substantially the same property. This determination shall be made by the zoning administrator upon receipt of an application pursuant to section [21A.50.030](#) of this chapter. This provision shall not restrict the mayor, ~~or~~ a city council member ~~or a planning commissioner~~ from proposing any text amendment or change in the boundaries of any of the districts in this title at any time. (Ord. 26-95 § 2(25-5), 1995)

#### 21A.50.070: APPEAL OF DECISION:

No change...