



Briefing for the Planning Commission

Planning Division
Community & Economic Development Department

To: Planning Commission

From: Nole Walkingshaw, Ray Milliner, Daunte Rushton, and Daniel Echeverria

Date: July, 13, 2011

Re: Petition # PLNPCM2009-00615. Zoning Ordinance Amendment Creating SNB zone.

Background

On April 24, 2009, Mayor Ralph Becker initiated a petition requesting that the Planning Division analyze the appropriateness of rezoning lower intensive commercial uses to appropriate zoning districts. Since that time, the Planning Division has taken a comprehensive look at small businesses in all neighborhoods of the City. It is well known that these businesses are an essential component to the sustainability and vibrancy of our neighborhoods, providing much needed services to the community. Many of them have been in their current location for more than 50 years and have become local institutions.

To date staff has made the following progress:

1. Prepared an inventory of all existing small business located within residential districts of the City, identifying existing uses, nonconforming uses, and generally describing the property.
2. Developed a new zoning classification titled "Small Neighborhood Business." The district is intended for small sites in or near residential neighborhoods, which may include midblock small commercial uses. It is generally applicable to existing commercial uses meeting these criteria.
3. Developed the "Small Neighborhood Business Report" This document summarizes staff progress to date. Copies of the document are available at www.sl.gov.com/ced/planning/snba/docs/SNBA_FullPackage_ReducedSize.pdf

4. Conducted a survey of business owners, property owners and residents to garner public opinion regarding small businesses and their impacts, both positive and negative. Copies available at www.slcgov.com/ced/planning/snba/docs/Chapter4.pdf.
5. Consulted with the public and local business groups. www.peakdemocracy.com/680.

Over the next months, the Planning Commission will be reviewing a number of petitions related to this project including:

- Draft ordinance amendment to create a new zone designation.
- Zoning Map amendments to rezone nonconforming uses to commercial designations
- Amendments to the various master plan future land use maps to accommodate proposed zone changes.

This memorandum represents the first step in the public process of the project. The purpose thereof is to introduce the language for the Small Neighborhood Business (SNB) zone to the Planning Commission. A draft of the proposed language is attached to this memo, and Staff is seeking review and direction from the Commission.

PUBLIC PROCESS

On June 21, staff conducted a public open house at the Salt Lake City library. The reason for the open house was to gather information relating to the project, including specifics regarding the proposed SNB ordinance. The event was held from 9:00 am until 8:00 pm. Staff mailed over 5,000 custom designed notifications to the business community, and personally delivered notification to all nonconforming uses affected by the project. The event was well attended, and comments are attached to this report.

Further, the project team has met with the Greater Avenues Community Council, the East Central Community Council, and the Salt Lake City Business Advisory Board. In addition, information inserts were provided to the attendees of the 2010 and 2011 Neighborhood Business Conference, and newsletter articles were included in the Greater Avenues Community Council Newsletter and the Planning Divisions Newsletter “Urbanus.” Discussions have been held with many individuals and property/business owners.

The project is featured on the City Open City Hall web page at www.slcgov.com/opencityhall and has received a number of comments from the public (see attachment B).

Issues/Requests

Small Neighborhood Business Zone

Issue: Currently many of the nonconforming uses within neighborhoods are located mid-block, surrounded by residential uses, or on a corner with residential uses on all sides. Generally these businesses have limited parking, and are on very small lots. As a result, the traditional zones designed for residential neighborhoods such as Neighborhood Commercial (CN), or Commercial Business

(CB) may not be appropriate, as they allow uses that may be too intense for the site, or have other requirements that do not fit the specifics of these lots. As a result, staff has created the SNB zone, the purpose of which is:

Purpose Statement

The purpose of the Small Neighborhood Business zoning district is to provide areas for small commercial uses to be located adjacent to residential land uses, including midblock. This district will preserve and enhance older commercial structures and storefront character by allowing a variety of commercial uses and placing more strict regulations on new construction and major additions to existing buildings. The regulations are intended to restrict the size and scale of the commercial uses in order to mitigate negative impacts to adjacent residential development and encourage pedestrian-oriented development. This zoning district is appropriate in places where it is supported by a community master plan, small area master plan or other adopted City Policies.

By creating this zone, small nonconforming businesses will become conforming, and can therefore operate without the issues and problems that come along with nonconformity. Currently, it is difficult or impossible for nonconforming businesses to get loans, or expand, which may be essential to the overall survivability of the business. The creation of the SNB zone will remove much of the uncertainty associated with being a nonconforming business, as the uses, and site requirements will be established and clear for the business owners, the neighboring residences and those who regulate the business.

In addition to the creation of the SNB zone, staff is proposing modifications to various other sections of the Ordinance. Most significantly are modifications to the purpose statements to the CN and CB zones. These changes will bolster the neighborhood/pedestrian motives behind the zones.

Proposed Code Changes

The proposed amendment creates a new zoning category called the Small Neighborhood Business (SNB) zone. If adopted, the zone would be included in Chapter 21A.26 Commercial Zones of the Zoning Ordinance. Uses would be featured in the table of permitted and conditional uses, and a section would be added to the sign chapter.

Below is a summary of basic requirements in the ordinance.

Lot Width

The minimum lot width for most uses would be 50 feet.

Maximum Zone Size

The maximum area for each zoning area would be 16,000 square feet. The intent of this requirement is to limit the amount of commercial in one spot, thereby reducing the impact on adjacent residences.

Setbacks

In general, all setback requirements will be based on the requirements in the residential zones adjacent to the property. I.E. a SNB property adjacent to a SR-1A property would be required to meet the setbacks of the SR-1A zone. If a property abutted two different residential zones, then the most restrictive requirements would apply.

Maximum Height

The maximum height shall be 25 feet, unless the adjacent zone height limit is less, in which case the most restrictive height limit would apply.

Hours of Operation

The hours of operation for all SNB businesses shall be 7:00 am – 10:00 pm.

Design

Featured below are requirements for the design of construction in the SNB zone. The purpose of the requirements is to ensure that major modifications to buildings or new construction maintain the pedestrian orientation that traditionally is associated with neighborhood commercial buildings, as well as add architectural interest to the buildings. In addition to these requirements, all buildings built or modified within historic districts will be required to be reviewed for compliance with the Salt Lake City historic district design guidelines.

Proposed code language:

Minimum First Floor Glass

The first floor elevation of all new façades facing a street, or buildings in which the property owner is modifying the size of windows on the front facade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be non-reflective. The window face of display windows that are three-dimensional and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized through the conditional building and site design review process, subject to the requirements of chapter 21A.59 of this title. The planning director may approve a modification to this requirement if the planning director finds:

- A. The requirement would negatively impact the historic character of the building, or
- B. The requirement would negatively impact the structural stability of the building.
- C. This requirement would not be required for first floor residential development.

Façade Articulation

Structures of greater than 30 feet in width shall consist of one of the following design features:

- A. The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall not exceed 75% of the building façade.
- B. Changes of color, texture, or material, either horizontally or vertically, at intervals of not less than 10 feet and not more than 20 feet;
- C. A repeating pattern of wall recesses and projections, such as bays, offsets, reveals or projecting ribs, that has a relief of at least eight inches.

Primary Entrance Design

Primary entrance design shall consist of at least three of the following design elements at the primary entrance, so that the primary entrance is architecturally prominent and clearly visible from the abutting street. Alternatives to these standards may be reviewed by the Planning Director:

- A. Architectural details such as arches, friezes, tile work, canopies, or awnings.
- B. Integral planters or wing walls that incorporate landscape or seating.
- C. Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, or decorative pedestal lights.
- D. A repeating pattern of pilasters projecting from the façade wall by a minimum of eight inches or architectural or decorative columns.
- E. Recessed entrances that include a minimum step back of 2 feet from the primary façade and that include glass on the sidewalls.

Exterior Lighting

Exterior lighting for structures in the SNB zone shall have the following qualities in addition to lighting requirements found in Section 21A.24.010.K.

- A. Exterior lighting shall be down directed and shielded from adjacent properties.
- B. All exterior and interior lighting features that are readily visible from the exterior shall not strobe, flash, or flicker.

Fine Tuning

The remainder of the changes proposed are relate to various modifications where references to the SNB zone would be necessary, such as in the accessory use chapter, and the parking chapter.

CN CB Zone Purpose Statements

In addition to the creation of the SNB zone, staff is proposing changes to the purpose statements in the Neighborhood Commercial (CN) and Community Business (CB) zones. The purpose of the amendments is to clarify the intent of the zone, making it clear that they are designed to be located adjacent to residential zones and that it is most appropriate in areas where mass transit is available.

Proposed Language:

21A.26.020: CN NEIGHBORHOOD COMMERCIAL DISTRICT:

A. **Purpose Statement:** The CN neighborhood commercial district is intended to provide for small scale, low intensity commercial uses that can be located within and serve residential neighborhoods without having significant impact upon residential uses. This district is appropriate in areas where supported by applicable master plans and along local streets that are served by multiple transportation modes, such as pedestrian, bicycle, transit and automobiles. The standards for the district are intended to ~~The design guidelines are~~ reinforce the historical scale and ambiance of traditional neighborhood retail that is ~~designed with the~~ oriented toward the pedestrian while ensuring adequate transit and automobile access. Uses are restricted in size to promote local orientation and to limit adverse impacts on nearby residential areas.

21A.26.030: CB COMMUNITY BUSINESS DISTRICT:

A. **Purpose Statement:** The CB community business district is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods while limiting adverse impacts through appropriate design standards. This district is appropriate in areas supported by applicable master plans and along collector or arterial streets. Development is intended to be oriented to the pedestrian with buildings close to the street and compatible with the scale of the adjacent neighborhood. ~~The design guidelines are intended to facilitate retail that is pedestrian in its orientation and scale, while also acknowledging the importance of transit and automobile access to the site.~~ Uses are restricted in size and intensity in order to limit adverse impacts on adjacent residential areas.

Summary

The SNB zone is designed to aid small, nonconforming commercial uses located in residential zones. It is also designed to protect adjacent residents, by limiting the mass and scale of the business, as well as providing architectural and design criteria. It is anticipated that this amendment will further City goals of creating and maintaining diverse, active, and sustainable communities that promote the best interest of the population as a whole.

Staff is requesting that the Planning Commission review the proposed SNB zoning amendments, and provide direction. If the Commission finds that the proposal is adequate, then staff will make any modifications requested and return at a subsequent meeting for a public hearing and request for possible action.

Attachments

- A. Proposed Ordinance Language
- B. Public Comment

Applicable City Web Pages

Ordinance

<http://s3.amazonaws.com/peakdemocracy/public/uploads/79/221/680/SNBAORDoch.pdf>

Report

http://www.slcgov.com/ced/planning/snba/docs/SNBA_FullPackage_ReducedSize.pdf

Executive summary of survey

<http://www.slcgov.com/ced/planning/snba/docs/Chapter4.pdf>

Open City Hall Topic for comments and additional information.

<http://www.peakdemocracy.com/680>

Link to user feedback page



Attachment A
Proposed Ordinance Language

Section 21A.26.025 SNB SMALL NEIGHBORHOOD BUSINESS

Purpose Statement

The purpose of the Small Neighborhood Business zoning district is to provide areas for small commercial uses to be located adjacent to residential land uses, including midblock. This district will preserve and enhance older commercial structures and storefront character by allowing a variety of commercial uses and placing more strict regulations on new construction and major additions to existing buildings. The regulations are intended to restrict the size and scale of the commercial uses in order to mitigate negative impacts to adjacent residential development and encourage pedestrian-oriented development. This zoning district is appropriate in places where it is supported by a community master plan, small area master plan or other adopted City Policies.

Uses

Uses in the SNB small neighborhood business district as specified in the Table of Permitted and Conditional Uses:

Legend:	C =	Conditional	P =	Permitted
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Permitted And Conditional Uses, By District Residential Districts	
Use	SNB
Residential:	
Accessory guest and servants' quarters	
Accessory uses on accessory lots	
Assisted living facility, large	
Assisted living facility, small	P
Dormitories, fraternities, sororities (see section 21A.36.150 of this title)	
Group home, large (see section 21A.36.070 of this title)	
Group home, small (see section 21A.36.070 of this title)	P
Manufactured home	P

Mixed use developments, including residential and other uses allowed in the zoning district	P ¹
Multiple-family dwellings	P
Nursing care facility (see section 21A.36.060 of this title)	
Resident healthcare facility (see section 21A.36.040 of this title)	
Residential substance abuse treatment home, large	
Residential substance abuse treatment home, small	
Rooming (boarding) house	
Single-family attached dwellings	P
Single-family detached dwellings	P
Transitional treatment home, large (see section 21A.36.090 of this title)	
Transitional treatment home, small (see section 21A.36.090 of this title)	
Transitional victim home, large (see section 21A.36.080 of this title)	
Transitional victim home, small (see section 21A.36.080 of this title)	
Twin home dwellings	P
Two-family dwellings	P
Office and related uses:	
Financial institutions with drive-through facilities	
Financial institutions without drive-through facilities	
Medical and dental clinics and offices	
Municipal service uses, including city utility uses and police and fire stations	C
Offices, excluding medical and dental clinics and offices	P ⁵
Recreation, cultural and entertainment:	
Art galleries	P
Art studio	P
Community and recreation centers, public and private on lots less than 4 acres in size	

Community gardens as defined in chapter 21A.62 of this title and as regulated by subsection 21A.24.010Q of this chapter	P
Live performance theaters	
Movie theaters	
Natural open space and conservation areas on lots less than 4 acres in size	P
Parks and playgrounds, public and private, less than 4 acres in size	
Pedestrian pathways, trails and greenways	P
Private clubs/tavern/ lounge/brewpub; 2,500 square feet or less in floor area	
Studio, dance, music, art classes type	P ⁶
Retail sales and service:	
Gas station (may include accessory convenience retail and/or minor repairs) as defined in chapter 21A.62 of this title	
Health and fitness facility	P ⁷
Liquor store	
Restaurants, without drive-through facilities	
Retail goods establishments	P ²
Retail service establishments	P ²
Institutional:	
Adult daycare center	
Child daycare center	
Daycare, registered home daycare or preschool	P
Governmental uses and facilities	C
Library	P ⁷
Museum	P ¹⁰
Places of worship on lots less than 4 acres in size	P ⁸
School, music conservatory	

Schools, professional and vocational	
Seminaries and religious institutes	C
Commercial:	
Laboratory, medical, dental, optical	
Plant and garden shop, with outdoor retail sales area	
Miscellaneous:	
Accessory uses, except those that are otherwise specifically regulated in this chapter, or elsewhere in this title	P
Bed and breakfast (In Landmark Site)	P ⁹
Bed and breakfast inn	
Bed and breakfast manor	
Crematorium	
Farmers' Market	
Funeral home	
House museum in landmark sites (see subsection 21A.24.010T of this chapter)	C
Offices and reception centers in landmark sites (see subsection 21A.24.010T of this chapter)	C
Park and ride parking, shared with church parking lot on arterial street	
Parking, off site facilities (accessory to permitted uses)	
Parking, off site (to support nonconforming uses)	
Public/private utility buildings and structures ³	P ³
Public/private utility transmission wires, lines, pipes and poles ⁵	P
Reuse of church and school buildings	
Veterinary offices	
Wireless telecommunications facilities (see table 21A.40.090E of this title)	C

Qualifying provisions:

1. Residential units may be located above first floor retail/office.
2. Construction for a nonresidential use shall be subject to all provisions of subsections [21A.24.160I](#) and [J](#) of this chapter.
3. See subsection [21A.02.050B](#) of this title for utility regulations.
4. Medical/Dental Clinics
5. Medical/Dental offices
6. Studio, Dance
7. Health and Fitness provision
8. Place of worship
9. Bed and breakfast Landmark site
10. Museum

Conditional Building and Site Design Review

Projects which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the planning commission pursuant to the provisions of section 21A.55 of this title.

Minimum Lot Area and Lot Width: The minimum lot areas and lot widths required in this district are as follows:

Land Use	Minimum Lot Area	Minimum Lot Width
<i>Dwelling unit, located above first floor retail or office uses</i>	<i>Included in principal use</i>	<i>Included in principal use</i>
<i>Municipal service uses, including city utility uses and police and fire stations</i>	<i>No minimum</i>	<i>No minimum</i>
<i>Natural open space and conservation areas, public and private</i>	<i>No minimum</i>	<i>No minimum</i>
<i>Places of worship less than 4 acres in size</i>	<i>5,000 square feet</i>	<i>50 feet</i>
<i>Public pedestrian pathways, trails and greenways</i>	<i>No minimum</i>	<i>No minimum</i>
<i>Public/private utility transmission wires, lines, pipes and poles</i>	<i>No minimum</i>	<i>No minimum</i>
<i>Retail goods establishments, when located within an existing building originally designed for</i>	<i>5,000 square feet</i>	<i>50 feet</i>

<i>residential use</i>		
<i>Retail service establishments, when located within an existing building originally designed for residential use</i>	<i>5,000 square feet</i>	<i>50 feet</i>
<i>Single-family detached dwellings</i>	<i>5,000 square feet</i>	<i>50 feet</i>
<i>Two-family dwellings</i>	<i>8,000 square feet</i>	<i>50 feet</i>
<i>Other permitted or conditional uses as listed in section 21A.24.190 of this chapter</i>	<i>5,000 square feet</i>	<i>50 feet</i>

Maximum District Size

16,000 square feet

Yard Requirements

1. Front and Corner Side Yard. *Front and Corner Side Yard Setbacks shall be equal to the required yard areas of the abutting zoning district along the block face. When the property abuts more than one zone the more restrictive requirement shall apply.*
2. Interior Side Yard. *Interior Side Yard equal to the required yard areas of the abutting zoning district along the block face. When the property abuts more than one zone the more restrictive requirement shall apply.*
3. Rear Yard. *Rear Yard Setbacks shall be equal to the required yard areas of the abutting zoning district along the block face. When the property abuts more than one zoning district the more restrictive requirement shall apply.*
4. Buffer Yards. *Any lot abutting a lot in a residential district shall conform to the buffer yard requirements of Part IV, Chapter 21A.48, Landscaping and Buffers.*
5. Accessory Buildings and Structures in Yards. *Accessory buildings and structures may be located in a required yard subject to Part IV, Chapter 21A.36, Section 21A.36.020B, Table 21A.36.020B, Obstructions in Yards.*
6. Parking in Required Yard Area: *No Parking is allowed within the front or corner side yard.*

Landscape Yard Requirements

Front and corner side yards shall be maintained as landscape yards. Subject to site plan review approval, part or the entire landscape yard may be a patio or plaza, conforming to the requirements of Part IV, Chapter 21A.48, Landscaping and Buffers, Section 21A.48.090.

Maximum Height

Twenty-five feet (25'). However, in no instance shall the height exceed the maximum height of any abutting residential zoning district along the blockface.

Maximum Height of Accessory Structures

Refer to Section 21A.40.050.C

Hours of Operation

Businesses in the SNB zone shall be open to the general public no earlier than 7:00 a.m. and no later than 10:00 p.m.

Minimum First Floor Glass

The first floor elevation of all new façades facing a street, or buildings in which the property owner is modifying the size of windows on the front facade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be non-reflective. The window face of display windows that are three-dimensional and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized through the conditional building and site design review process, subject to the requirements of chapter 21A.59 of this title. The planning director may approve a modification to this requirement if the planning director finds:

- A. The requirement would negatively impact the historic character of the building, or
- B. The requirement would negatively impact the structural stability of the building.
- C. This requirement would not be required for first floor residential development.

Facade Articulation

Structures of greater than 30 feet in width shall consist of one of the following design features:

- A. The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall not exceed 75% of the building façade.
- B. Changes of color, texture, or material, either horizontally or vertically, at intervals of not less than 10 feet and not more than 20 feet;
- C. A repeating pattern of wall recesses and projections, such as bays, offsets, reveals or projecting ribs, that has a relief of at least eight inches.

Primary Entrance Design

Primary entrance design shall consist of at least three of the following design elements at the primary entrance, so that the primary entrance is architecturally prominent and clearly visible from the abutting street. Alternatives to these standards may be reviewed by the Planning Director:

- A. Architectural details such as arches, friezes, tile work, canopies, or awnings.
- B. Integral planters or wing walls that incorporate landscape or seating.
- C. Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, or decorative pedestal lights.
- D. A repeating pattern of pilasters projecting from the façade wall by a minimum of eight inches or architectural or decorative columns.
- E. Recessed entrances that include a minimum step back of 2 feet from the primary façade and that include glass on the sidewalls.
- F. Screening: All building equipment and service areas, including on grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building. Refer to section 21A.48.120 for refuse dumpster screening requirements.

Exterior Lighting

Exterior lighting for structures in the SNB zone shall have the following qualities in addition to lighting requirements found in Section 21A.24.010.K.

- A. Exterior lighting shall be down directed and shielded from adjacent properties.
- B. All exterior and interior lighting features that are readily visible from the exterior shall not strobe, flash, or flicker.

Signs

STANDARDS FOR THE SNB DISTRICT

<u>Type of Signs Permitted:</u>	<u>Maximum Area Per Sign Face:</u>	<u>Maximum Height of Free Standing Signs^1:</u>	<u>Minimum Setback:</u>	<u>Number of Signs Permitted Per Sign Type:</u>
Awning sign/ canopy sign	10 square feet (sign area only)	See note 1	May extend 5 feet from face of building, but shall not extend across a property line	1 per first floor door/window
Construction sign	16 square feet	4 feet	3 feet	1 per street frontage
Garage/yard sale sign	6 square feet	4 feet	3 feet	1 per street frontage
Projecting business storefront sign	4 square feet per side; 8 square feet total	See note 1. Signface limited to 2 feet in height	May extend 4 feet from the face of the building, but no more than 2 feet from back of curb. See note 2	1 per street frontage

Nameplate	2 square feet	See note 1	N/A	1 per building entry
Political sign	10 square feet	4 feet	5 feet	No limit
Private directional sign	6 square feet	4 feet	3 feet	No limit
Public safety sign	8 square feet	6 feet	5 feet	No limit
Real estate sign	8 square feet	4 feet	5 feet	1 per street frontage
Window sign	4 square feet	See note 1	N/A	Not to exceed 25% of the window area or compromise the "visible" qualities of a window, see subsection 21A.46.020 for definition.

Notes:

1. For heights limits on building signs, see subsection 21A.46.070J of the Sign Ordinance.
2. Public property lease and insurance required for projection over property line.

New Nonresidential Construction:

Construction of a new principal building, parking lot or addition to an existing building for a nonresidential use that includes the demolition of a residential structure or a structure containing residential units shall only be through a Conditional Building And Site Design Review Process pursuant to chapter 21A.59 of this title and subject to the design standards of subsection I of this section; provided, that in such cases the planning commission finds that the applicant has adequately demonstrated the following:

Enlargement of A Structure:

The enlargement by square footage of an existing structure may be approved by an Administrative Hearing Officer only if all of the following conditions are met:

1. Use is permitted in the zone.

2. The proposed use is compatible to the neighborhood in terms of development intensity, building configuration, building height, and building bulk.
3. The traffic generated by the proposed expansion is similar to that generated by the existing use or off street parking is available for the additional square footage.
4. The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.

21A.40.050.C Maximum Height of Accessory Buildings/Structures:

1. Accessory To Residential Uses In The FP District, RMF Districts, RB, R-MU Districts, **SNB** and the RO District: The height of accessory buildings/structures in residential districts shall conform to the following:

- a. The height of accessory buildings with flat roofs shall not exceed twelve feet (12');
- b. The height of accessory buildings with pitched roofs shall not exceed seventeen feet (17') measured to the midpoint of the roof; and
- c. Accessory buildings with greater building height may be approved as a special exception, pursuant to chapter 21A.52 of this title.

21A.44.020.L. Off Site Parking Facilities:

1. The maximum distance between the proposed use and the closest point of the off site parking facility shall not exceed five hundred feet (500'). However, in the D-1 district, such distance shall not exceed one thousand two hundred feet (1,200').

2. Projects requiring off site, shared, and/or alternative parking in areas of the city where a UI zoning district abuts a D-1 district, the following apply:

- a. For a project located within a UI district, the area available for off site, shared, and/or alternative parking shall not exceed five hundred feet (500') within the UI district unless the D-1 district is located within one thousand two hundred feet (1,200'), in which case the area available for off site, shared, and/or alternative parking may extend up to one thousand two hundred feet (1,200') from the project in the direction of the D-1 district;
- b. For a project located within a D-1 district, the area available for off site, shared, and/or alternative parking shall not exceed one thousand two hundred feet (1,200'); however, if the UI district is located within one thousand two hundred feet (1,200'), the area available for off site, shared, and/or alternative parking shall not extend into the UI district more than five hundred feet (500');
- c. The maximum distance between the proposed use and the off site, shared, and/or alternative parking shall be measured radially from the closest property line of the proposed use to the closest property line of the off site, shared, and/or alternative parking;

d. Parking stalls shall not be counted more than once in off site, shared, and/or alternative parking plans for different facilities, except where different plans comply with off site, shared, and/or alternative parking regulations due to hours of operation, days of usage, or other reasons.

3. Off site parking to support uses in the CB, CN, RB, ***SNB***, MU, R-MU, R-MU-35 and R-MU-45 zone need not comply with the maximum five hundred foot (500') distance limitation, provided the applicant can demonstrate that a viable plan to transport patrons or employees has been developed.

21A.44.020. M. Parking Exemptions For Pedestrian Friendly Development:

1. In the CB, CN, RB, ***SNB***, MU, R-MU, R-MU-35 and R-MU-45 zoning districts, businesses may be granted a partial exemption from off street parking requirements if they satisfy the criteria set forth below.

2. For any business that has pedestrian friendly amenities, such as bike racks, baby buggy parking areas, benches or other similar pedestrian oriented amenities, which are located within one hundred feet (100') of the entrance to the business, either on public or private property, the first two thousand five hundred (2,500) square feet of the building area shall be excluded from parking calculations and exempt from parking requirements. Any such pedestrian oriented amenities must be permanently affixed to the property and shall be installed and maintained at the property owner or business owner's expense. Any pedestrian oriented amenities to be located on public property may only be installed pursuant to authorization granted by appropriate city officials, and upon proof of adequate insurance coverage to protect the city from liability.

3. For any business which meets the criteria set forth in subsection M2 of this section, and which also has time limited on street parking of two (2) hours or less ending at six o'clock (6:00) P.M. located within the commercially zoned area and within one hundred feet (100') of the entrance to the business, the first three thousand five hundred (3,500) square feet of the building area shall be excluded from parking calculations and exempt from parking requirements. Any request to change unlimited on street parking to time limited on street parking must be reviewed and approved by appropriate city officials.

4. For any business which meets the criteria set forth in subsection M2 of this section and which also has angular parking spaces which provide traffic calming and provide shorter unprotected crossing distances by narrowing the roadway, and which parking spaces are located within the commercially zoned area and within one hundred feet (100') of the entrance to the business, the first three thousand five hundred (3,500) square feet of building area shall be excluded from parking calculations and exempt from parking requirements. Any request to create angular on street parking spaces where such parking does not now exist, must be reviewed and approved by appropriate city officials.

5. For any business which meets the criteria set forth in subsections M2, M3 and M4 of this section, the first five thousand (5,000) square feet of building area shall be excluded from parking calculations and exempt from parking requirements.

Purpose Statement Revisions

It has been requested that we revise the Neighborhood Commercial (CN) and the Community Business (CB) zoning district purpose statements to be consistent with the changes proposed by petition number PLNPCM2009-00173 and reflect the opinions of the community. The proposed amendments are based upon the Zoning Amendment Project (ZAP) meetings held in the spring of 2009.

21A.26.020: CN NEIGHBORHOOD COMMERCIAL DISTRICT:

A. **Purpose Statement:** The CN neighborhood commercial district is intended to provide for small scale, low intensity commercial uses that can be located within *and serve* residential neighborhoods ~~without having significant impact upon residential uses.~~ *This district is appropriate in areas where supported by applicable master plans and along local streets that are served by multiple transportation modes, such as pedestrian, bicycle, transit and automobiles. The standards for the district are intended to *The design guidelines are* reinforce the historical scale and ambiance of traditional neighborhood retail that is ~~designed with the~~ *oriented toward the* pedestrian while ensuring adequate transit and automobile access. *Uses are restricted in size to promote local orientation and to limit adverse impacts on nearby residential areas.**

21A.26.030: CB COMMUNITY BUSINESS DISTRICT:

A. **Purpose Statement:** The CB community business district is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods *while limiting adverse impacts through appropriate design standards. This district is appropriate in areas supported by applicable master plans and along collector or arterial streets. Development is intended to be oriented to the pedestrian with buildings close to the street and compatible with the scale of the adjacent neighborhood.* ~~The design guidelines are intended to facilitate retail that is pedestrian in its orientation and scale, while also acknowledging the importance of transit and automobile access to the site.~~ *Uses are restricted in size and intensity in order to limit adverse impacts on adjacent residential areas.*

Attachment B
Public Comment

ROBERT FARRINGTON, JR.
DEPUTY DIRECTOR

SALT LAKE CITY CORPORATION
DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
DIVISION OF ECONOMIC DEVELOPMENT

RALPH BECKER
MAYOR

June 8, 2010

Salt Lake City Council
451 South State Street, Room 304
Salt Lake City, Utah 84114-5474

Re: Small Neighborhood Business Amendment

Honorable Members of the City Council,

I am writing you today to express support for current efforts by the City's Planning Division to address the zoning of non-conforming small businesses in Salt Lake City (the City). Nole Walkingshaw, from the Planning Division, presented the proposed Small Neighborhood Business Amendment to the Business Advisory Board last month during the May 11th meeting. The topic was both well presented and well received by our Board.

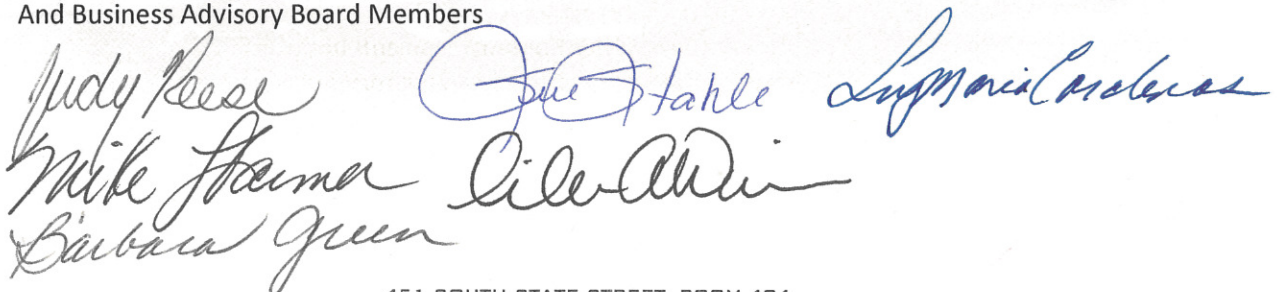
As current Chair of the Business Advisory Board, I feel comfortable in expressing wide support for the Small Neighborhood Business Amendment from our board. We all felt that this effort will clarify zoning for many commercial properties currently labeled as non-conforming. Additionally, we feel that this will have a positive impact on local businesses and on many of the City's Neighborhood Business Districts. If you like to discuss this issue with us, please feel free to contact me or any other member of the Business Advisory Board.

Cordially,



Ellen Reddick, Chair
Business Advisory Board

And Business Advisory Board Members



451 SOUTH STATE STREET, ROOM 404
P.O. BOX 145486, SALT LAKE CITY, UTAH 84114-5486
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WWW.SLCGOV.COM/CED



Small Neighborhood Business Amendment

What do you think about the proposed ordinance?

Public comments as of July 1, 2011, 11:25 AM

All Participants around Salt Lake City



As with any public comment process, participation in Open City Hall is voluntary. The statements in this record are not necessarily representative of the whole population, nor do they reflect the opinions of any government agency or elected officials.

Small Neighborhood Business Amendment

What do you think about the proposed ordinance?

Introduction

The Planning

Division is taking a comprehensive look at small businesses located within neighborhoods of the City. The purpose of this endeavor is to complete a comprehensive study of the small businesses located in the residential neighborhoods, to identify nonconforming uses, and apply appropriate zoning to commercial uses in primarily residential areas.

Small Neighborhood Business Amendment

What do you think about the proposed ordinance?

As of July 1, 2011, 11:25 AM, this forum had:

Attendees:	207
Participants around Salt Lake City:	14
Minutes of Public Comment:	42

Small Neighborhood Business Amendment

What do you think about the proposed ordinance?

All Participants around Salt Lake City

Kirk Huffaker in District 3

June 23, 2011, 11:41 AM

Adopting the SNBA is extremely important for building strength in neighborhoods across the entire city. And frankly, this is a warranted reversal in direction from the 1995 zoning ordinance changes that have held the city back from many goals: neighborhood revitalization, small local business support and growth, encouraging building construction and rehabilitation including saving small historic buildings.

Two items to consider including:

- 1) an option for utilizing shared parking for 2 or more businesses that have locational adjacency;
- 2) encouragement in the use of the commercial historic building design guidelines, not only in historic districts and for historic sites, but also as a guide for other older structures as well as a precedent for new construction based on a model that has worked for decades.

Jon Dibble in District 6

June 22, 2011, 9:55 PM

I appreciate the efforts to encourage small, neighborhood friendly businesses in these areas. Efforts to control light and sound pollution are appreciated. I agree with the limitation on hours of operation for any such businesses. Many of my neighbors and I agree that bars, sports bars, taverns and pubs should not be allowed in the middle of our residential neighborhoods. However, we are concerned that the table of uses not be amended later to include any of these types of establishments.

We especially do not want bars, sports bars, taverns or pubs near the busy intersection of 1300 South and 2100 East. We don't need impaired drivers pulling in and out of traffic at that location or at any other location in residential neighborhoods.

Suzanne Stensaas in District 7

June 19, 2011, 7:44 PM

I bike when I can and I really enjoy seeing the small businesses that are cropping up. I try to patronize them for convenience and keeping the dollars local. I really can't opine on the parking problems, as I am making a general statement about preference. I support changes that support LOCAL business in attractive facilities that make good neighbors and neighborhoods. Being involved in fighting the Parleys Way Walmart expansion I know how powerful their resources are and how impotent a small business owner can feel.

Scott Kisling in District 7

June 16, 2011, 3:34 PM

Thank you for the opportunity to voice my opinion. With only a quick screen, it appears that the proposed ordinance changes are good. My biggest concern is in how to handle non-conformances. Articulating the concept into ordinance text will be difficult, but I'll use the following two examples to convey the concept:

1. The Walmart property on Parleys Way is an example of a non-conformance that should be redeveloped to the existing zone; access and surrounding uses are incompatible with large retail stores that draw from a broad community, and the existing building has no architectural or historical value.

Small Neighborhood Business Amendment

What do you think about the proposed ordinance?

All Participants around Salt Lake City

2. The Ruben Cabello salon at 569 2nd Avenue is an example of a non-conformance which should be made legal and conforming, because it draws heavily (even though perhaps not predominantly) from the surrounding neighborhood, has adequate on-street parking (at most a half block away but typically within a few car lengths) and especially because the building has architectural (if not historical) value. Furthermore, the building behind the main building at this location has potential for a variety of uses, including art studio space, and should be allowed to be occupied.

The charts within the survey are misleading and certainly not up to the typical quality of Dan Jones & Associates. In many of the bar charts, percentages should have been graphed instead of number of responses. The example on page 70 (the only one with the warning note) would make you believe that far more people in the Central City want small or local shops, when the percentage there that do (20%) is less than the percentage of Capital Hill residents (21%), and far less than the percentage of Avenues residents that want small or local shops (33%).

Again, thanks.

Scott

MATTHEW STOUT in District 4

June 16, 2011, 12:45 PM

I currently run a small mortgage and insurance agency located at 307 E 900 South from an RB zoned building that is converted from a home to an office. Before this location I paid \$2500 a month in rent. Now I pay \$1300 on a mortgage that will one day be paid for. I employ 11 people, but only 3 work at the "office," as the others telecommute. Without the affordable location, we would have been out of business at the start of the real estate melt down. That's 11 jobs. On a typical week we have 2 people come to our location (other than the 3 that work here). My property is by far the nicest looking like it on the street. The other residential properties that are still residences are mostly run down buildings and are rentals. They have no chance of being a business due to the current parking requirements. This poses a large problem as the highest and best use on 900 south is as a business. The more similar your neighbors are, the more business you attract.

Sadly the city stopped the use of parking strip conversion to parking spaces. There are easily 30 parking spots per block that could be created if the grass was replaced with parking. The revenue from sales taxes and parking meters would pay for this. Heck, the water alone would pay for it. Since parking is always a concern in mixed use areas, it seems like a move to make more is a good idea.

I realize this is an area of transition and people that live in these areas do not want to be in a business district. Perhaps there needs to be a clear line based on current and future traffic trends. If a street is projected to be a main traffic area, then small businesses use should be encourage. This only helps jobs and increases tax revenue, thus lowering the tax burden to the surrounding residences.

I welcome anyone's ideas on this issue and am excited to see our leaders taking it on.

Matt Stout

matt.stout@myhomegoals.com

Small Neighborhood Business Amendment

What do you think about the proposed ordinance?

All Participants around Salt Lake City

I live in the YaleCrest neighborhood and am 1 block away from the small businesses located at 1300 South and 1700 East intersection. In the past 3 years major changes in the type, size and patronage of those businesses have occurred that have greatly impacted our otherwise quiet neighborhood, including parking, traffic in both amount, stopping violations and traveling speed and over-lighting.

While I understand the intention of reducing parking requirements associated with commercial entities in a residential neighborhood to encourage walking to the establishments, it isn't working. There are a number of reasons for this: resident habit and social destination/rendezvous from patrons all over the city. The new city ordinance requiring less parking stalls for commercial entities in residential neighborhoods has resulting in increased parking on city streets by patrons and workers for extended periods of time (18 hr/day, 7 days a week) such that residents (living in relatively high density with small garages and limited frontage) can no longer find space for their OWN vehicle(s). This has caused confrontations between homeowners/patrons and lowered residential property values around said commercial entities.

In addition, YaleCrest is on the national historic district register, yet the architecture in both style and scale is conflicting with the local neighborhood. A neighborhood commercial zone should reflect the character of the neighborhood in terms of style, scale, and limited lighting (density and type) and noise to maintain neighborhood ambiance.

Lastly, it is important to consider the type of commercial entities that are allowed in residential commercial zones in terms of patron size, traffic density and parking needs. In terms of traffic, dining facilities have greater traffic needs (parking for social destinations between multiple patrons from various areas of the city) for extended durations of time (average dining time 2 hours) over longer time periods (breakfast vs lunch vs dinner vs multiple meals are open 18 hrs/day for up to 7 days a week). In contrast, grocery stores, delis, pharmacies, hair salons, gas stations, boutique retail that have limited retail hours of operation (~8 hrs/day), but short duration parking needs (average parking duration ~15-30 minutes). Optimally, the 4 corners of a typical intersection would have businesses that require different traffic density and parking needs to optimize service and quality of life for the residents, yet provide the necessary density of out-of-area patronage for the commercial entities to survive.

City Zoning should reflect these issues to enhance the residential/commercial interaction such that both parties can flourish. Thank you for your considerations of this issue.

Lynn Kennard Pershing
1715 Laird Ave
YaleCrest Neighborhood

morgan galbraith in District 4

May 27, 2011, 6:52 AM

I understand both sides of this argument. I do like to support small local businesses, but I often find myself at stores like Winco because they offer a much wider selection of products. The city needs to embrace the stores like Winco because even though they give them huge tax breaks they do provide

Small Neighborhood Business Amendment

What do you think about the proposed ordinance?

All Participants around Salt Lake City

for scores of jobs. Right now I use the Winco that is not located in Salt Lake City, because there is not one here, but if we were to get a Winco it would bring that small revenue, even with the tax breaks, to our city instead of Midvale or West Valley City. I believe that we as a community should support the local establishments, but only if they are meeting the needs of our community.

John Wilkes in District 5

May 19, 2011, 11:25 AM

Small locally owned businesses are desirable? Who knew?

As we've seen Costco's and Wal-Mart's, as well as other large, warehouse/big box stores, and other buildings pop-up all over our city, especially downtown, I have heard people constantly and consistently supporting neighborhood small businesses for several years (I've lived here for over 25).

Why is the city only starting to listen now to what (to me) seems like common sense in a city where the quality of life is closely linked to wilderness, recreation, and preservation? Seems like a "no-brainer."

Small locally owned businesses are important because the money stays here, in SLC and Utah. Nationwide, Multi-national conglomerates export most of their money elsewhere, mainly to their headquarters and manufacturing locales. They create more jobs elsewhere than they do in the community.

The important thing is will city and state government listen to the results of this survey, or continue to "establish a tax base," or "stimulate economic growth," and pander to big corps who will build here as long as our city and state give them huge tax breaks?

I am not optimistic in this regard, but I am hopeful.

By the way, I live in the heart Central City, and did not receive any such survey.

Kyle Deans in District 5

May 9, 2011, 1:30 PM

I like the plan to wave parking requirements up to 2,500 and 3,000 square feet, if conditions are met. Secure bike facilities and benches may provide that extra incentive for people to walk. Parking requirements in small neighborhood businesses don't make a lot of sense. Small neighborhood retail is designed to target individuals in the surrounding neighborhood creating an area that those residents can easily walk to. They are not meant to attract large numbers of people from across the city. You are very much on the right track with the exemptions from parking regulations, upon meeting requirements.

As for Permitted uses in the SNB area, I would encourage you to consider the following as permitted uses. Financial institutions without drive-through facilities; Parks and playgrounds, public and private, less than 4 acres in size; Restaurants, without drive-through facilities (limit the square footage); Plant and garden shop, with outdoor retail sales area (limit square footage); Reuse of church and school

Small Neighborhood Business Amendment

What do you think about the proposed ordinance?

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buildings;

Robert Barth in District 4

May 8, 2011, 10:13 PM

On the surface this seems like a workable ordinance, but I have learned to be wary of unintended consequences. I live near 9th and 9th and, on the whole, the character of this neighborhood seems to be exactly what the City is trying to promote as a general scheme for the original and historic neighborhoods that border the central city.

Despite best intentions there always seems to be someone or something that will slip past the spirit of the effort. I am thinking of the rather hideous "jewelry shop" that has opened along 11th East, between 9th and 13th South. Its ominous smoked glass facade and chaser-light advertising board seem to be more appropriate to a low-rent strip mall than to a residential neighborhood. I hope the squabbles over restaurants and "taverns" (essentially bickering over serving alcohol and parking) can be resolved before any further discussion of this ordinance continues. These arguments always end up going nowhere with no meaningful decisions being made.

I am most in favor of the facade and landscape design proposals in the ordinance. It seems that these ideas, if carried forward, would preserve both the dignity of existing residential neighborhoods and the character and "flavor" of the original suburbs surrounding Salt Lake City. I am least in favor of the unresolved parking issues - parking simply must be addressed. To imagine a city without parking problems, or to imagine that our City is already "walkable" and needs no parking mitigation, is to insist on ignorance.

I hope discussion on this proposal can continue in a meaningful way and I hope the results will benefit, rather than "impact," the residents of the Central City.

Glen Elkins in District 5

May 6, 2011, 9:46 PM

I think the small businesses in my neighborhood are a definite plus. I live at roughly 1200 south and 1400 east. I can walk to commercial pockets at 9th and 9th, 15th and 15th, 13th south and 17th east. Caputo's on 15th east is a welcome addition, as is "Sea Salt" on 13th south. I look forward to the opening of the new Harmon's store at the old Emigration Market site at 1300 south and 1700 east. I would have no objection to bar or pub in the area.

Semi-anonymous in District 6

May 6, 2011, 12:25 PM

Regarding the 1300 South 2100 East intersection, the commercial developments on the south-west corner and down the west side of 2100 east all looks blighted. It would be better for the area if that section could be razed and rebuilt with a single convenience store and a small park/public plaza.

Virginia Hylton in District 6

May 6, 2011, 11:46 AM

"A. Purpose Statement: The CN neighborhood commercial district is intended to provide for small scale, low intensity commercial uses....."

Small Neighborhood Business Amendment

What do you think about the proposed ordinance?

All Participants around Salt Lake City

Does "Low intensity" mean no restaurants? Very small restaurants? How small? Is there a maximum number of restaurant, tavern, bar, etc seats within each CN district? Are there limits to hours of operation? All of these features and more define "low intensity". How do you define it and how have you considered the surrounding residential neighborhood in your decision?

"Uses are restricted in size to promote local orientation and to limit adverse impacts on nearby residential areas."

LIMIT adverse impact? There should be NO adverse impact. The most disruptive and negative impacts are parking (which you have still not addressed) and odor (which should be "If you an smell it, it is in violation). There are too many CN districts that do not meet the criteria for "walkable". That is, there is no public transportation, they are not mixed-use with high-densitiy housing and/or there is no central parking area where patrons park once and "walk" throughout the district. Just because you call it walkable doesn't make it so. The pedestrian-friendly amenities that eliminate parking requirements do nothing to decrease traffic or parking needs. They only allow larger buildings, more tenants and more traffic.

I completely agree that uses should be "low intensity". Please define those by size and type and limits. I also believe each CN district should have 100 percent shared parking between the commercial uses to efficiently use existing resources before relying on the surrounding residential streets to provide commercial parking. I believe you should eliminate the pedestrian-friendly amenity parking exemption because an area to park a baby buggy or a bench to sit on does not reduce the need for parking. Finally I believe you should figure out how to fully implement a walkable neighborhood plan that is a positive impact to the nearby residential areas rather than settling on the sorry goal to "limit adverse impacts". Really, you can do better. Thanks for listening.

Travis Jensen in District 4

May 6, 2011, 9:34 AM

I am in favor of the ordinance. One of the great things about living in Salt Lake City is its diversity of small businesses that are allowed to operate in a non-disruptive manner inside our neighborhoods. I think there are all sorts of businesses that are compatible with residential neighborhoods and I see no reason to zone them out. I'm in favor of more neighborhood business for sure!

From: [Judi Short](#)
To: [Walkingshaw, Nole](#)
Subject: Small business Amendments
Date: Tuesday, June 21, 2011 8:21:35 PM

The Sugar House Land Use Committee discussed the proposed changes, and had no concerns. The requirements seem reasonable, you have put a lot of work into this. The four parcels you have identified in Sugar House as non-conforming seem to be functioning just fine, and we have no concerns about giving them conforming status.

--

Judi Short
Land Use Chair
Sugar House Community Council