

PLANNING COMMISSION STAFF REPORT

Salt Lake City Code Maintenance City Code Amendment Petition PLNPCM2011-00554 – City-wide November 30, 2011



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.06.030B3
21A.06.030B5
21A.06.030C
21A.06.030G
Chapter 2.20

Notification

- Notice mailed on November 16, 2011
- Published in newspapers November 20, 2011
- Posted on City & State Websites November 23, 2011

Attachments

- A. Proposed Text Amendments
- B. Departmental Comments

REQUEST

On September 12, 2011 Salt Lake City Mayor Ralph Becker initiated a petition to analyze and review the number of members of the Planning Commission as well as the number required to constitute a quorum, ensure consistency between the Ordinance and the Commissions' Policies and Procedures and ensuring similar language in the ordinance between the makeup of the Planning Commission with how other sections of the Code read relating to other decision making bodies where applicable. Changes would apply citywide if adopted by the City Council.

The following sections of the Zoning Ordinance will be affected:

1. Eliminate Chapter 2.20 "Planning and Zoning Commission" in Title 2 of the City Code.
2. Chapter 21A.06.030 "Planning Commission" of the Zoning Ordinance, Title 21A.

STAFF RECOMMENDATION

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

Background/ Project Description

Once in a while, staff encounters issues or discrepancies with the code that require clarification or modification. Code changes are processed due to land use policy changes adopted by the City or because State enabling regulations are changed. It is then beneficial for Salt Lake City to make minor code revisions that lead to a greater ease of use and understanding by constituents, staff and other City officials.

The proposed amendments to the City Code meet the following objectives:

- Flexibility in the number of appointed Planning Commission voting members and quorum constitution.
- Improve 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;
- Address 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) Planning Commission Composition – This change would require that the Commission consist of at least nine (9) and up to a maximum of eleven (11) voting members. The current verbiage requires a fixed number of eleven (11) voting members. Flexibility in the number of voting members will facilitate the process of member recruiting and appointment.

Affected Section: Section 21A.06.030C: Membership

- 2) Planning Commission Quorum – This change would require that a quorum be constituted by the majority of the appointed voting members of the Commission. The current verbiage described a quorum as being a fixed number of six (6) voting members. Flexibility in the number of voting members to constitute a quorum will facilitate the completion of scheduled meetings and avoid issues related to incomplete attendance.

Affected Section: Section 21A.06.030G: Quorum and Vote

- 3) Planning Commission Jurisdiction And Authority – This change would eliminate the authority given to the Planning Commission to initiate amendments to the text of the Zoning Ordinance or zoning maps. Due to constraints of the Planning Commission meeting twice a month, this change will provide for a streamlined process when initiating petitions at any given time and hence faster processing. It will also ensure that City resources and staff time are directed by the administration and City Council.

Affected Section: Section 21A.06.030B3: Jurisdiction and Authority

- 4) Planning Commission Jurisdiction And Authority – In order to be consistent with other chapters in the Zoning Ordinance, clarification regarding the review of Planned Developments is being added to the text.

Affected Section: Section 21A.06.030B5: Jurisdiction and Authority

- 5) Planning and Zoning Commission – The proposed change will remove the entire Chapter 2.20 from Title 2 in the City Code. This will eliminate confusion between the Zoning Ordinance and the City Code related to Planning Commission composition, authority and procedures.

Affected Section: Title 2, Chapter 2.20 of the City Code: Planning and Zoning Commission

Public Participation

Community Council Meeting

An Open House was held on October 27, 2011. 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 and general City Code. 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

Chapter 21A.06 DECISION MAKING BODIES AND OFFICIALS

21A.06.030C: MEMBERSHIP

C. The planning commission shall consist of at least nine (9) up to a maximum of eleven (11) ~~eleven (11)~~ voting members, appointed by the mayor with the advice and consent of the city council from among qualified electors of the city in a manner providing balanced geographic, professional, neighborhood and community interests representation. The director of the planning division (or the planning director's designated representative) shall serve as an ex officio member without vote. Voting members may serve a maximum of two (2) consecutive full terms of four (4) years each. The mayor shall appoint a new commission member to fill any vacancy that might arise and such appointment shall not be included in the determination of any person's eligibility to serve two (2) consecutive full terms.

21A.06.030G: QUORUM AND VOTE

G: No business shall be conducted at a meeting of the planning commission without at least a quorum constituted by the majority of the appointed ~~of six (6)~~ voting members. All actions of the planning commission shall be represented by a vote of the membership. A simple majority of the voting members present at the meeting at which a quorum is present shall be required for any action taken. The decision of the planning commission shall become effective upon the posting of the record of decision.

21A.06.030B: JURISDICTION AND AUTHORITY

- B. The planning commission shall have the following powers and duties in connection with the implementation of this title:
1. Prepare and recommend to the city council for adoption, a comprehensive, general plan and amendments to the general plan for the present and future needs of the city and the growth and development of the land within the city or any part of the city;
 2. Make comprehensive surveys and studies of the existing conditions and trends of growth and of the probable future requirements of the city and its residents as part of the preparation of the general plan;
 - ~~3. Initiate amendments to the text of this title and to the zoning map pursuant to the provisions of section 21A.50.020 of this title;~~
 4. Review, evaluate and make recommendations to the city council on proposed amendments to this title pursuant to the procedures and standards set forth in sections 21A.50.030 and 21A.50.040 of this title;
 5. Review, hear and decide applications for conditional uses, ~~including~~ and planned developments, pursuant to the procedures and standards set forth in chapter 21A.54, "Conditional Uses", and chapter 21A.55, "Planned Developments", of this title;

6. Hear and decide appeals from administrative hearing decisions of the planning director; and
7. Hear and decide applications for subdivision amendments and approvals pursuant to the municipal land use development and management act, title 10, chapter 9 of the Utah Code Annotated.
8. Authorize special exceptions to the terms of this title pursuant to the procedures and standards set forth in chapter 21A.52, "Special Exceptions", of this title;
9. Make determinations regarding the existence, expansion or modification of nonconforming uses and noncomplying structures pursuant to the procedures and standards set forth in chapter 21A.38, "Nonconforming Uses And Noncomplying Structures", of this title.

Chapter 2.20

PLANNING AND ZONING COMMISSION

2.20.010: PURPOSE:

2.20.020: APPOINTMENT:

2.20.030: COMPENSATION:

2.20.040: REMOVAL AND VACANCIES:

2.20.050: OFFICERS:

2.20.060: QUORUM:

2.20.070: POWERS AND DUTIES:

2.20.080: MEETINGS:

2.20.090: APPOINTMENT OF SUBORDINATES, CONTRACTING POWER AND SUBCOMMITTEES:

2.20.010: PURPOSE:

A. It is the intent of this chapter that a city planning commission be provided which will represent the concerns of diverse citizen groups, as well as the broad interests of the community as a whole; that membership of this commission provide balanced representation in terms of geographic, professional, neighborhood and community interests; and that a wide range of expertise relating to the development of a healthy and well planned community be sought when establishing or altering the composition of the membership of the commission. Suggested interests from which expertise might be selected are as follows: banking, development, contracting, engineering, geology and seismology, law, ecology, the behavioral sciences, historical preservation, architecture and landscape architecture. It is not, however, intended that the composition of the commission be limited to professionals, but rather, that it represent a cross section of the community.

~~B. It is further the intent of this chapter to provide that the activities of the commission and of its subcommittees be conducted with convenience and accessibility to the general public of the municipality. (Prior code § 51-29-1)~~

2.20.020: APPOINTMENT:

~~The planning commission of the city shall be comprised of fifteen (15) members. The planning commission shall be composed of the following:~~

~~A. Four (4) ex-officio nonvoting members, including the mayor, the city engineer, the city transportation engineer and a building official, or their respective designees;~~

~~B. Eleven (11) voting members, who shall be appointed by the mayor, with the advice and consent of the city council, from among the qualified electors of the city as follows:~~

~~1. Upon the effective date of this chapter, no member of the planning commission shall serve more than two (2) terms; however, a term with less than two (2) years remaining may be assumed by an appointee without regard to the two (2) term restriction. All voting members of the current planning commission shall serve the remainder of their six (6) year terms; however, no commission member currently serving a second or greater number term shall be eligible for reappointment.~~

~~2. As the six (6) year terms of the current members of the planning commission expire, members shall be reappointed or a replacement appointed; provided, however, that upon the expiration of the current member terms in 1985, members or replacement shall be appointed or reappointed for a term of three (3) years to expire in 1988. Thereafter, terms of all appointees shall be for four (4) years.~~

~~3. Three (3) additional appointees may be appointed on the effective date of this chapter. The appointees shall serve initial terms which shall expire in 1982 and may be reappointed for only two (2) additional full terms. Except as provided above, all planning commission members appointed after January 1, 1981, shall serve for a term of four (4) years, and commencing January 1, 1981, no member of the planning commission shall serve more than two (2) terms. (Prior code § 51-29-2)~~

2.20.030: COMPENSATION:

~~The members of the planning and zoning commission shall serve without compensation except for reasonable expenses. (Prior code § 51-29-4)~~

2.20.040: REMOVAL AND VACANCIES:

~~Members of the planning commission may be removed for cause by the mayor, including, but not limited to, violations of those standards provided by the city's conflict of interest ordinance and the Utah municipal officers and employees disclosure act, section 1-3-1301 et seq., Utah Code Annotated, 1953, as amended, or its successor. Any vacancy occurring on the commission other than that of the ex-officio members by~~

reason of death, resignation or removal, shall be promptly filled by the mayor with the advice and consent of the city council for the unexpired term of such member. (Prior code § 51-29-3)

2.20.050: OFFICERS:

The planning commission shall annually elect a chairman and such other officers it deems advisable from among the appointive members of the commission and also a secretary, who need not be a member of such commission. The chairman and such other officers elected from the planning commission shall serve for a term of one year and shall not succeed in the office. (Prior code § 51-29-6)

2.20.060: QUORUM:

Six (6) voting members of the planning commission shall constitute a quorum. (Prior code § 51-29-7)

2.20.070: POWERS AND DUTIES:

The planning and zoning commission shall have the duty to exercise all powers and functions conferred upon it by the statutes of the state and the ordinances of the city, relating to planning and zoning. (Prior code § 51-29-8)

2.20.080: MEETINGS:

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

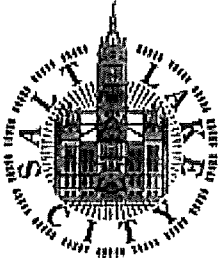
B. All meetings and public hearings of the planning commission shall be held in a public place designated by the commission and shall be of sufficient size to ensure public access to the operations of the commission. The proceedings of each meeting and public hearing shall be sound recorded. The recording of each meeting shall be kept for a minimum of sixty (60) days. Upon the written request of any interested person, such recording shall be kept for a reasonable period of time beyond the sixty (60) day period, as determined by the planning official. Copies of the tapes of such proceedings may be provided, if requested, at the expense of the requesting party.

C. The planning staff shall, within five (5) days of each regularly scheduled planning commission meeting, supply each member of the commission sufficient materials and documents to advise the commission members of the issues to be discussed at the meeting. (Ord. 11-10 § 2, 2010; prior code § 51-29-9)

2.20.090: APPOINTMENT OF SUBORDINATES, CONTRACTING POWER AND SUBCOMMITTEES:

- A. ~~The planning commission may recommend to the mayor or the director of development services the appointment of such employees and staff as it may deem necessary for its work, and may also recommend to the mayor or the director of development services contracts with city planners and other consultants for such services as it requires; provided, however, that any expenditure of the commission, shall be first approved by the mayor, as being within the amount budgeted for such purposes by the city for that year.~~
- B. ~~The mayor may also appoint, with the advice and consent of the city council, such individuals to serve on compatibility review subcommittees of the planning commission. The committees shall review proposed developments within design overlay zones according to the criteria set forth by city ordinance pertaining to such zone. Upon creation of such committees, a written recommendation from such overlay committee shall be required to be submitted to the planning commission for review before the project may be acted upon by the planning commission. (Prior code § 51-29-5).~~

Attachment B
Departmental Comments



Work Flow History Report

PLNPCM2011-00554

Date	Task/Inspection	Status/Result	Action By	Comments
9/27/2011	Staff Assignment	Assigned	Norris, Nick	
9/27/2011	Staff Assignment	In Progress	Norris, Nick	Initial review and issue identification due 10/11/11
10/6/2011	Staff Assignment	In Progress	Valdemoros, Ana	
10/17/2011	Fire Code Review	Complete	Itchon, Edward	
10/17/2011	Staff Assignment	Routed	Valdemoros, Ana	
10/17/2011	Sustainability Review	Complete	Valdemoros, Ana	
10/20/2011	Transporation Review	Complete	Walsh, Barry	The proposed revision to 21A.06.030c and G for the Planning commission member make up present no impact to the Transportation Divisions functions.
11/1/2011	Community Council Review	Complete	Valdemoros, Ana	
11/1/2011	Community Open House	Complete	Valdemoros, Ana	
11/1/2011	Planning Dept Review	In Progress	Valdemoros, Ana	

Valdemoros, Ana

From: Stoker, Justin
Sent: Tuesday, October 18, 2011 9:21 AM
To: Valdemoros, Ana
Cc: Garcia, Peggy
Subject: PLNPCM2011-00544 - Zoning Ordinance regarding Planning Commission

No comments on the proposed changes to the structure of the SLC Planning Commission.

Justin

Justin D. Stoker, PE, LEED® AP, CFM
Salt Lake City Public Utilities
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Please consider the environment before printing this e-mail

Valdemoros, Ana

From: Weiler, Scott
Sent: Monday, October 17, 2011 10:34 AM
To: Valdemoros, Ana
Cc: Drummond, Randy
Subject: FW: Emailing: ZONING ORDINANCE FINE TUNING
Attachments: 20111246.pdf

Hi Ana,

Engineering has no objections to the proposed zoning ordinance changes.

I was unable to enter this in Accela because Engineering is not lit up.

Scott

-----Original Message-----

From: Drummond, Randy
Sent: Monday, October 17, 2011 7:14 AM
To: Weiler, Scott
Subject: FW: Emailing: ZONING ORDINANCE FINE TUNING

Scott, FYI.
Randy

-----Original Message-----

From: Adams, Jeff
Sent: Friday, October 14, 2011 2:49 PM
To: Drummond, Randy
Subject: Emailing: ZONING ORDINANCE FINE TUNING

Your message is ready to be sent with the following file or link attachments:

20111246.pdf

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