

PLANNING COMMISSION STAFF
REPORT

**Community Gardens in Open
Space Ordinance
Amendments
Case #PLNPCM2012-00032
April 11, 2011**



Planning and Zoning Division
Department of Community and
Economic Development

Applicant
Mayor Ralph Becker

Staff
Ray Milliner
ray.milliner@slcgov.com
(801)535-7645

Review Standards
21A.50.050 Standards for General
Amendments

Affected Sections
Sections 21A.32.140 of the
Zoning Ordinance.

- Notification**
- Notice mailed on March 29, 2012
 - Published in Salt Lake Tribune March 30, 2012
 - Posted on City & State Websites March 29, 2012

- Attachments**
- A. Proposed Text Amendments
 - B. Public Comment

REQUEST

On December 6, 2011, Mayor Ralph Becker initiated a petition to amend the zoning ordinance to allow community gardens in the Open Space (OS) zone. The purpose of the amendment is to allow community gardens on City owned property under the supervision of the Parks and Public Lands Division.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the proposed grade change modifications in sections 21A.32.140 of the Salt Lake City Zoning Ordinance, and based on the analysis and findings in this staff report forward a positive recommendation to the City Council.

Potential Motions

Positive Recommendation: Based on the findings and analysis in this staff report, I move that the Planning Commission forward these modifications to Chapter 21A.32.140 Open Space Permitted and Conditional Use Table to the City Council with a positive recommendation.

Negative Recommendation: I move that the Planning Commission forward these modifications to Chapter 21A.32.140 Open Space Permitted and Conditional Use Table to the City Council with a negative recommendation based on the following findings (Commissioner then states findings):

Background / Information

In May of 2011, the City Council, with a recommendation from the Planning Commission, adopted an ordinance enabling community gardens and urban farms. Because of concerns that gardens would negatively impact stream and river corridors, the Council voted to not allow gardens in the Open Space (OS) zone until the Zoning Ordinance is amended to better define different types of open space and what uses are allowed in each. Currently, City owned hillsides, riparian corridors, parks and vacant land are all zoned as open space and subject to the same regulation.

To help cultivate the development of new gardens, staff identified eight City-owned properties with access to a waterline and other conditions conducive to creating a successful Community Garden. The City is making these properties available to community members/groups who demonstrate an ability to develop and maintain a community garden. Properties include:

- 1850 S. 700 E.
- Dilworth Elementary (1985 S. 2100 E.)
- Warm Springs Park (1020 N. Beck St)
- Stratford Park (2635 S. Preston St)
- 1700 S. 700 E.
- Cortez Water (North of the Capitol)
- 2850 S. Claybourne Avenue
- Popperton Park (360 N. 1400 E.)

All are located in the Open Space zone. This petition will let gardeners break ground while City decision makers review the petition to define open space. Persons or groups interested in using one of these sites would apply through the Division of Sustainability and the Environment with oversight of the gardens through the Parks and Public Lands Division.

Public Participation

The proposed changes were reviewed on February 16, 2012 at a public open house, and by staff members.

Issue Analysis

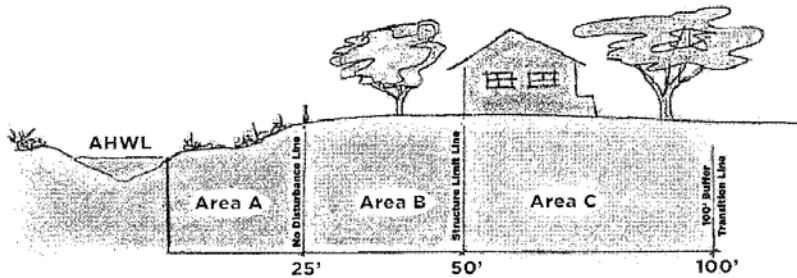
Riparian Corridor

Central to the issue of whether gardens should be allowed in open space is their potential impact on river and stream corridors. As proposed, gardens would not be allowed in the Jordan River corridor, and would be restricted in all other corridors by the requirements of the Riparian Corridor Overlay District.

The requirements of the riparian corridor apply to all uses or developments within 100 feet of the high water line of City Creek, Red Butte Creek, Emigration Creek, Parleys Creek and the Jordan River. Any development within this area is required to receive a riparian protection permit prior to the commencement of any construction, subject to review by the Public Utilities Department.

The riparian corridor is divided into three distinct areas, each with its own requirements.

- Area A: A "no disturbance area" located between the annual high water line and twenty five feet (25') from the approximate high water line (AHWL);
- Area B: A "structure limit area" located between twenty five (25) and fifty feet (50') from the AHWL; and
- Area C: A "buffer transition area" located between fifty (50) and one hundred feet (100') from the AHWL.



Development within each area of the corridor is delineated by a use table wherein specific uses are called out as permitted or requiring a riparian permits process. Urban farms and community gardens are not a featured use on the table. Approval of an urban farm or community garden in these areas would be permitted as grading and planting of non-invasive plants (which are allowed uses in the table).

Staff finds that this requirement will provide interim protection to the river and stream corridors as well as provide City Parks with an opportunity to build the proposed community gardens while the work on the open space definitions is being done.

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;**

Discussion: Promoting sustainability is a priority in Salt Lake City, and is addressed, or is scheduled to be addressed in all master plan documents in the City. The proposed Ordinance amendments are written to mitigate issues in potentially high-impact areas of the open space zone, while enabling community gardens in appropriate City owned locations throughout the City.

Finding: The proposed text change is consistent with adopted master plans.

- 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 the Zoning Ordinance 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 Ordinance amendment will further the purpose statement of the Zoning Ordinance by enabling community gardens in 8 locations throughout the City. Each of these parcels is located on properties with access to a waterline and other conditions conducive to creating a successful and sustainable Community Vegetable Garden. Specifically these uses are consistent with intent statements c, d, e, g and h. By enabling the community gardens in these locations, individuals will be able to work more efficiently in community gardens and consume locally grown foods and products thereby lessening the need for imported foods and reducing the environmental impacts from transportation, air pollution etc.

Finding: Staff finds that the proposed changes to the Zoning Ordinance are consistent with the overall purpose of the Zoning Ordinance as stated in Chapter 21A.02.030.

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

Discussion: The proposed text amendment is not site specific, and is not associated with any overlay zoning districts. Where a particular garden is within an overlay zoning district, any applicable regulations must be met.

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.

Discussion: The proposed text amendment mirror current trends in community sustainability, by providing alternatives for food production systems in locations that are currently under used or awaiting development. This amendment will update planning practices that create and maintain efficient infrastructure, foster close-knit neighborhoods, a sense of community, and preserve natural habitat.

Finding: The proposed text amendment implements the best current practices in urban planning and design.

Attachment A
Proposed Ordinance Amendments

21A.32. TABLE OF PERMITTED AND CONDITIONAL USES FOR SPECIAL PURPOSE DISTRICTS:

Legend:	C =	Conditional use	P =	Permitted use
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Use	Permitted And Conditional Uses																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Residential:																	
Community gardens as defined in chapter 21A.62 of this title								<u>P¹⁴</u>									P

14. Subject to requirements in section 21A.34.130 riparian corridor overlay district and prohibited within the Jordan River Corridor.

DRAFT