

PLANNING COMMISSION STAFF REPORT

Salt Lake City Code Maintenance
Land Use Tables and Definitions
PLNPCM2009-00169
September 26, 2012



Planning and Zoning Division
Department of Community and
Economic Development

Applicant: Mayor Ralph Becker

Staff: Lex Traughber
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Tax ID: N/A

Current Zone: N/A

Master Plan: City-wide

Council District: City-wide

Lot Size: N/A

Current Use: N/A

Applicable Land Use

Regulations:

Review Standards:
21A.50.050 – Standards for General
Amendments

Affected Text:

21A.24 – Residential Districts
21A.26 – Commercial Districts
21A.28 – Manufacturing Districts
21A.30 – Downtown Districts
21A.31 – Gateway Districts
21A.32 – Special Purpose Districts
21A.60 – List of Terms
21A.62 – Definitions
21A.40.060 – Drive-Through Service
Window Regulations
21A.040.065 – Outdoor Dining

Notification:

- Agenda posted on the Planning Division and Utah Public Meeting Notice websites – 9/20/12
- Newspaper Notice – 9/15/12

Request

A request to analyze and amend, as appropriate, the various land use tables (Residential, Commercial, Manufacturing, Downtown, Gateway, and Special Purpose Districts) and associated land use definitions in the Zoning Ordinance to provide for clarity and efficiency of use as part of a code maintenance program. In addition, changes are proposed for development standards as they relate to drive-through facilities and outdoor dining. This petition was initiated through the 2009 Zoning Amendment Project (ZAP).

Staff Recommendation

Based on the findings listed in the staff report, it is the Planning Staff's opinion that overall the project generally meets the applicable standards and therefore, recommends the Planning Commission transmit a favorable recommendation to the City Council.

<p>Attachments: Exhibit A – Proposed Chapter 33 – Land Use Tables Exhibit B – Proposed land use table amendments Exhibit B.1 – Residential Exhibit B.2 – Commercial Exhibit B.3 – Manufacturing Exhibit B.4 – Downtown Exhibit B.5 – Gateway Exhibit B.6 – Special Purpose Exhibit C – Proposed definitions Exhibit D – Proposed text amendments related to drive-through service windows Exhibit E –Proposed text amendments related to outdoor dining Exhibit F – Public Comments Exhibit G – Dept/Division Comments</p>	
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Background

Project Description

The City adopted a comprehensive Zoning Ordinance in April 1995. At that time, it was understood that adjustments to the Zoning Ordinance would be necessary once it had been implemented and people had an opportunity to work with it. Salt Lake City intermittently processes ordinance adjustments to provide code maintenance for the City’s ordinances.

Overall, the framework and structure of Salt Lake City’s zoning regulations and development standards are sound and do not require wholesale restructuring. However, at times, code changes are processed due to land use policy changes adopted by the City or because of State enabling regulation changes.

Amendments to the City Code meet the following objectives:

- Improves the clarity and usability of the Zoning Code without changing the intent behind the specific regulation in question, and clarifies wording that may be open to interpretation;
- Addresses ongoing problems with administration of the existing Code language;
- Implements the City’s Comprehensive Plan; and,
- Provides ordinance consistency with existing policies and objectives.

The Land Use Tables are an important regulatory tool used to identify what types of uses are allowed in the various zones across the City. For example, a factory would be allowed in a manufacturing zone, but would not be allowed in a residential zone (which allows for housing and some very low intensity commercial activity). The purpose of the Land Use Tables is to specify where in the City land uses are appropriate or not, given the overall objective to minimize conflict between land uses of varying intensity.

The Land Use Tables also identify whether a given land use is allowed as a “Permitted Use” or as a “Conditional Use”. A “Permitted Use” is a use that meets the development regulations in the Zoning Ordinance, and therefore a building permit can be issued fairly routinely. A “Conditional Use” means that a given use may be appropriate and allowed in a certain Zone, based on the ability of an applicant to mitigate

negative impacts such as limiting the number of hours a business can operate when it is located next door to a single-family home.

The following is a bullet point summary of the proposed changes:

- **Item 1** – Relocate and consolidate all the land use tables from their individual chapters in the Zoning Ordinance, creating a separate chapter for all the land use tables only – Chapter 33;
- **Item 2** – A reorganization of the uses found in the City’s land use tables;
- **Item 3** – A definition for each land use listed in the land use tables is proposed to be added to *Chapter 62 – Definitions*, if that land use is not currently defined;
- **Item 4** – A re-evaluation of permitted, conditional, or not permitted land uses throughout the tables;
- **Item 5** – A reconsideration of more uses as a permitted use (as opposed to a conditional use), with the addition of specific standards located as a footnote to the land use tables;
- **Item 6** – Augmented standards for drive-through facilities;
- **Item 7** – Augmented standards for outdoor dining; and,
- **Item 8** – Provision to eliminate certain noise producing uses within proximity to residential uses (single and two-family).

Proposed Code Changes

The Salt Lake Planning Division is processing specific adjustments to the Salt Lake City Code. The text amendments being processed with this petition are discussed below.

Item 1. Consolidation of the City’s land use tables (Chapters 21A.24.190 – Residential Districts Table, 21A.26.080 – Commercial Districts Table, 21A.28.040 – Manufacturing Districts Table, 21A.30.050 – Downtown Districts Table, 21A.31.050 – Gateway Districts Table, 21A.32.140 – Special Purpose Districts Table) into a separate chapter in the Zoning Ordinance; Chapter 33 – Land Use Tables

Discussion: The proposal calls for a reorganization and consolidation of all the above referenced land use tables into their own separate chapter. The rationale being that all the tables located in one chapter will facilitate their ease of use: making them more user friendly for the general public and City staff.

Recommended Code Change: Create Chapter 33 – Land Use Tables as shown in Exhibit A with each individual land use table to be located in this proposed chapter.

Item 2. A reorganization of the uses found in the City’s land use tables, Chapters 21A.24.190 – Residential Districts Table, 21A.26.080 – Commercial Districts Table, 21A.28.040 – Manufacturing Districts Table, 21A.30.050 – Downtown Districts Table, 21A.31.050 – Gateway Districts Table, 21A.32.140 – Special Purpose Districts Table

Discussion: The proposal is a reorganization of the uses found in the City’s land use tables. Currently, the various land uses in each table (Residential, Commercial, Manufacturing, Downtown, Gateway, and Special Purpose Districts) are further sub-categorized or grouped according to use and do not appear in the tables alphabetically. For example, the Residential Table is divided into Residential uses, Office uses, Recreation, Cultural and Entertainment uses, Retail Sales and Service, Commercial uses, and Miscellaneous uses. This creates a challenge in using the various tables, making them cumbersome to sift through when looking for a specific use in a particular zone. Planning Staff proposes to eliminate the “subcategories” of land uses in each land use table, standardize the language for each land use and then reorganize them alphabetically. Under the proposed amendments, the titles for each land use have been standardized and alphabetized, and in certain

instances some uses have been consolidated or simply eliminated as discussed below in all six land use tables. The purpose of these changes is to render the tables more “user friendly”, organized, and clear. The alphabetization will make the order of the uses from one table to the other similar, making the tables easier and faster to use.

As previously noted, it is proposed that some land uses are to be consolidated or simply eliminated, across all six land use tables. For example, in the Special Purpose Table, there are many individually listed uses that relate to the airport. Planning Staff proposes that these uses be combined into one land use entitled “Airport” and then defined in Chapter 62 – Definitions, to include all the uses allowed in this land use category. Please note that uses that appear in the proposed tables more than once will only appear in any re-adopted table one time. The “Airport” land use is an example that will only appear in the table once, although “Airport” is listed many times in the proposed table. The reason for this is to show how current land uses will be collapsed into one land use, and then listed only one time in any re-adopted table.

Recommended Code Changes: Modify the six land use tables attached to this staff report as shown (Exhibit B). Notice that the original land use designations are included in the first column of each table followed by the title of the new land use in column two. Obviously, should the proposed amendments be adopted, column one would be eliminated. In those instances where there are multiple uses that are the same in each table, the use would only appear in the amended table once. Planning Staff recommend that the Planning Commission review and subsequently make a positive recommendation to the City Council to amend the land use tables as proposed.

Item 3. Complete Definition and List of Terms Chapters for each land use listed in the land use tables, Chapters 21A.60 – List of Terms and 21A.62 - Definitions:

Discussion: A definition for each land use listed in the land use tables is proposed to be added to *Chapter 62 – Definitions*, if that land use is not currently defined. A lack of definitions has proven to be problematic in the past, both for the public and for City staff. Having a definition for each land use should prove to eliminate interpretations and questions arising from a lack of definition. The purpose here again is to make the Zoning Ordinance more “user friendly”, clear, and concise. Each defined term in Chapter 62 should also appear in the list of defined terms in Chapter 60.

Recommended Code Change: Modify the text of *Chapter 62 - Definitions* to include a definition for all the land uses as they would appear in the amended land use tables as proposed (Exhibit C). Further, modify *Chapter 60 - List of Terms* to accurately reflect those terms defined in Chapter 62.

Item 4. A re-evaluation of permitted, conditional, or not permitted land uses throughout the land use tables, Chapters 21A.24.190 – Residential Districts Tables, 21A.26.080 – Commercial Districts Tables, 21A.28.040 – Manufacturing Districts Tables, 21A.30.050 – Downtown Districts Tables, 21A.31.050 – Gateway Districts Tables, 21A.32.140 – Special Purpose Districts Tables

Discussion: The current Land Use Tables were originally adopted as part of the 1995 re-write of the Salt Lake City Zoning Ordinance. Many uses were designated at that time as “conditional” in order to require a public decision making process. With State law change in the conditional use process in 2005, conditional uses are now more difficult to deny. The existing land use tables, therefore, include uses allowed conditionally that are probably not appropriate in given zones under new State regulations. In addition, significant modification were made to the Land Use Tables in 2008. A reconsideration of all uses is proposed based on impacts and creating consistency across the land use tables in terms of where specific uses are allowed or not. The purpose of these

changes is to ensure that the City Zoning Ordinance reflects changes in State law, provides for reasonable and fair land use regulation and administration, in order to promote the health, safety, and welfare of City residents and visitors alike. The attached tables (Exhibit B) reflect proposed changes to the various uses in terms of where they are and where they are not allowed.

Recommended Code Change: Amend the land use tables as noted (Exhibit B).

Item 5. A reconsideration of more uses as a permitted use (as opposed to a conditional use), with the addition of specific standards located as a footnote to the land use tables, Chapters 21A.24.190 – Residential Districts Tables, 21A.26.080 – Commercial Districts Tables, 21A.28.040 – Manufacturing Districts Tables, 21A.30.050 – Downtown Districts Tables, 21A.31.050 – Gateway Districts Tables, 21A.32.140 – Special Purpose Districts Tables

Discussion: The purpose of this action is to incentivize positive development through more finely crafted land use regulations (allowing uses where appropriate) by streamlining the development review process for those uses that meet standards. These types of amendments are realized through an additional footnote in the land use tables. Examples include uses that would be permitted if the design of the project is compatible with the surrounding area, such as appropriately designed bus line station/terminals or gas stations in the Downtown Zoning Districts. These type of uses could be permitted based on compliance with the standards found in Chapter 59 – Conditional Building and Site Design Review. Other uses, such as outdoor dining and drive throughs would be permitted based on compliance with the proposed augmented standards for these uses, which are also footnoted in the tables.

Recommended Code Change: Amend the land use tables as noted in the footnote section of each table as shown (Exhibit B).

Item 6. Augmented standards for drive-through facilities in order to allow this use as a permitted use, as opposed to a conditional use, in appropriate areas. Chapter 21A.40.060 – Drive-Through Service Window Regulations

Discussion: The purpose of this amendment is to provide for a more streamlined development process based on an applicant's ability to meet more stringent design standards intended to minimize potential impacts. In most instances, drive-through facilities have the same types of impacts; noise, lighting, visual, circulation, and pedestrian/vehicle conflict. The proposed changes identify these impacts, include regulations to mitigate them, and allow these facilities where impacts can be addressed and prohibit the facilities where they cannot.

Recommended Code Change: Amend Chapter 21A.40.060 as noted in Exhibit D.

Item 7. Augmented standards for outdoor dining in order to allow this use as a permitted use, as opposed to a conditional use, in appropriate areas. Chapter 21A.40.065 – Outdoor Dining

Discussion: As with the issue of drive-through facilities, the purpose of this amendment is to provide for a more streamlined development process based on an applicant's ability to meet more stringent design standards intended to minimize potential impacts.

Recommended Code Change: Amend Chapter 21A.40.065 as noted in Exhibit E.

Item 8. Provision to eliminate certain noise producing uses within proximity to residential uses (single and two-family).

Discussion: Noise producing uses such as automobile salvage and recycling centers, animal pounds, community correctional facilities, heavy manufacturing, impound lots, live performance theaters, jails, electric generating facilities, recycling centers, stockyards, etc., would not be allowed to locate within one thousand feet (1000') of a single or two family zoning district even if the noise producing uses are in a zone that allow those types of uses. The purpose of this provision is to eliminate potential conflict between land uses that are of different impacts.

Recommended Code Change: Amend the land use tables as noted in the footnote section of each table as shown (Exhibit B).

Comments

Public Process

Planning Commission – August 24, 2011. The Planning Commission received a briefing regarding proposed additional definitions to *Chapter 62-Definitions*. Proposed definitions were distributed for review. Notice of this briefing was sent to Community Council Chairpersons, Business Groups, and those whose names are on the Planning Division's list serve, as well as posted on the City's website.

Planning Commission – November 9, 2011. The Planning Commission received a briefing regarding proposed changes to the land use tables. Proposed changes to the land use tables were distributed for review. Notice of this briefing was sent to Community Council Chairpersons, Business Groups, and those whose names are on the Planning Division's list serve, as well as posted on the City's website.

Open House – February 16, 2012. Notice of the Open House was sent to Community Council Chairpersons, Business Groups, and those whose names are on the Planning Division's list serve, as well as posted on the City's website. Two members of the public attended the Open House.

Business Advisory Board – May 9, 2012. Planning Staff presented the proposal to members of the City's Business Advisory Board.

Chamber of Commerce – May 15, 2012. Planning Staff presented the proposal to members of the Chamber of Commerce.

Open City Hall – July 9, 2012. The proposal was distributed on Open City Hall for comment by the general public.

Public Comments

The only comments received regarding the proposed amendments were received via Open City Hall. These comments are attached for review (Exhibit F).

City Department Comments

The Planning Division routed a request for Department/Divisions comments on February 24, 2012. Comments were received from Transportation Division and the Police Department (Exhibit G).

Multiple discussions were held with members of the Building Services/Permits Office over the course of preparing the project for hearing. The Building Services/Permits Office will be instrumental in the daily administration of any revised Zoning Ordinance. Suggestions from this Office have been incorporated into the proposal. No formal written comments were received.

Analysis and Findings

Options

- Approval:** If the Planning Commission finds that the proposal meets the standards of the ordinance as discussed below, the petition should be forwarded to the City Council with a recommendation of approval.
- Denial:** If the Planning Commission finds that the proposal does not meet the standards of the ordinance as discussed below, the petition should be forwarded to the City Council with a recommendation of denial.
- Continuation:** If the Planning Commission finds that additional information or further revision is needed in order to make a decision, then a final decision may be postponed with specific direction to Planning Staff regarding the additional information or revision required for the Planning Commission to take future action.

Findings

Section 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;**

Discussion: The proposed text amendments are designed to organize and clarify sections of the Zoning Ordinance. The amendments will make the tables more clear and user friendly, and at the same time update where uses are and are not appropriate based on impacts. One of the objectives of this project is to revise the City's Zoning Ordinance in such a manner that conflict between land uses of differing intensities is minimized. The proposal also includes more specific standards, in the case of outdoor dining and drive-throughs, to streamline the development process.

Finding: The proposed text revisions are for the purpose of maintaining, updating, and clarifying the Zoning Ordinance, and as such are consistent with adopted City planning documents.

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

Discussion: The purpose statements for each particular zoning district were recently amended and re-adopted by the City Council. All of the proposed changes to the land use tables were designed to reflect changes to, and be consistent with, each purpose statement for any given zone as they were amended.

Finding: The proposed text amendments further the specific purpose statements for each given Zoning District in the Salt Lake City 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

Finding: The proposed text amendments do not affect any overlay zoning districts. Any specific development proposal would have to comply with applicable Overlay Zone requirements.

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

Analysis: The framework and structure of Salt Lake City's zoning regulations and development standards are sound and do not require wholesale restructuring. However, at times code changes are processed due to land use policy changes adopted by the City or because of State enabling regulation changes. It is beneficial for Salt Lake City to make code revisions that lead to a greater ease of use and understanding.

Finding: The proposed changes are a matter of code maintenance and as such implement the best current, professional practices of urban planning and design.