



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission
From: Daniel Echeverria, 801-535-7165, daniel.echeverria@slcgov.com
Date: March 5, 2015
Re: PLNPCM2014-00381 – Indiana Avenue Neighborhood Node Rezone

Zoning Amendment

PROPERTY ADDRESSES: 1380, 1410, 1416, 1420, 1424, & 1430 W Indiana Avenue

PARCEL ID: 15-02-307-004, -003, -002, -001, 15-02-302-019, & 15-02-303-011

MASTER PLAN: Westside

ZONING DISTRICT: CN, Neighborhood Commercial (Current);
R-MU-35, Residential/Mixed Use (Proposed)

REQUEST: The City is proposing to amend the zoning map designation for properties located along the north side of Indiana Avenue between Navajo Street and Pueblo Street. The intent of the proposal is to establish the zoning rules necessary to create a “neighborhood node” in the Westside Master Plan. To accomplish this, the proposal includes rezoning the subject properties from CN, Neighborhood Commercial, to R-MU-35, Residential/Mixed Use. The R-MU-35 designation will allow for a greater diversity of mixed uses and opportunities for additional housing.

RECOMMENDATION: Based on the information in this staff report, Planning Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed zoning amendment.

The following motion is provided in support of the recommendation:

Based on the findings and analysis in the staff report, testimony, and discussion at the public hearing, I move that the Planning Commission transmit a positive recommendation to the City Council for the proposed zoning amendment.

ATTACHMENTS:

- A. [Vicinity Maps](#)
- B. [Property Photographs](#)
- C. [Existing Conditions & Development Standards](#)
- D. [Analysis of Standards](#)
- E. [Public Process & Comments](#)
- F. [Department Review Comments](#)
- G. [Motions](#)

PROJECT DESCRIPTION:

The subject properties are located in the Westside Community. The associated Westside Master Plan recognizes a need to encourage growth, redevelopment, and reinvestment in the Westside in order to support the vision of the Westside Community as a “beautiful, safe, sustainable place for people to live, work, and have fun.” The Master Plan proposes a number of ways to accommodate this growth, and a key component of this includes the concept of “nodes.”

A node is defined as “an intersection consisting of at least one major road where there is potential for changes in land use and the development pattern.” Additionally, they are “integrated centers of activity” and critically, they are the “key types of locations for redevelopment” in the community. The Master Plan designates these nodes as places where the community can and should accommodate future growth and development.

There are several different levels of nodes. From lowest to highest intensity of development, these include “neighborhood,” “community,” and “regional” nodes. The Master Plan designates a number of intersections in the community as “nodes.”

The subject properties are all located on Indiana Avenue between Navajo Street and Pueblo Street and were identified as part of a “neighborhood node.” The Master Plan describes this type of node as the following:

“Neighborhood nodes are small-scale intersections that incorporate small commercial establishments and residential options. These nodes are easily accessible from the surrounding neighborhoods by foot or bicycle but provide very little parking, as they are not normally major attractors for residents outside of the neighborhood. They are also ideal locations for uses that cater to everyday needs and walking trips such as corner markets, cafes/restaurants, and salons or barbershops. In West Salt Lake, these nodes are generally surrounded by single-family homes, so the new residential component must be compatible. Appropriate development would consist of one or two stories of apartments or condominiums above the ground-floor commercial use, accommodating densities between ten and 15 units per acre. Parking for new mixed use developments would be limited to the street or lots behind buildings.” (38)

The purpose of the rezone is to support the development of this node into what is envisioned by the Master Plan. The subject properties are currently zoned CN, Neighborhood Commercial. Two of these properties are currently used for commercial uses, and three of these properties are used for single-family homes. An additional large property has been vacant for the past few years.

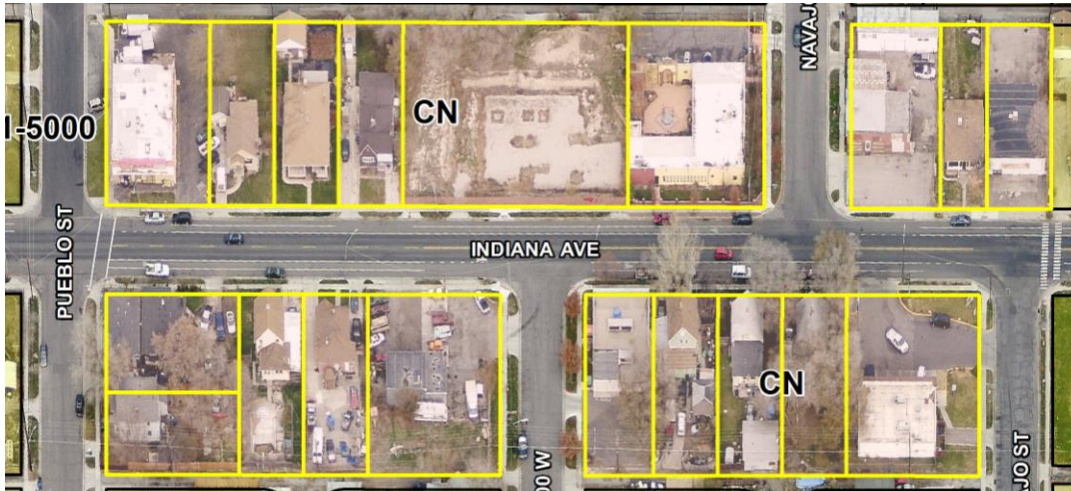
The proposal is to rezone these properties to R-MU-35, Residential Mixed Use. The intent of this rezone is to support the long-term development of these properties to support additional residential growth, while continuing to encourage a mix of uses at this node. Although the CN zone currently allows for development of similar intensities and densities as the R-MU-35 zone, the additional height allowed by the proposed zone may encourage additional residential development at this node because it allows for slightly larger structures and allows single-use residential development. The CN zone only allows residential if it is part of a mixed use building. Future redevelopment and reinvestment in these properties, in combination with City infrastructure improvements to the public realm, such as street treatments and pedestrian amenities, are intended to help achieve the vision for the Westside community.

KEY ISSUES:

The key issues listed below have been identified through the analysis of the project, neighbor and community input and department review comments.

1. Need for Continued Commercial Uses at this Node
2. Continuation of Single-Family Detached Homes
3. Zoning Compatibility
4. Possible R-MU-35 Changes

Issue 1 –Need for Continued Commercial Uses in the CN Zone



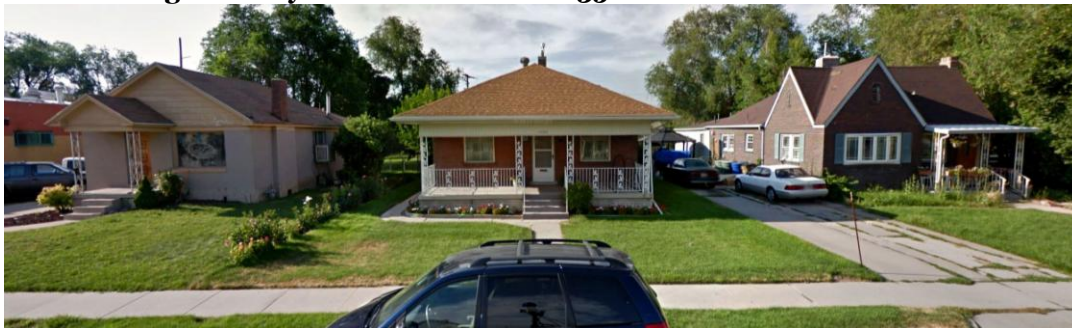
The current CN zoned area at this neighborhood node.

Not all of the properties in this neighborhood node are included in this proposal. The properties on the south side of the street, as well as some properties on the east side of the node, are proposed to remain zoned as CN. The reason for this is that the R-MU-35 zone allows for properties to be exclusively residential. If the entire node were to be rezoned to R-MU-35, this could result in the loss of all commercial uses in the node. The Master Plan identifies commercial uses at these neighborhood nodes as a critical component to their viability and vibrancy. Maintaining the CN zoning designation for some of the node will preserve these properties for commercial or mixed uses into the future.

All of the existing legal commercial uses on the involved properties would be able to continue to function as allowed uses under the R-MU-35 zone. The allowed uses in the CN and R-MU-35 zones are nearly identical and consist of low-intensity commercial uses only. No immediate changes would be required to these businesses with this rezone. If any of the existing businesses decided to redevelop their properties, including replacing or significantly expanding their buildings, they would be required to comply with the R-MU-35 zoning regulations. The existing businesses could remain if they are redeveloped so that they occupy the ground floor and residential uses occupy the above two floors.

This particular section of the node was chosen for rezoning to R-MU-35 in part due to the immediate potential for redevelopment given an existing large vacant parcel on the block, and the entire length of the block is included in order to provide a consistent zoning designation across the block face. As this node develops it may be appropriate to reevaluate the zoning for other properties at this node and determine if the zoning is still conducive to achieving the vision of the Westside Community.

Issue 2 – Single-Family Homes in the R-MU-35 Zone

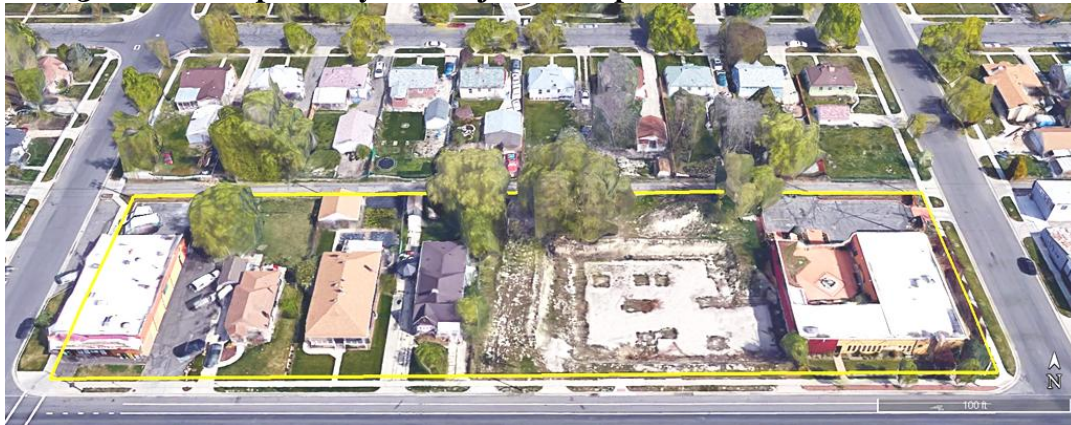


The three single-family homes shown above are proposed for rezone from CN to R-MU-35.

Three of the subject properties are detached single-family homes and are currently zoned CN. Although single-family homes are not an allowed use in the CN district, these properties are considered “legal complying” single-family homes. This legal complying status means that the homes are recognized by the city as legal residences and can be maintained like normal single-family homes located in residential zones. These homes can also be expanded and rebuilt, although there are special size restrictions due to their special status.

Unlike the CN zone, the R-MU-35 zone allows for detached single-family residential as a permitted use, so these homes would be able to continue to function and expand as allowed uses if they are rezoned. This would allow them to be expanded and rebuilt up to the full R-MU-35 zoning allowances. For example, the homes could be replaced with new, detached single-family homes with heights of up to 35 feet, as opposed to being limited to 25’ as they currently are under CN zoning.

Issue 3 – Zone Compatibility with Adjacent Properties



The above aerial image shows the properties (highlighted in yellow) proposed to be rezoned from CN to R-MU-35.

The purpose of the R-MU-35 zone, as stated in the current proposal before the City Council, is as follows:

The purpose of the R-MU-35 residential/mixed use district is to provide areas within the city for mixed use development that promote residential urban neighborhoods containing residential, retail, service commercial and small scale office uses. The standards for the district reinforce the mixed use character of the area and promote appropriately scaled development that is pedestrian oriented. This zone is intended to provide a buffer for lower density residential uses and nearby collector, arterial streets and higher intensity land uses.

As stated in the purpose statement, the zone is intended for neighborhood nodes such as this one. The zoning standards of the R-MU-35 are intended to support low intensity mixed-use development along arterials, such as Indiana Avenue, and to provide a transitional buffer between the arterial and adjacent single-family dwellings. Given the generally low intensity uses allowed by the zone and the associated development standards, the proposed zone change is not expected to have substantial negative impacts on adjacent residential properties.

The CN and R-MU-35 zones are both low-intensity zones and are nearly identical as far as what uses they allow. One small difference is that the R-MU-35 zone doesn’t allow for auto repair uses, which results in the R-MU-35 zone having slightly lower potential use intensity. Lists of possible uses for each zone are located in Attachment C. Therefore, the proposed rezone will not introduce the potential for any new, higher intensity uses that are not already possible under the

current zone. This fact reduces the potential for any new compatibility issues for this node, such as negative noise or visual impacts to residential properties.

The most significant difference between the two zones as far as intensity of development is that the CN limits development to 25' and the R-MU-35 zone allows for up to 35' of height. This 35' of height is only allowed for residential or mixed-used development. For purely commercial development, only 20' of height is allowed, similar to the existing CN development limits. Due to being located along a City arterial and across the street from an existing commercially zoned area, staff does not foresee issues regarding height along the street facing portions of the properties. However, at least one property owner adjacent to these properties expressed concern that privacy would be lost in their rear yards due to the additional 10 feet of height allowed by the RMU-35 zone versus the current CN zone.



The above image shows the effective rear setback that would be required by the proposed R-MU-35 zone.

There are a few conditions that reduce the potential for this loss of privacy. This includes the requirement that any new development incorporate a minimum rear yard setback of 25% of the lot depth (but need not exceed 30') from the rear property line, providing some horizontal buffering. As these properties are approximately 140' deep, this would result in a minimum 30' rear setback for these properties. This 30' setback would be supplemented by the existing 16' wide alley between the subject properties and the single-family homes to the north, resulting in at least a 46' horizontal setback. This distance reduces the potential loss of privacy and also prevents the buildings from permanently shadowing the adjacent rear yards. Staff analyzed the potential shadow impact on the rear properties assuming the sites were developed to their full development potential. This analysis showed no shadow impacts to the adjacent northern properties between the months of April and September. Only between the months of October and February would there be shadows cast into these properties.

Additionally reducing privacy and visibility concerns from height is the requirement that any new developments install shade trees every 30' feet along rear or side property lines shared with single-family zoned properties. Though in the short term, there may be some visibility into the rear yard of the single-family homes, in the long term with mature trees such visibility would be significantly reduced, especially in the summer months.

On-street parking by future users of the rezoned properties and the additional vehicle activity that may result on these corners may be a concern for the surrounding neighborhood. The CN zone requires the provision of 1/2 a parking space per dwelling unit for mixed uses. Similarly, the R-MU-35 zone requires 1/2 a parking space per dwelling unit for any multi-family residential uses. These are both relatively low compared to the parking requirement of 1 or 2 spaces per dwelling unit for many other zones in the City. Further, these zones also allow parking exemptions for some commercial uses, including "recreational, cultural, or entertainment" and "retail goods and services" uses. To obtain an exemption, pedestrian amenities must be provided, such as bike racks or benches. The low number of parking stalls required by the zones is meant to encourage pedestrian friendly development.

Due to these standards, neighboring residents may be concerned that new residents or patrons of future businesses will have insufficient parking on site and park in front of nearby homes. However, unlike some other areas of the city, the majority of homes around this node have two or more parking spaces located on their own property and do not appear to use the street for their primary parking spaces. Therefore, any parking overflow into the neighborhood would not result in residents being unable to find a place to park near their homes. Additionally, most single family home properties around this node appear to also have sufficient space available on their driveways to accommodate guest parking. This node is also served by the 516 bus route. This route is essentially a neighborhood route that connects Poplar Grove and Glendale to Downtown and the Central Pointe Station at 2100 South. It runs on a 30 minute schedule. The node is approximately a 10 minute walk (1/2 mile) to Redwood Road and the 217 route, which has 15 minute service during peak hours and connects to the Airport Light Rail. The 9 Line trail is less than a 5 minute walk from the node and provides off street walking and cycling access as far east as I-15 as well as to the Jordan River Parkway. With the variety of transportation modes available in the area, staff does not anticipate any substantial negative impacts on the neighborhood from possible parking overflow from future development.

Issue 4– Future R-MU-35 Regulation Changes

A number of changes to the R-MU-35 regulations were recently heard by the Planning Commission and have been transmitted to the City Council for their consideration and possible adoption. Staff has evaluated the proposed rezone in the context of these changes. Significant changes to the R-MU-35 regulations include the following:

- Elimination of density limits
- Additional design standards, such as architectural detailing and material restrictions
- Stepping requirement for the sides of buildings next to single/two family zones

It is expected that the changes will allow for more flexibility for developers and will encourage new development, while also reducing the impact new development may have on single family areas. Additionally, the design standards are expected to help ensure higher quality development. A summary of the R-MU-35 zoning regulations as currently drafted are located in Attachment C. The Planning Commission reviewed these changes and forwarded a positive recommendation to the City Council in January, 2015. It is not known when the changes may be considered by the City Council. When this proposal is transmitted to the Council, it will be noted that the zoning map amendments associated with this petition should not be made unless the changes to the R-MU-35 zoning district have also been made or are made at the same time.

DISCUSSION:

Applicable Master Plan Policies and Goals

The Westside Master Plan discusses nodes within the context of how the community can accommodate future growth and development. In particular, the plan identifies nodes as “key types of locations for redevelopment” and “where there is potential for changes in land use and the development pattern.” The plan designates this specific intersection as a “neighborhood node.” The plan describes “neighborhood nodes” as the following:

“Neighborhood nodes are small-scale intersections that incorporate small commercial establishments and residential options. These nodes are easily accessible from the surrounding neighborhoods by foot or bicycle but provide very little parking, as they are not normally major attractors for residents outside of the neighborhood. They are also ideal locations for uses that cater to everyday needs and walking trips such as corner markets, cafes/restaurants, and salons or barbershops. In (the Westside community), these nodes are generally surrounded by single-family homes, so the new residential component must be compatible. Appropriate development would consist of one or two stories of apartments or condominiums above the ground-floor commercial use, accommodating densities between ten and 15 units per acre. Parking for new mixed use developments would be limited to the street or lots behind buildings.” (38)

Specifically, the plan says the following about this particular neighborhood node:

This node presents a unique opportunity because it is not just a single intersection, but a series (of) intersections along Indiana Avenue. Three of the intersections are “T” intersections, which can provide developers with flexibility when designing projects within the node and also gives the node a unique orientation. There are some current commercial uses along Indiana Avenue here, but the overall node is underdeveloped and past attempts to revitalize this node have been hampered by zoning or legal issues with certain properties. The current zoning at these nodes requires review and likely modification or change to spur this development. Business development programs through the Economic Development Division can help grow this node and turn it into a destination in a central location. This location was one of the sites where residents expressed interest in a node that celebrates the diversity of the community. Restaurants, public spaces for small neighborhood events and specialized commercial establishments can be the types of uses that highlight the community’s ethnic diversity. (40)

In accordance with the above Master Plan discussions, the rezone is intended to allow more flexibility for development in order to encourage the nodes’ redevelopment and revitalization. In particular, there is a large vacant lot that has an immediate potential for redevelopment near the center of this node. Although the current CN zone has some design standards and there have been some high quality developments under the CN zone, it is anticipated that the R-MU-35 zones’ additional height and density allowances, as well as more thorough design standards, will encourage high quality development on this site and the other rezoned parcels.

The plan includes the following specific policy related to neighborhood nodes:

C.1 Create a more conducive environment for redevelopment at neighborhood nodes.

C.1.a Low-Intensity Mixed Use Development.

The Salt Lake City Planning Division shall analyze its existing zoning districts to determine what zoning changes will provide the most flexibility for low-intensity mixed use development around identified neighborhood nodes. Building heights at residential nodes should be limited to 35 feet or three stories without density limitations provided the other development regulations are met. The goal should be between ten and 25 units per acre. Residential uses should not be required as part of the development but encouraged with other incentives. (87)

The proposed zoning amendment implements the policies of the Master Plan by better enabling the node to redevelop and support future growth in the community and generally meets the criteria established in the above policy. The R-MU-35 zone is intended to provide additional housing opportunities that would not be as easily achieved through the existing CN zone. In compliance with the above policy, the R-MU-35 zone will allow for development up to 35 feet or three stories and the draft R-MU-35 regulation changes that are currently awaiting review by the City Council will remove the density limitation for this zone. The additional housing is anticipated to add more activity to the node and reinforce the node’s status as a neighborhood activity center. Further, allowing growth at nodes also helps to reduce the development pressure on well established neighborhoods, as there is space for new development to occur outside or on the edges of the single family neighborhoods.

With regard to the policy concerning incentivizing residential development, 35’ of height is allowed only for residential or mixed-use buildings in this zone. Commercial development without a residential component is restricted to 20’ in height. The additional height allowance may encourage residential and mixed-use development, rather than exclusively commercial development. The zone standards, as well as examples of potential R-MU-35 development are located in Attachment C.

As discussed in Issue 1 above, Staff considered proposing to rezone all of the current CN properties at this node to R-MU-35; however, this could result in the long-term elimination of all of the commercial uses and replacement with exclusively residential uses. As commercial uses are identified by the Master Plan as a critical

component of these neighborhood nodes, these other CN properties were left out of this proposed rezone in order to encourage the retention of commercial uses at this node.

The rezone also supports a number of general Master Plan goals related to encouraging more growth and development in the community, including the following:

- ***Promote reinvestment and redevelopment** in the Westside community through changes in land use, improved public infrastructure and community investment to spur development that meets the community's vision while maintaining the character of Westside's existing stable neighborhoods.*
- *Protect and encourage **ongoing investment in existing, low-density residential neighborhoods** while providing attractive, compatible and high density residential development where needed, appropriate or desired.*
- *Recognize, develop and foster opportunities for **unique, mixed use neighborhood and community nodes** in the Westside that reflect the diverse nature of the community and provide resources to allow for their growth. (4)*

In compliance with these goals, the additional density and height allowed by the zone is intended to promote redevelopment and reinvestment at this node, which is one of the places deemed appropriate by the Master Plan to accommodate such growth. This proposal provides additional residential development opportunities along the City arterial 400 South, while not encroaching into low-density neighborhoods on adjacent local streets. The redevelopment and reinvestment in these properties, in combination with City investments in public amenities, is meant to foster the development of this node into an active neighborhood activity center that will be an asset to the surrounding neighborhood.

NEXT STEPS:

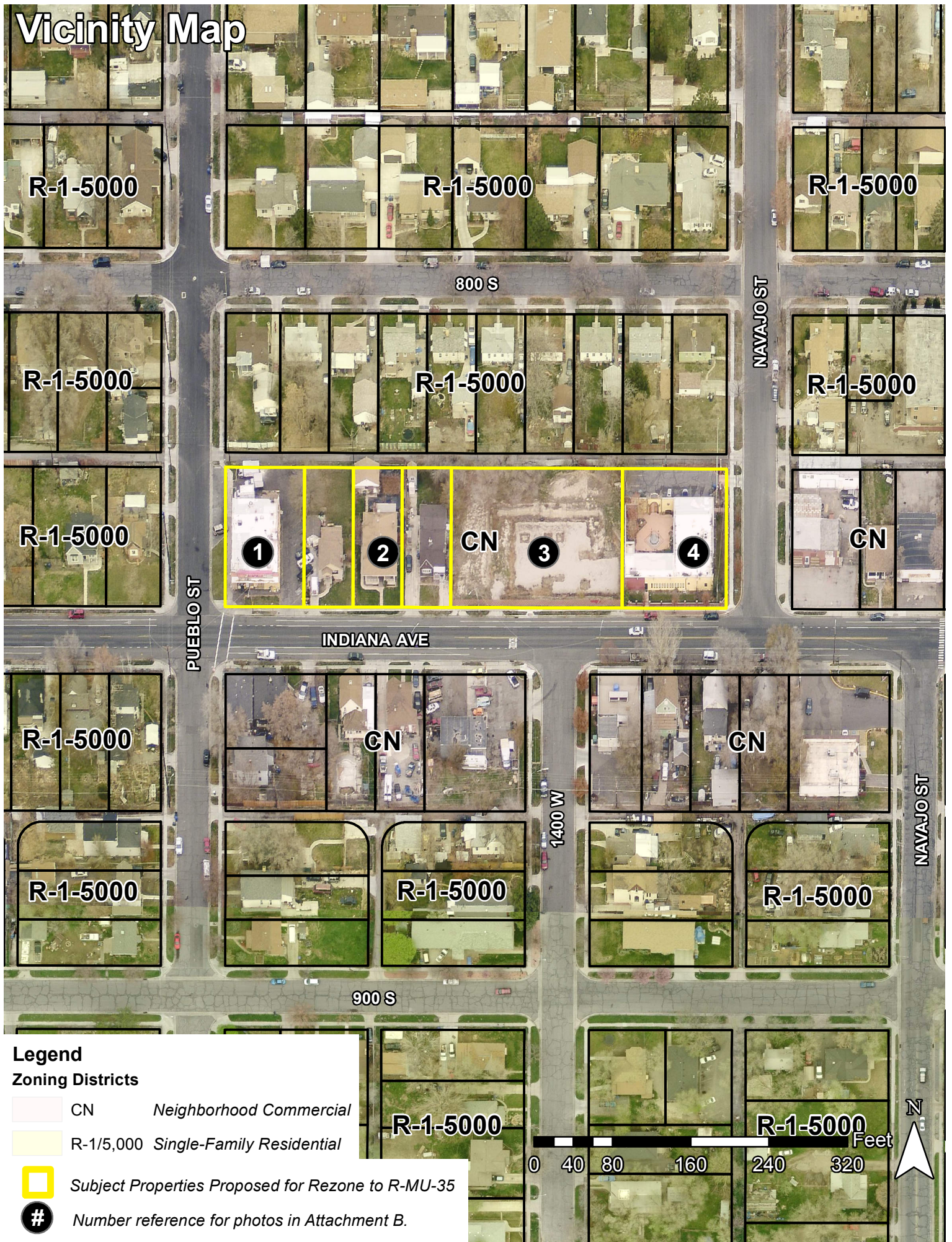
With a recommendation of approval or denial for the zoning amendment, the amendment proposal will be sent to the City Council for a final decision by that body.

If the zoning amendment is approved, the properties will be given the zoning designation R-MU-35, Residential/Mixed Use. No immediate changes would happen to these properties and they could continue to remain as they are. Any future development of these properties would need to comply with the R-MU-35 zoning regulations. The general R-MU-35 zoning district development standards, as well as examples of potential R-MU-35 development, are located in Attachment C.

If the zoning amendment is denied, the properties will remain zoned CN, Neighborhood Commercial. With this zoning, the properties will continue to be able to redevelop as commercial or mixed uses up to 25' in height. A complete list of uses allowed in this zone is located in Attachment C.

ATTACHMENT A: VICINITY MAPS

Vicinity Map



Legend

Zoning Districts

- CN *Neighborhood Commercial*
- R-1/5,000 *Single-Family Residential*

Subject Properties Proposed for Rezone to R-MU-35

Number reference for photos in Attachment B.



ATTACHMENT B: PROPERTY PHOTOGRAPHS



Business Proposed for Rezone to R-MU-35 (Left); Single-family Homes Proposed for Rezone (Right)



Three (3) Single Family Homes Proposed for Rezone to R-MU-35



Vacant Lot Proposed For Rezone to R-MU-35



Office Building Proposed for Rezone to R-MU-35

ATTACHMENT C: EXISTING CONDITIONS & DEVELOPMENT STANDARDS

Uses in the Immediate Vicinity of the Property

To the north of the land proposed for rezoning are ten single-family homes zoned R-1/5,000. The properties across the street to the south include five single-family homes, an auto repair shop building, and a retail thrift store. Across the street to the west of this area is another single-family home on a corner lot. Across the street to the east of this area is a commercial building on a corner lot.

Please see the vicinity map in Attachment A for reference.

Current CN Zoning Standards

The properties are currently zoned CN, Neighborhood Commercial. The zoning standards for the CN zone are located on the following pages.

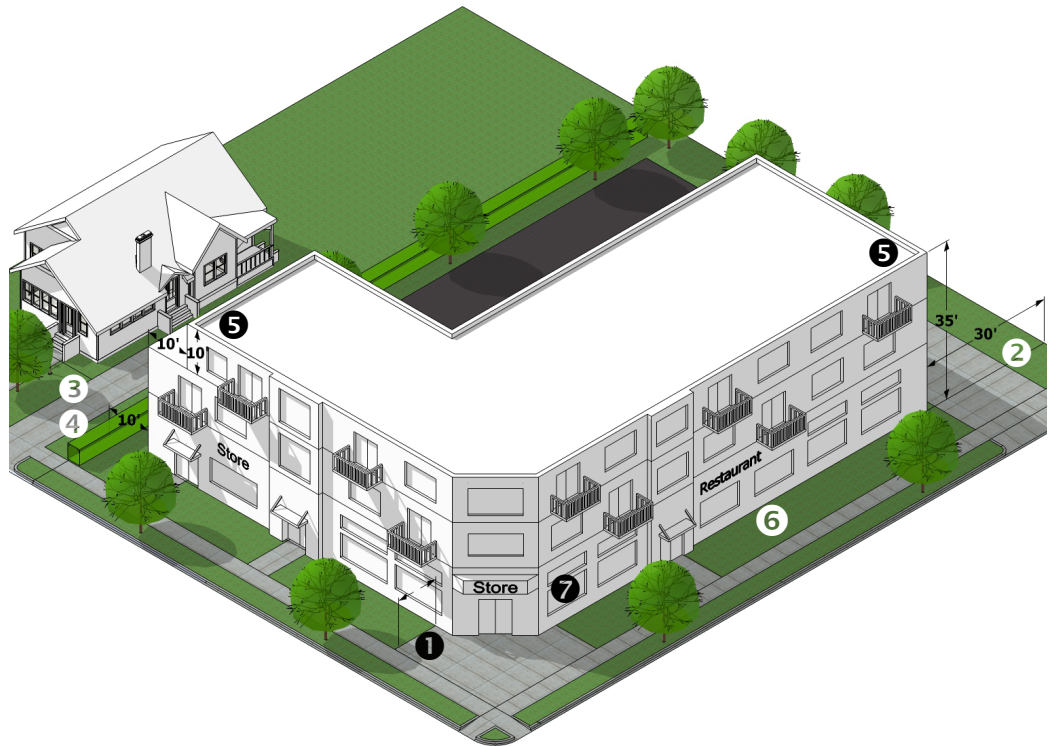
Proposed R-MU-35 Zoning Standards

The City is proposing to rezone the subject properties to R-MU-35, Residential Mixed Use. Significant changes have been proposed to the regulations for this zone and are waiting to be heard by the City Council. As such, staff has analyzed the proposed rezone in the context of the proposed regulation changes. The proposed and not yet adopted development standards for that zone, including yard and bulk requirements, as well as a list of permitted and conditional uses are located on the following pages.

R-MU-35

RESIDENTIAL/ MIXED USE

DRAFT REGULATIONS FOR MULTI-FAMILY RESIDENTIAL AND MIXED USE DEVELOPMENT



Development Examples

Diagram of Development Standards When Next to Single/Two-Family Zones

R-MU-35 Development Standards (21A.24.164) For Multi-family Residential & Mixed Uses

LOT WIDTH	LOT AREA	FRONT YARD ①	REAR YARD ②	SIDE YARDS ③	LANDSCAPE BUFFERS ④	HEIGHT ⑤	OPEN SPACE ⑥	MIXED USE LIMITATION ⑦
Min 50'	5,000 sq ft min	Min 5' Max 15'	25% of lot depth, need not exceed 30'	10' next to single/two-family residential zones	10' next to single/two-family residential zones	35' max; 25' max at 10' side yard setback next to single/two-family zones*	Min 20% of lot area, includes yards, plazas, and courtyards	Non-residential use limited to 1st floor

*Additional height beyond 25' (up to 35') must be setback or stepped 1' horizontally for every 1' of additional height.

R-MU-35 Building Design Standards*

GROUND FLOOR GLASS	GROUND FLOOR ACTIVE USES	GROUND FLOOR BUILDING MATERIALS	ENTRANCES	MAXIMUM LENGTH OF BLANK WALLS	BUILDING EQUIPMENT & SERVICE AREAS	PARKING STRUCTURES
60% glass (40% for residential uses) & non-reflective, allows 5' of visibility into building,	75% of ground floor facade must include uses other than parking; shall extend min 25' into building	80% of remaining wall area, besides windows and doors, shall be clad in durable materials, i.e. brick, masonry, textured/patterned concrete or cut stone	Min 1 entry for each street facing facade; additional entry required for each 75' of facade	No blank walls over 15' long; must be broken up by windows, doors, art, or architectural detailing.	On roof or in rear yard, sited to minimize visibility or integrated into design	Unattached parking structures shall be setback 45' from front property line or behind building

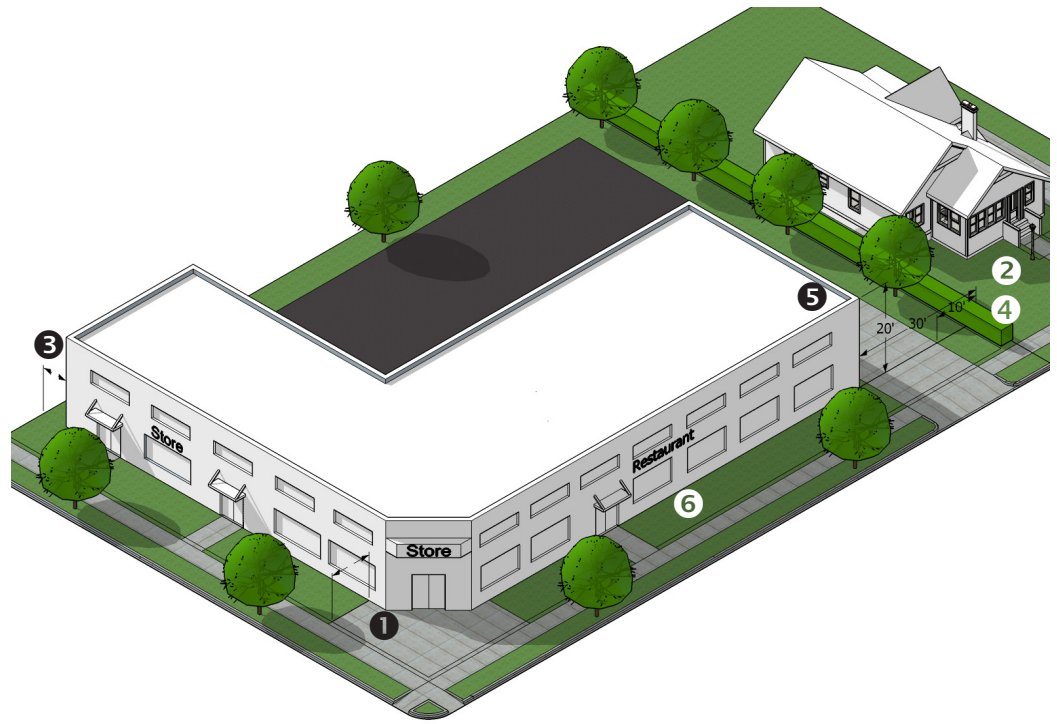
*These design standards apply for new construction, additions of 1,000 sq ft or more that extend a street facing building facade, or additions that increase the height of an existing building.

The above information is a summary of the draft regulations. Please see the draft text for the complete proposed regulations.

R-MU-35

RESIDENTIAL/ MIXED USE

DRAFT REGULATIONS FOR COMMERCIAL DEVELOPMENT



Development Examples

Diagram of Development Standards When Next to Single/Two-Family Zones

R-MU-35 Development Standards (21A.24.164) For Commercial Uses (No Residential Component)

LOT WIDTH	LOT AREA	FRONT YARD ①	REAR YARD ②	SIDE YARDS ③	LANDSCAPE BUFFERS ④	HEIGHT ⑤	OPEN SPACE ⑥
No Min	No Min	Min 5' Max 15'	25% of lot depth, need not exceed 30'	10' next to single/ two-family residential zones	10' next to single/ two-family residential zones	20' max	Min 20% of lot area, includes yards, plazas, and courtyards

R-MU-35 Building Design Standards*

GROUND FLOOR GLASS	GROUND FLOOR ACTIVE USES	GROUND FLOOR BUILDING MATERIALS	ENTRANCES	MAXIMUM LENGTH OF BLANK WALLS	BUILDING EQUIPMENT & SERVICE AREAS	PARKING STRUCTURES
60% glass & non-reflective, allows 5' of visibility into building	75% of ground floor facade must include uses other than parking; shall extend min 25' into building	80% of remaining wall area, besides windows and doors, shall be clad in durable materials, i.e. brick, masonry, textured/patterned concrete or cut stone	Min 1 entry for each street facing facade; additional entry required for each 75' of facade	No blank walls over 15' long; must be broken up by windows, doors, art, or architectural detailing.	On roof or in rear yard, sited to minimize visibility or integrated into design	Unattached parking structures shall be setback 45' from front property line or behind building

*These design standards apply for new construction, additions of 1,000 sq ft or more that extend a street facing building facade, or additions that increase the height of an existing building.

The above information is a summary of the draft regulations. Please see the draft text for the complete proposed regulations.

PERMITTED AND CONDITIONAL USES - RESIDENTIAL MULTIFAMILY AND MIXED USE DISTRICTS

Use	RMF -30	RMF -35	RMF -45	RMF -75	RB	R-MU -35	R-MU -45	R-MU	RO
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P	P	P	P	P	P	P	P	P
Adaptive reuse of a landmark site	C ⁸	C ⁸	C ⁸	C ⁸	P	P	P	P	P ⁶
Alcohol, brewpub (2,500 square feet or less in floor area)						C ⁹	C ⁹	C ⁹	
Alcohol, dining club (2,500 square feet or less in floor area)					C ^{9,10}	C ⁹	C ⁹	C ⁹	
Alcohol, social club (2,500 square feet or less in floor area)						C ⁹	C ⁹	C ⁹	
Alcohol, tavern (2,500 square feet or less in floor area)								C ⁹	
Animal, veterinary office					C	C	C	P	P ⁶
Art gallery					P	P	P	P	P
Bed and breakfast inn					P		P	P	P
Bed and breakfast manor								P	
Clinic (medical, dental)					P	P	P	P	P ⁶
Community garden	P	P	P	P	P	P	P	P	P
Crematorium						C	C	C	
Daycare center, adult				P	P	P	P	P	P
Daycare center, child				P	P	P	P	P	P
Dwelling, accessory guest and servant's quarter									
Dwelling, accessory unit	P	P	P	P					
Dwelling, assisted living facility (large)		C	P	P		C	P	P	P
Dwelling, assisted living facility (small)	C	P	P	P	P	P	P	P	P
Dwelling; dormitory, fraternity, sorority									
Dwelling, group home (large)	C	C	C	C	C	C	C	C	C
Dwelling, group home (small)	P	P	P	P	P	P	P	P	P
Dwelling, manufactured home	P	P	P	P	P	P	P	P	
Dwelling, multi-family	P	P	P	P	P	P	P	P	P
Dwelling, resident healthcare facility	P	P	P	P	P	P	P	P	P
Dwelling, residential substance abuse treatment home (small)				P		P	P	P	P
Dwelling, rooming (boarding) house			C	P	C	C	C	P	P
Dwelling, single-family (attached)	P	P	P	P	P	P	P	P	P
Dwelling, single-family (detached)	P	P	P	P	P	P	P	P	P
Dwelling, transitional victim home (large)			C	C			C	C	C
Dwelling, transitional victim home (small)		C	C	P		C	C	P	P
Dwelling, twin home and two-family	P	P			P	P	P	P	P
Eleemosynary facility	C	C	P	P		C	P	P	P
Financial institution						P	P	P	P ⁶
Funeral home						P	P	P	P
Governmental facility	C	C	C	C	C	C	C	C	C ⁶
Laboratory (medical, dental, optical)					P	P	P	P	P
Library					C	C	C	C	C
Mixed use development					P ¹	P	P	P	P
Mobile food business (operation on private property)						P	P	P	
Municipal service use, including city utility use and police and fire station	C	C	C	C	C	C	C	C	C
Museum					P	C	P	P	P

Use	RMF -30	RMF -35	RMF -45	RMF -75	RB	R-MU -35	R-MU -45	R-MU	RO
Nursing care facility			P	P			P	P	
Office, excluding medical and dental clinic and office					P	P	P	P	P ⁶
Open space on lots less than 4 acres in size	P	P	P	P	P	P	P	P	P
Park	P	P	P	P	P	P	P	P	P
Parking, off site (to support nonconforming uses in a residential zone or uses in the CN or CB zones)					C	C	C	C	C
Parking, park and ride lot shared with existing use	P	P	P	P	P	P	P	P	P
Place of worship on lots less than 4 acres in size	C	C	C	C	C	C	C	C	C
Reception center						P	P	P	
Recreation (indoor)					P	P	P	P	P
Restaurant					P	P	P	P	P
Restaurant with drive-through facility									
Retail goods establishment					P	P	P	P	
Retail goods establishment, plant and garden shop with outdoor retail sales area					P	P	P	P	
Retail service establishment					P	P	P	P	
School, music conservatory					P	C	C	P	
School, professional and vocational					P	C	C	P	P ⁶
School, seminary and religious institute	C	C	C	C	C	C	C	C	C
Seasonal farm stand					P	P	P	P	P
Studio, art					P	P	P	P	P
Theater, live performance					C ¹³	C ¹³	C ¹³	C ¹³	C ¹³
Theater, movie					C	C	C	C	C
Urban farm	P	P	P	P	P	P	P	P	P
Utility, building or structure	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ^{5,7}
Utility, transmission wire, line, pipe or pole	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵
Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title)									

QUALIFYING PROVISIONS

1. A single apartment unit may be located above first floor retail/office.
2. Provided that no more than 2 two-family buildings are located adjacent to one another and no more than 3 such dwellings are located along the same block face (within subdivisions approved after April 12, 1995).
3. Reserved.
4. Reserved.
5. See subsection 21A.02.050B of this title for utility regulations.
6. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
7. Subject to conformance to the provisions in section 21A.02.050 of this title.
8. Subject to conformance with the provisions of subsection 21A.24.010T of this title.
9. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
10. In the RB zoning district, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.
11. Accessory guest or servant's quarters must be located within the buildable area on the lot.
12. Subject to conformance with the provisions of subsection 21A.36.150 of this title.
13. Prohibited within 1,000 feet of a single- or two-family zoning district.



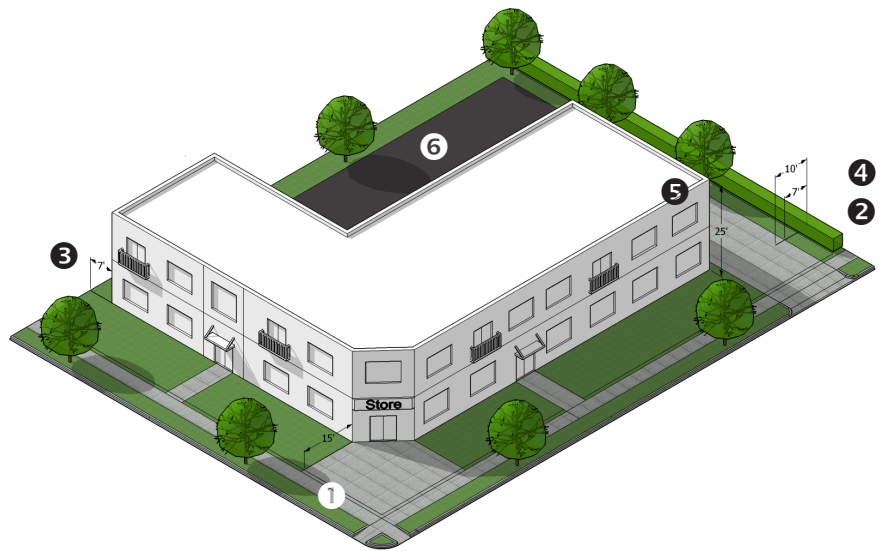
NEIGHBORHOOD COMMERCIAL

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. 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 reinforce the historic scale and ambiance of traditional neighborhood retail that is 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.

Residential development in the CN zone is only allowed only as part of a mixed-use development that includes a commercial use. Such uses include restaurants, retail, or office space and can be mixed vertically or horizontally with residential uses. Commercial uses are allowed without a residential component. The front building setback is intended to be in scale with adjacent residential front yards.



Development Examples



Zoning Diagram

CN Development Standards (21A.26.020)								
LOT WIDTH	LOT AREA	FRONT YARD ①	REAR YARD ②	SIDE YARDS ③	LANDSCAPE BUFFERS ④	HEIGHT ⑤	SURFACE PARKING ⑥	PARKING LIGHTING
No min or max	No min, Max 16,500 sq ft	Min. 15', max. 25'*	10'	0'	7' required next to residential zones	25' max	Located behind building or setback 30' from front property line	If next to residential, light poles limited to 16'; must be shielded

*The front yard standards can be modified through the Conditional Building and Site Design process, which requires the development meet a higher level of site and building standards. This can result in no (0') required front yard setback.

CN Building Design Standards			
1ST FLOOR FACADE	FRONT ENTRANCE	FIRST FLOOR DETAILING	MECHANICAL EQUIPMENT/SERVICE AREAS
40% glass & non-reflective	1 entry that faces street	No blank walls over 15' long	Screened or located out of public view

PERMITTED AND CONDITIONAL USES - COMMERCIAL DISTRICTS

USES	CN	CB	CS1	CC	CSHBD1	CG	SNB
Accessory use, except those that are specifically regulated elsewhere in this title	P	P	P	P	P	P	P
Adaptive reuse of a landmark site	P	P	P	P	P	P	
Alcohol:							
Brewpub (2,500 square feet or less in floor area)		C ^{12,13}	p ¹²	p ¹²	p ¹²	p ¹²	
Brewpub (more than 2,500 square feet in floor area)			p ¹²	C ¹²	p ¹²	p ¹²	
Dining club (2,500 square feet or less in floor area)	C ^{12,13}	C ^{12,13}	p ¹²	p ¹²	p ¹²	p ¹²	
Dining club (more than 2,500 square feet in floor area)			p ¹²	C ¹²	p ¹²	p ¹²	
Distillery						p ¹⁹	
Microbrewery						P	
Social club (2,500 square feet or less in floor area)		C ^{12,13}	p ¹²	p ¹²	p ¹²	p ¹²	
Social club (more than 2,500 square feet in floor area)			p ¹²	C ¹²	p ¹²	p ¹²	
Tavern (2,500 square feet or less in floor area)		C ^{12,13}	p ¹²	p ¹²	p ¹²	p ¹²	
Tavern (more than 2,500 square feet in floor area)			p ¹²	C ¹²	p ¹²	p ¹²	
Ambulance service (indoor)			P	P	P	P	
Ambulance service (outdoor)			p ⁷	p ⁷	p ⁷	P	
Amusement park			P			P	
Animal:							
Cremation service				P		P	
Kennel						P	
Pet cemetery						p ⁴	
Veterinary office	C	P	P	P	P	P	
Antenna, communication tower		P	P	P	P	P	
Antenna, communication tower, exceeding the maximum building height in the zone		C	C	C	C	C	
Art gallery	P	P	P	P	P	P	P
Auction (outdoor)				P		P	
Auditorium			P	P	P	P	
Bakery, commercial						P	
Bed and breakfast	P	P	P	P	P	P	p ¹⁷
Bed and breakfast inn	P	P	P	P	P	P	
Bed and breakfast manor	C ³	C ³		P	P	P	
Blacksmith shop						P	
Blood donation center				C		P	
Bus line station/terminal				P		P	
Bus line yard and repair facility						P	
Car wash			P	P		P	
Car wash as accessory use to gas station or convenience store that sells gas			P	P	P	P	
Check cashing/payday loan business				p ¹⁰		p ¹⁰	
Clinic (medical, dental)	P	P	P	P	P	P	
Community correctional facility, large							
Community correctional facility, small						C ^{9,14}	
Community garden	P	P	P	P	P	P	P
Contractor's yard/office				C		P	

USES	CN	CB	CS1	CC	CSHBD1	CG	SNB
Crematorium			C	C	C	C	
Daycare center, adult	P	P	P	P	P	P	
Daycare center, child	P	P	P	P	P	P	
Daycare, registered home daycare or preschool							P
Dwelling:							
Assisted living facility (large)		P		P	P	P	
Assisted living facility (small)		P		P	P	P	P
Group home (large)		P		C		C	
Group home (small) when located above or below first story office, retail, or commercial use, or on the first story where the unit is not located adjacent to street frontage	P	P	P	P	P	P	P
Living quarter for caretaker or security guard	P	P	P	P	P	P	
Manufactured home							P
Multi-family		P	P	P	P	P	P
Residential substance abuse treatment home (large)				C		C	
Residential substance abuse treatment home (small)				C		C	
Rooming (boarding) house		P	P	P	P	P	
Single-family attached							P
Single-family detached							P
Single room occupancy							
Transitional victim home (large)				C		C	
Transitional victim home (small)				C		C	
Twin home							P
Two-family							P
Eleemosynary facility		P					
Equipment rental (indoor and/or outdoor)				P		P	
Farmers' market			C	C	P	P	
Financial institution	P	P	P	P	P	P	
Financial institution with drive-through facility		P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	
Flea market (indoor)			P	P	P	P	
Flea market (outdoor)						P	
Funeral home			P	P	P	P	
Gas station		C	P	P	P	P	
Government facility		C	C	C	C	C	C
Government facility requiring special design features for security purposes	P	P	P	P	P	P	
Homeless shelter						C	
Hotel/motel		C		P	P	P	
House museum in landmark sites (see subsection 21A.24.010T of this title)							C
Impound lot						C ¹⁴	
Industrial assembly						P	
Intermodal transit passenger hub						P	
Laboratory (medical, dental, optical)			P	P		P	
Laboratory, testing			P	P		P	

USES	CN	CB	CS1	CC	CSHBD1	CG	SNB
Large wind energy system		P		P		P	
Laundry, commercial						P	
Library	P	P	P	P	P	P	C
Limousine service (large)						P	
Limousine service (small)		C		C		P	
Manufactured/mobile home sales and service						P	
Mixed use development	P	P	P	P	P	P	P ¹⁵
Mobile food business (operation on private property)	P	P	P	P	P	P	
Municipal service uses, including city utility uses and police and fire stations		C	C	C	C	C	C
Museum	P	P	P	P	P	P	P
Nursing care facility		P		P		P	
Office	P	P	P	P	P	P	P ¹⁸
Offices and reception centers in landmark sites (see subsection 21A.24.010T of this title)							C
Open space	P	P	P	P	P	P	
Open space on lots less than 4 acres in size							P
Park	P	P	P	P	P	P	
Parking:							
Commercial				C	P	P	
Off site	C	P	P	P	P	P	
Park and ride lot		C	C	P		P	
Park and ride lot shared with existing use		P	P	P	P	P	
Place of worship on lot less than 4 acres in size	P	P	P	P	P	P	C
Radio, television station			P	P	P	P	
Reception center		P	P	P	P	P	
Recreation (indoor)	P	P	P	P	P	P	P
Recreation (outdoor)			C	C		P	
Recreational vehicle park (minimum 1 acre)				C			
Recycling collection station	P	P	P	P	P	P	
Research and development facility							
Restaurant	P	P	P	P	P	P	
Restaurant with drive-through facility		P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	
Retail goods establishment	P	P	P	P	P	P	P ¹⁶
Plant and garden shop with outdoor retail sales area	P	P	P	P	P	P	P
With drive-through facility		P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	
Retail service establishment	P	P	P	P	P	P	P ¹⁶
Furniture repair shop	C	P	P	P	P	P	
With drive-through facility		P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	
Reverse vending machine	P	P	P	P	P	P	
Sales and display (outdoor)	P	P	P	P	P	P	

USES	CN	CB	CS1	CC	CSHBD1	CG	SNB
School:							
College or university		P	P	P	P	P	
Music conservatory		P	P	P	P	P	
Professional and vocational		P	P	P	P	P	
Seminary and religious institute		P	P	P	P	P	C
Seasonal farm stand	P	P	P	P	P	P	
Sexually oriented business						p ⁵	
Sign painting/fabrication						P	
Solar array						P	
Storage (outdoor)				C		P	
Storage, public (outdoor)				C		P	
Storage, self				P		P	
Store:							
Department			P		P		
Mass merchandising			P		P	P	
Pawnshop						P	
Specialty			P	P	P	P	
Superstore and hypermarket			P			P	
Warehouse club						P	
Studio, art	P	P	P	P	P	P	P
Studio, motion picture						P	
Taxicab facility						P	
Theater, live performance		p ¹⁴	p ¹⁴	p ¹⁴	p ¹⁴	p ¹⁴	
Theater, movie		C	P	P	P	P	
Urban farm	P	P	P	P	P	P	
Utility, building or structure	p ²	p ²	p ²	p ²	p ²	p ²	p ²
Utility, transmission wire, line, pipe, or pole	p ²	p ²	p ²	p ²	p ²	p ²	p ²
Vehicle:							
Auction						P	
Automobile repair (major)				P		P	
Automobile repair (minor)	C	P	P	P	P	P	
Automobile sales/rental and service				P		P	
Automobile salvage and recycling (indoor)						P	
Boat/recreational vehicle sales and service				P		P	
Truck repair (large)						P	
Truck sales and rental (large)				P		P	
Vending cart, private property					P		
Warehouse				P		P	
Welding shop						P	
Wholesale distribution				P		P	
Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title)							C
Woodworking mill						P	

PERMITTED AND CONDITIONAL USES - COMMERCIAL DISTRICTS

QUALIFYING PROVISIONS

1. Development in the CS district shall be subject to planned development approval pursuant to the provisions of chapter 21A.55 of this title. Certain developments in the CSHBD zone shall be subject to the conditional building and site design review process pursuant to the provisions of subsection 21A.26.060D and chapter 21A.59 of this title.
2. Subject to conformance to the provisions in subsection 21A.02.050B of this title for utility regulations.
3. When located in a building listed on the Salt Lake City register of cultural resources (see subsections 21A.24.010T and 21A.26.010K of this title).
4. Subject to Salt Lake Valley health department approval.
5. Pursuant to the requirements set forth in section 21A.36.140 of this title.
6. Subject to location restrictions as per section 21A.36.190 of this title.
7. Greater than 3 ambulances at location require a conditional use.
8. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
9. A community correctional facility is considered an institutional use and any such facility located within an airport noise overlay zone is subject to the land use and sound attenuation standards for institutional uses of the applicable airport overlay zone within chapter 21A.34 of this title.
10. No check cashing/payday loan business shall be located closer than 1/2 mile of other check cashing/payday loan businesses.
11. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
12. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
13. In CN and CB zoning districts, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.
14. Prohibited within 1,000 feet of a single- or two-family zoning district.
15. Residential units may be located above or below first floor retail/office.
16. Construction for a nonresidential use shall be subject to all provisions of subsections 21A.24.160I and J of this title.
17. In the SNB zoning district, bed and breakfast use is only allowed in a landmark site.
18. Medical and dental offices are not allowed in the SNB zoning district.
19. Permitted in the CG zoning district only when associated with an on site food service establishment.

ATTACHMENT D: ANALYSIS OF STANDARDS

ZONING MAP AMENDMENTS

21A.50.050: 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. In making a decision to amend the zoning map, the City Council should consider the following:

Factor	Finding	Rationale
1. Whether a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;	Complies	Please see the “Discussion” section on pages 3-4 regarding applicable master plan policies and goals. As discussed, staff finds that the proposed zoning amendment is consistent with the purposes, goals, objectives, and policies of the <i>Westside Master Plan</i> .
2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance.	Complies	<p>The R-MU-35 purpose statement is as follows:</p> <p><i>The purpose of the R-MU-35 residential/mixed use district is to provide areas within the city for mixed use development that promote residential urban neighborhoods containing residential, retail, service commercial and small scale office uses The standards for the district reinforce the mixed use character of the area and promote appropriately scaled development that is pedestrian oriented. This zone is intended to provide a buffer for lower density residential uses and nearby collector, arterial streets and higher intensity land uses.</i></p> <p>In compliance with this purpose statement, the proposed location of the zoning district fits the location criteria of the zone. The zone would be located adjacent to a residential neighborhood and would serve the neighborhood. As discussed on pages 1-4, the master plan supports small scale, low intensity uses at the proposed location.</p>
3. The extent to which a proposed map amendment will affect adjacent properties;	Some new visual or privacy impacts may occur with the new development potential, but required additional buffering and the	As discussed in the issue section on page 3 of the staff report, the amendment could result in some potential impacts to adjacent properties from the additional development potential allowed by the R-MU-35 zone. However, the regulations of the district

	limited height of the zone are expected to minimize any negative impacts.	restrict the size and scale of development in order to mitigate the potential negative impacts to adjacent single-family residential development.
4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards	Complies	The property is not located within an overlay zoning district that imposes additional standards.
5. The adequacy of public facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.	Complies	<p>The subject property is located within a built environment where public facilities and services already exist. Future development on these properties, such as larger commercial or multifamily development may require upgrading utilities and drainage systems that serve the properties.</p> <p>No concerns were received from other City departments regarding the zoning amendment or the potential for additional development intensity/density on these properties.</p>
NOTES:		

ATTACHMENT E: PUBLIC PROCESS & COMMENTS

Public Notice, Meetings, Comments

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project:

Property Owner Notice and Meeting

Staff notified owners of the subject properties about the proposed zoning changes to their properties in July 2014 and let them know that a stakeholder meeting would be held on August 5, 2014 at the City and County Building. None of the affected property owners attended the meeting.

Notice of Application:

A notice of application was sent to the Poplar Grove Community Council chairperson. The Community Council was given 45 days to respond with any concerns or request staff to meet with them and discuss the rezone.

The Community Council requested that staff attend their October 22nd, 2014 meeting. Staff sent a notice to property owners and residents within 300 feet of the proposal, notifying them that the proposal would be discussed at the October 22nd meeting.

At the meeting, staff presented the proposal and received a number of questions about the proposed rezone and what it would allow. Some attendees, including a resident who stated that he lived to the north of the vacant lot proposed for rezone, expressed concerns about the 35' height allowance. In particular there was concern about privacy in their backyards. That resident as well as others expressed dismay and concern with the unscrupulous activities that were happening on the lot due to its vacancy and lack of maintenance and stated a desire to see some kind of development. Some residents expressed that single-family development on the lot would be their preferred option.

At the end of the meeting, the Community Council held a vote on the proposal. Although those that voted were generally in favor, there were a significant number of abstentions.

Notice of the public hearing for the proposal included:

Public hearing notice mailed on February 26, 2015

Public notice posted on City and State websites and Planning Division list serve on February 26, 2015

Public Input:

Staff received three phone calls prior to publication of this staff report from nearby residents inquiring about the proposal.

One resident who lives in a single-family home proposed for rezoning was concerned with potential irresponsible apartment residents in any new development and was concerned that new apartment development would be similar to the existing apartments in the neighborhood. The resident did not think that commercial would do well on these properties, given how past businesses have done, and though single-family homes may be the best use for the properties.

The owner of the grocery store involved in the rezone called inquiring if the small grocery store (retail use) would continue to be allowed under the R-MU-35 zone. It is an allowed use in the zone and could continue.

Another resident called and wondered if the City was proposing to take these properties. Staff explained that the City is not taking away private property through this rezone.

ATTACHMENT F: DEPARTMENT REVIEW COMMENTS

Department Review Comments

Engineering

No objections.

Zoning

No comments.

Transportation

Indiana Avenue roadway is a Arterial Class roadway with multi modal corridors for Autos, Bikes, and Pedestrians. The proposed change from CN Commercial to RMU-35 present a standard impact of traffic use classification for this roadway. The RMU-35 parking requirements are in balance with the natural growth and level of service available.

Public Utilities

No comment regarding the zone change. The reuse of the property will be handled through the permitting processes.

Fire

No comments.

ATTACHMENT G: MOTIONS

Potential Motions

Staff Recommendation:

Based on the findings and analysis in the staff report, testimony, and discussion at the public hearing, I move that the Planning Commission transmit a positive recommendation to the City Council for the proposed zoning amendment.

Not Consistent with Staff Recommendation:

Based on the findings and analysis in the staff report, testimony, and discussion at the public hearing, I move that the Planning Commission transmit a negative recommendation to the City Council for the proposed zoning amendment.

(The Planning Commission shall make findings on the Zoning Amendment standards and specifically state which standard or standards are not being complied with. Please see Attachment D for applicable standards.)