



# Staff Report

PLANNING DIVISION  
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission  
From: Anthony Riederer, 801-535-7625 or anthony.riederer@slcgov.com  
Date: September 23, 2015  
Re: PLNPCM2015-00644

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## Zoning Text Amendment

**PROPERTY ADDRESS:** N/A  
**PARCEL ID:** N/A  
**MASTER PLAN:** N/A  
**ZONING DISTRICT:** Citywide

**REQUEST:** The Salt Lake City Council is requesting a zoning text amendment that would allow for “Single-Practitioner Medical, Dental and Health offices” in the SNB (Small Neighborhood Business) District. The Planning Commission is required to transmit a recommendation to the City Council for zoning text amendment requests.

**RECOMMENDATION:** Based on the analysis and findings of this report, it is the opinion of staff that the proposed text amendments meet the intent of the City Council’s direction and the standards for a zoning ordinance amendment. Staff recommends that the Planning Commission forward a favorable recommendation of petition PLNPCM2015-00644 to the City Council. Below is a proposed motion consistent with this recommendation:

**Based on the findings and analysis in the staff report and testimony and the discussion at the public hearing, I move that the Planning Commission forward a positive recommendation to the City Council regarding petition PLNPCM2015-00644, to allow “Single-Practitioner medical, dental and health offices” in the SNB zoning district.**

**ATTACHMENTS:**

- A. Background
- B. SNB Zoned Parcels
- C. Proposed Ordinance
- D. Analysis of Standards
- E. Public Process and Comments
- F. Department Comments
- G. Motions

**PROJECT DESCRIPTION:**

On July 28, 2015, the Salt Lake City Council, through a legislative action, directed the Planning Division to identify and evaluate a strategy to allow Single-Practitioner Medical, Dental and Health Offices as a permitted use in the Small Neighborhood Business (SNB) zoning district.

Section 21A.50.050 of the Municipal Code states that the City Council has a degree of legislative discretion when considering text amendments but that it should weigh the following factors. Likewise, when making recommendations to the City Council regarding text amendments, the Planning Commission should take them into consideration:

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;
2. Whether a proposed text amendment furthers the specific purpose statements of 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
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.

**KEY ISSUES:****Issue 1: Transportation Impacts & Parking**

Medical, dental, and health offices, with their predictably scheduled – and frequently overlapping – appointments can generate traffic and parking impacts that are distinct, and greater than the most similar currently-allowed land use in the SNB district, general office.

It is assumed that this land use would have a similar impact on a per-square-foot basis as other medical, dental, and health offices, and thus would be held to the same off-street parking requirements as these operations. This standard (5 off-street spaces per thousand square feet of usable floor area) also serves to act as a limit on the scale of these operations, as most locations previously identified as being appropriate for SNB zoning are fairly constrained sites.

There is also a very real possibility that, because of the more pedestrian-oriented nature of the sites currently zoned SNB (as well as those identified as likely candidates in the initial creation of the SNB district), that this land use type might generate a lower demand for parking than medical, dental, and health office uses in less pedestrian and transit accessible locations.

By allowing for a broader range of small-scale non-residential uses, the inclusion of this land use in the SNB district could well encourage and enhance the walkable and bikeable economy at the neighborhood and district level.

## **Issue 2: Encroachment into Residential Areas**

Some measure of concern has been expressed that permitting this land use type in the SNB district, with its necessary proximity to single-family residential neighborhoods, might create a situation where developments of significant size could begin to encroach and change the essential character of the neighborhood. This concern is understandable, given the past experience of downtown-adjacent neighborhoods with the development of large medical office buildings.

Firstly, the SNB zoning is intended to preserve and enhance older commercial structures and storefront character. In keeping with the spirit and intent of the zone, new construction and major additions are held to strict design regulations. The lot size limitation and height and bulk restrictions in the SNB district, combined with the off-street parking requirements for this use type, will act as a significant limiting factor on the scale of these operations.

### **DISCUSSION:**

The purpose of the SNB is to provide areas for small commercial uses to be located adjacent to residential land uses, including mid-block. This district preserves and enhances older commercial structures and storefront character by allowing a variety of commercial uses and places stricter design regulations on new construction and major additions to existing buildings. The design regulations, by controlling the height and bulk of structures, as well as the size of any one parcel, restrict the size and scale of the commercial uses in order to mitigate negative impacts to adjacent residential development and encourage pedestrian oriented development. This zoning district is appropriate in places where it is supported by a community master plan, small area master plan or other adopted city policies.

Planning Staff finds that given that this use would be restricted to operations of a single-practitioner along with existing restrictions inherent in the lot size, height and bulk regulations of the SNB district, as well as parking standards applicable to this additional use type, that it would be compatible with the stated purpose of the zoning classification.

### **NEXT STEPS:**

The Planning Commission's recommendation for these proposed zoning text amendments will be forwarded on to the City Council for their action. The City Council is the decision-making body for zoning text amendments.

## **ATTACHMENT A: BACKGROUND**

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In 1995 Salt Lake City adopted new zoning regulations that rezoned areas of the City within and abutting residential neighborhoods. This action made many neighborhood commercial uses nonconforming, meaning the use was considered inappropriate for its location, but allowed to remain until voluntarily removed or abandoned. Since that time, City policy makers have rethought that decision. They have found that that many neighborhood businesses are an asset to the community, provide a necessary service and are an essential component to a sustainable, walkable neighborhood.

In 2009-2012, under the direction of the Mayor and City Council, the Planning Division took a comprehensive look at small businesses located within neighborhoods of the Salt Lake City. The purpose was to complete a comprehensive study of the small businesses located in the residential neighborhoods, to identify nonconforming uses, and create appropriate zoning, including strict design standards for commercial uses in primarily residential areas.

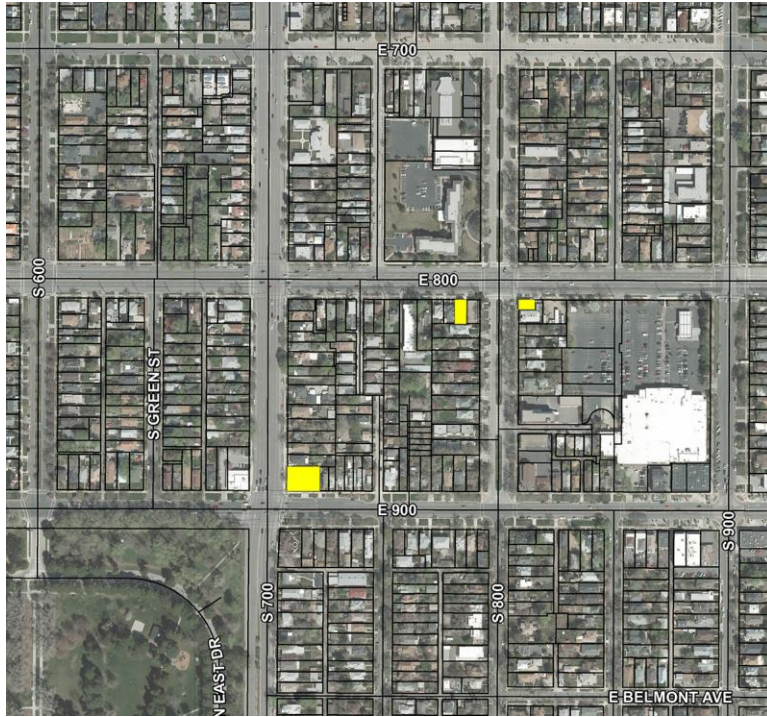
Small Neighborhood Business (SNB) district zoning originated from this process and gave specific land use regulation to the many commercial uses that have existed within Salt Lake City's residential neighborhoods for years.

Through this process a significant number of parcels were identified as being strong candidates for this new zoning. Initially, the project was to conclude with many or most of these parcels being rezoned with the new district. After dialogue with property owners, civic leaders, and community members, it was decided that though these locations had been identified, rezoning would proceed on an individual basis, largely initiated by the property owners themselves.

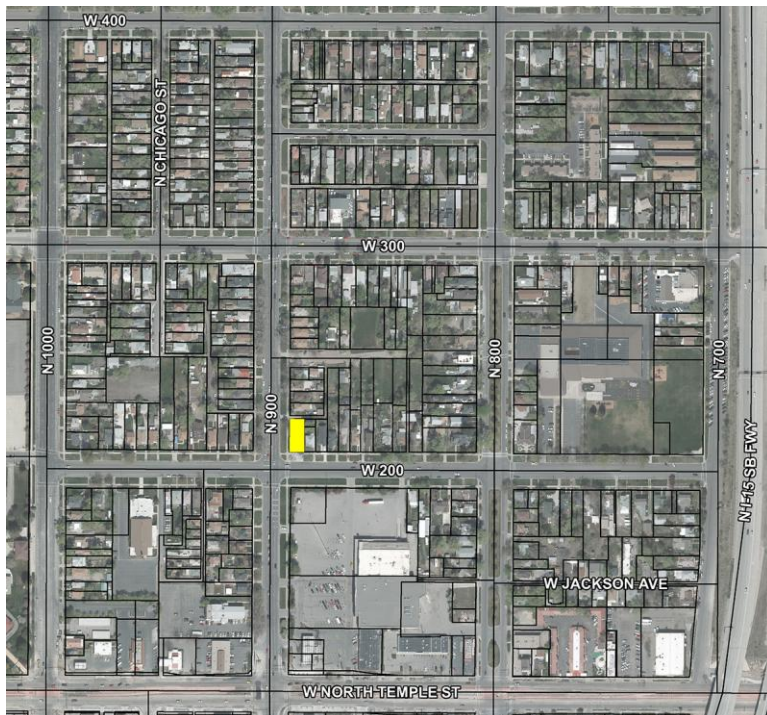
As a result, though there are many locations in the city that have been identified as being appropriate locations for SNB zoning, only four parcels citywide carry this zoning.

## ATTACHMENT B: CURRENT v. PROPOSED SNB PARCELS

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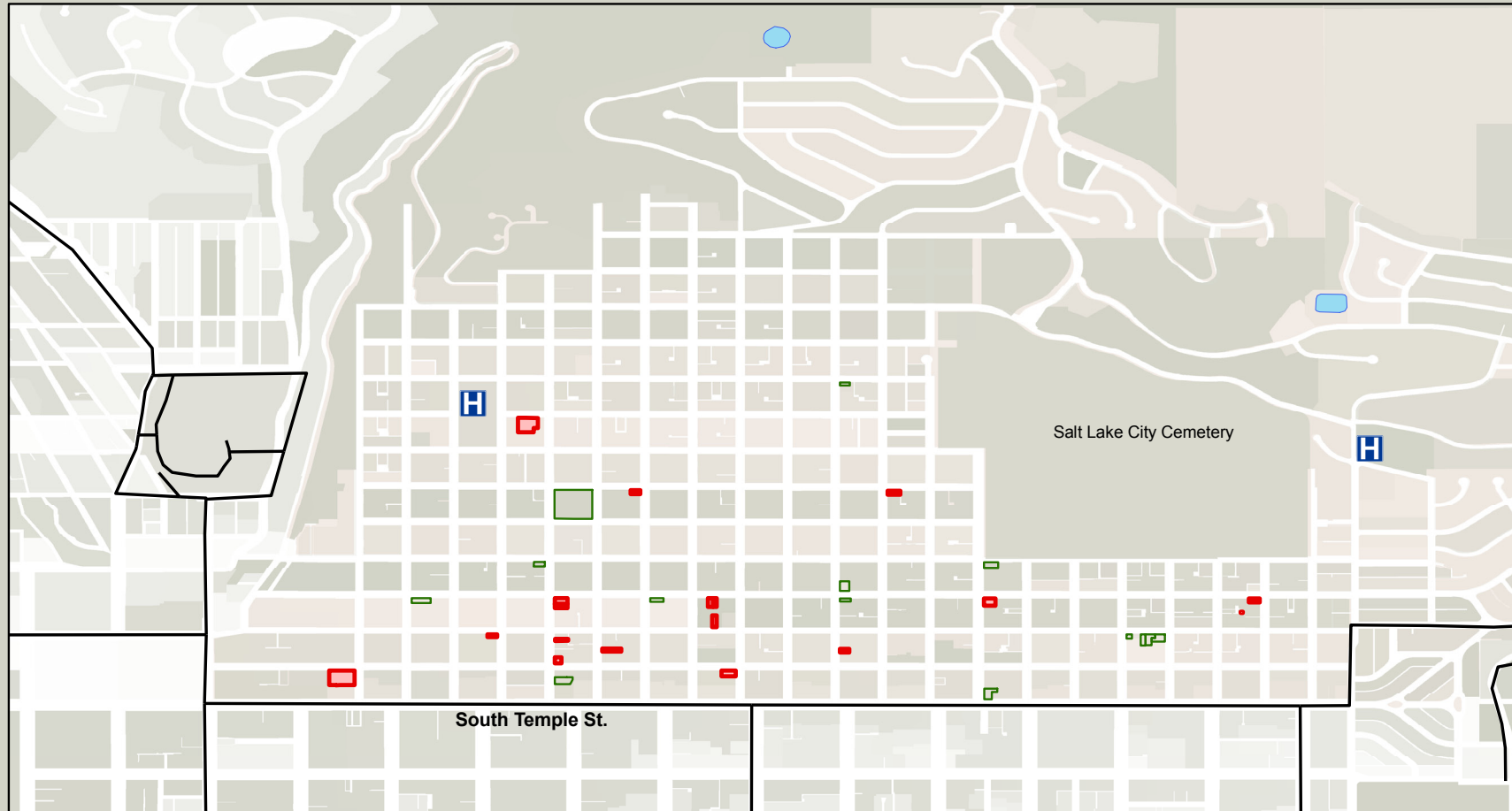


Liberty Park Area

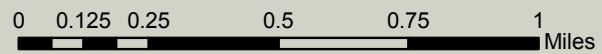


Fairpark Area

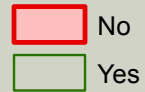
# Small Neighborhood Business Amendment



Avenues

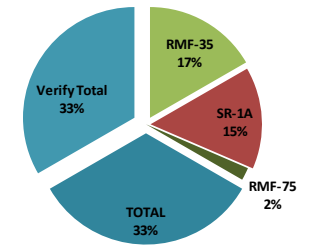


Parcels  
Conforming

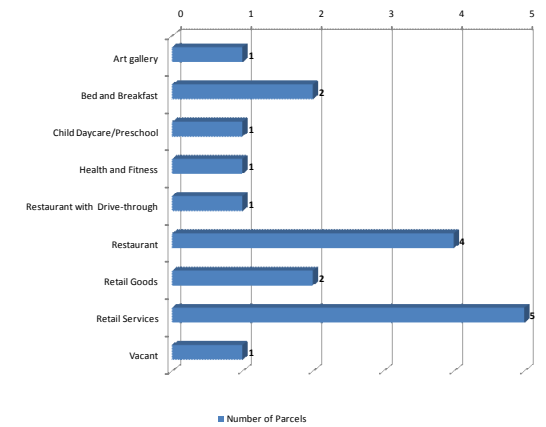


## Information on Nonconforming Parcels

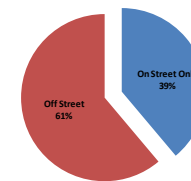
Zoning



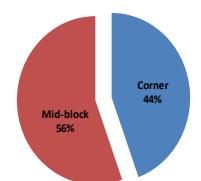
Land Uses



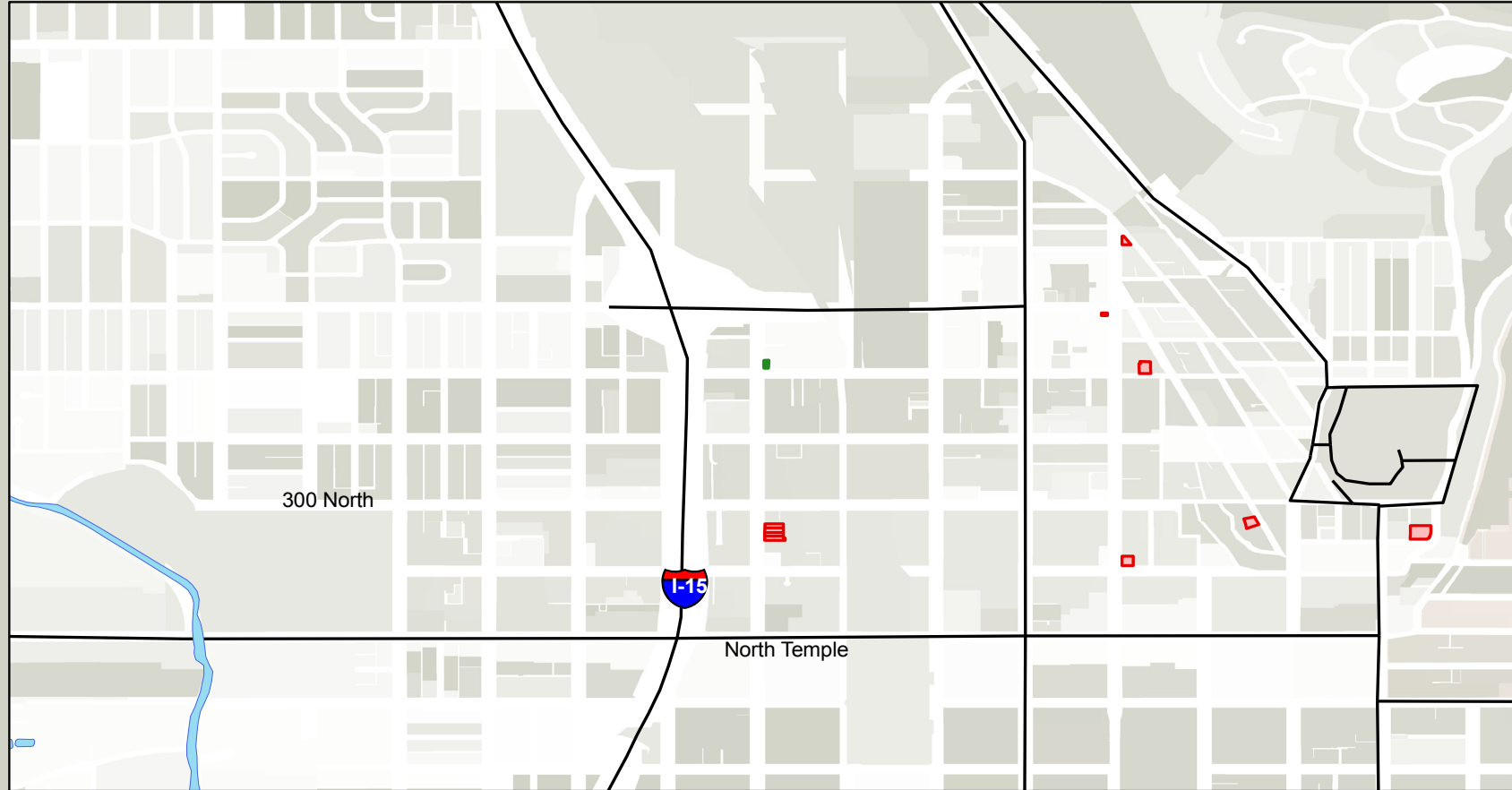
Parking



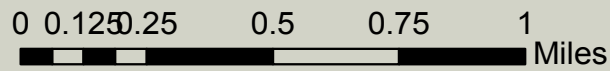
Location



# Small Neighborhood Business Amendment



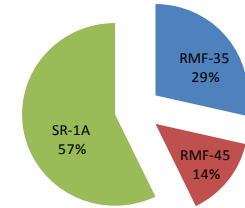
## Capitol Hill



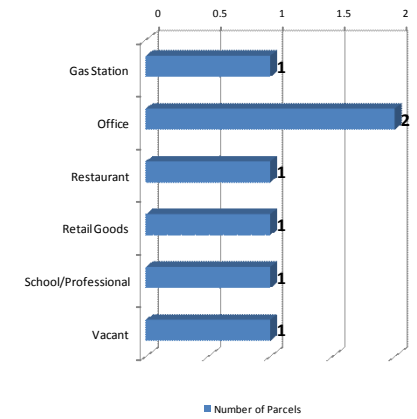
**Parcels Conforming**  
 No  
 Yes

### Information on Nonconforming Parcels

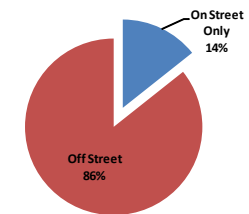
#### Zoning



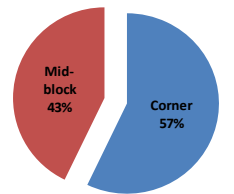
#### Land Use



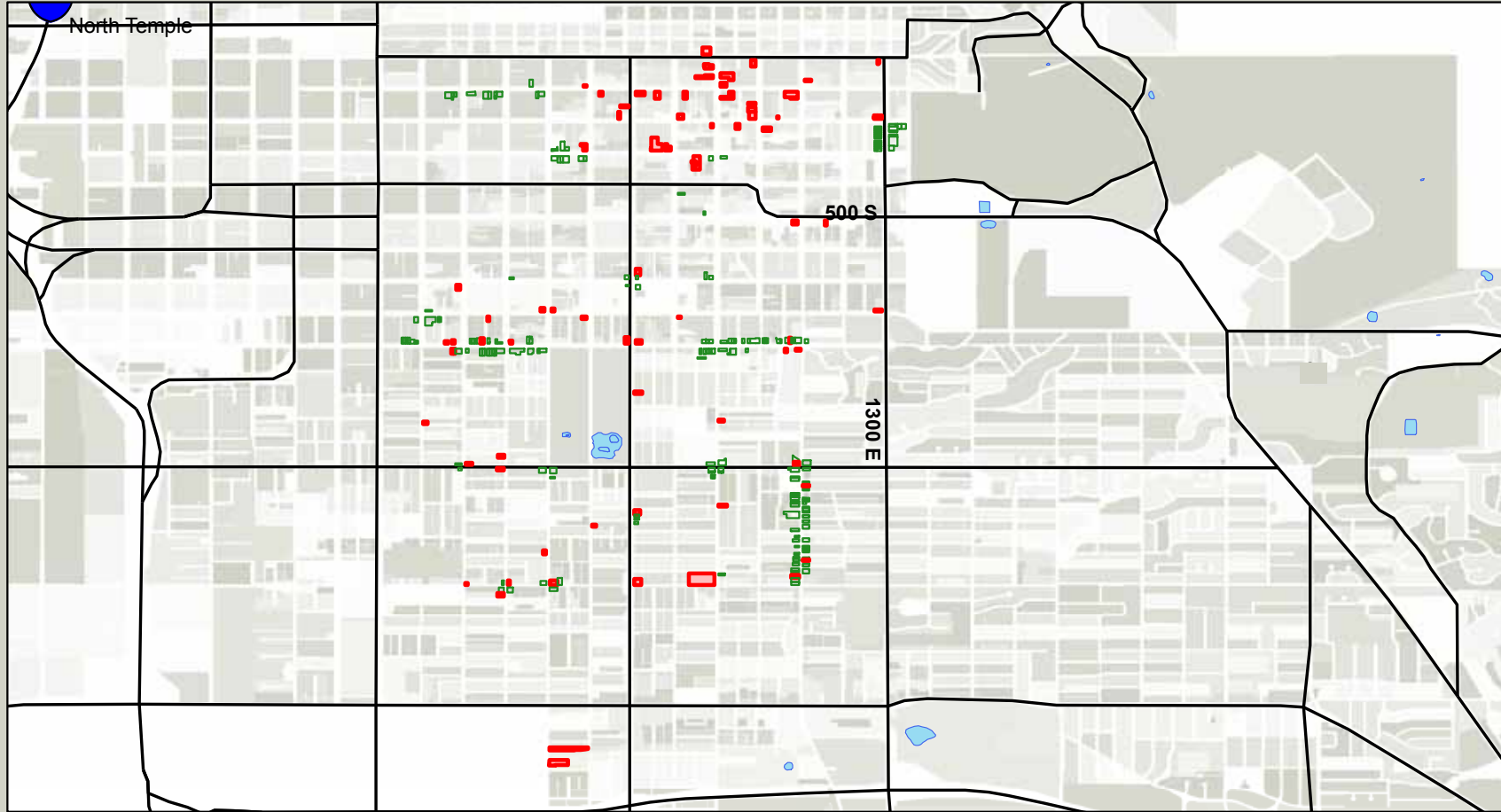
#### Parking



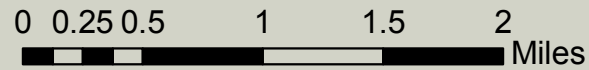
#### Location



# Small Neighborhood Business Amendment



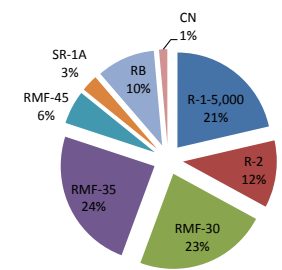
## Central Community



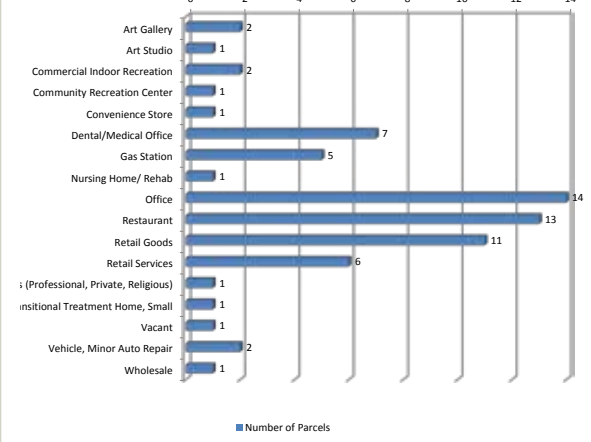
**Parcels**  
**Conforming**  
 No  
 Yes

## Information on Nonconforming Parcels

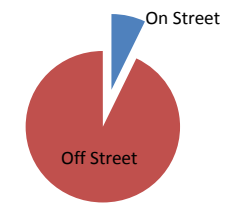
### Zoning



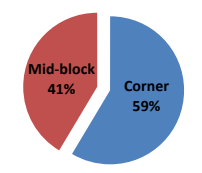
### Nonconforming Land Use by Unique Parcel



### Parking

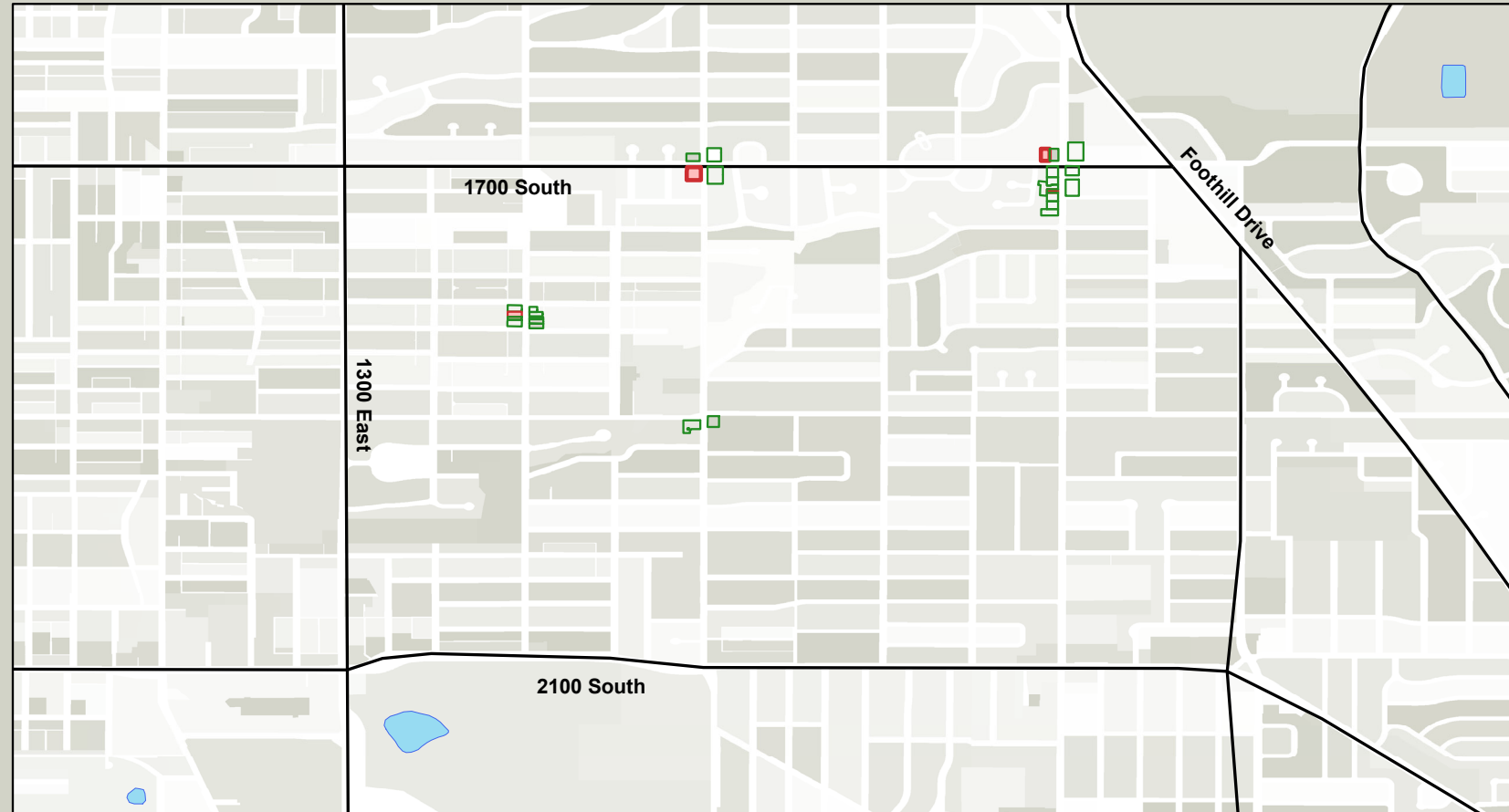


### Location





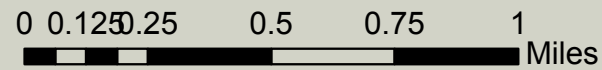
# Small Neighborhood Business Amendment



## East Bench

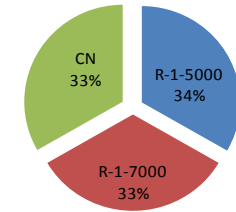


**Parcels**  
**Conforming**  
■ No  
■ Yes

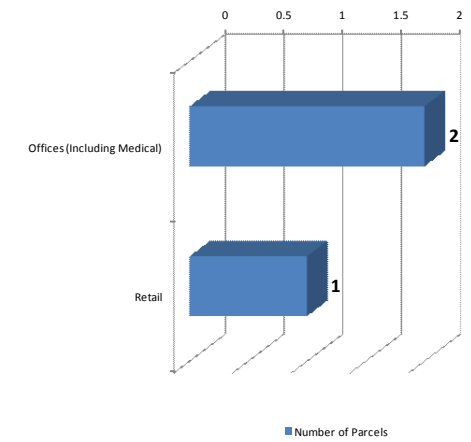


### Information on Nonconforming Parcels

#### Zoning



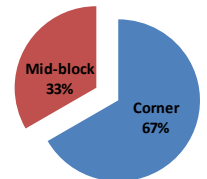
#### Land Use



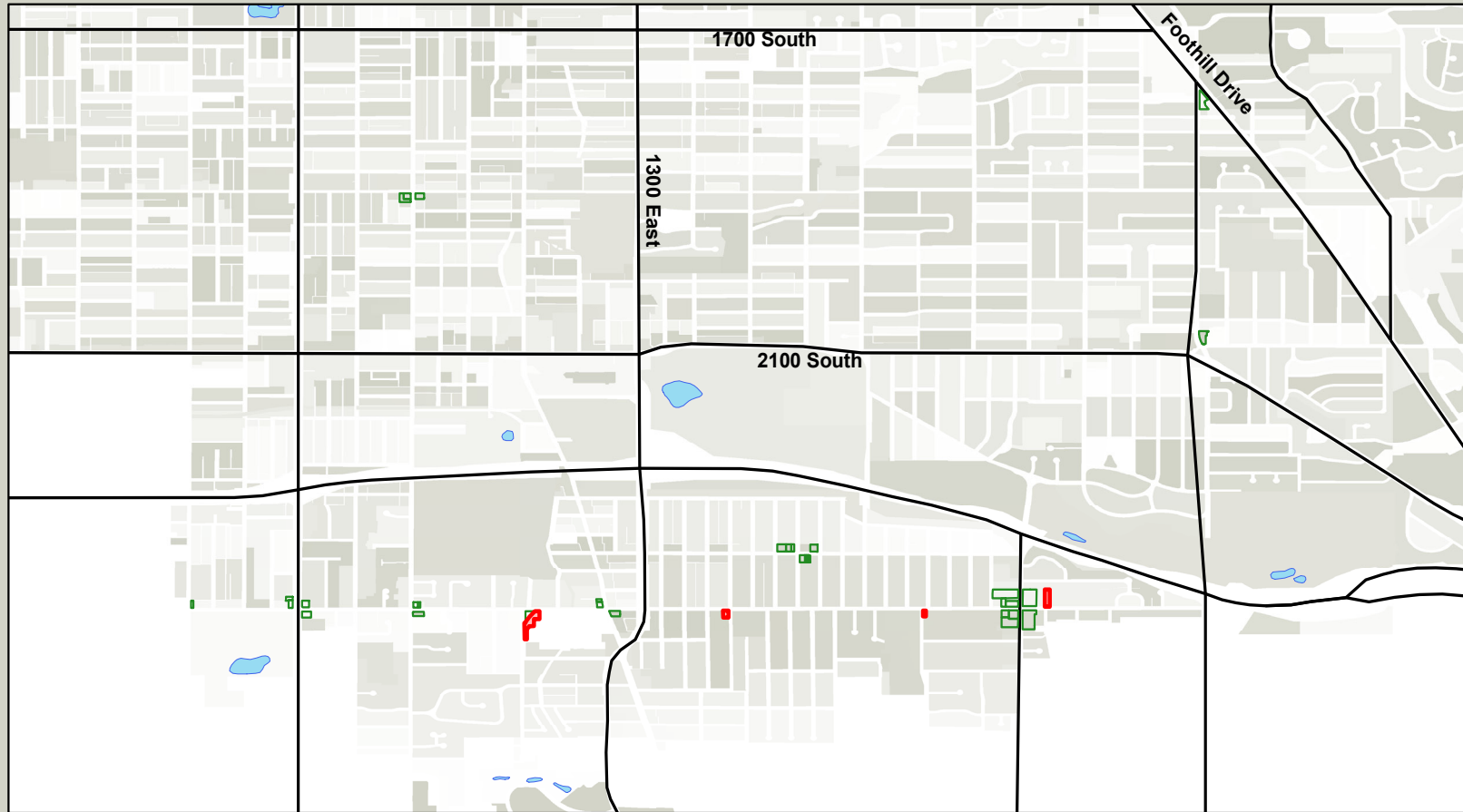
#### Parking



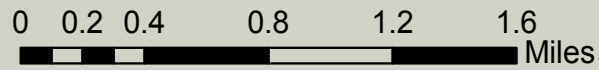
#### Location



# Small Neighborhood Business Amendment



## Sugar House



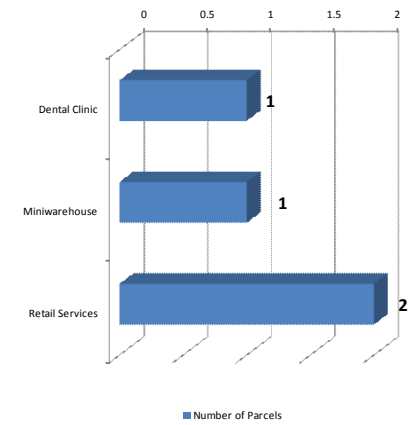
**Parcels**  
**Conforming**  
 No  
 Yes

### Information on Nonconforming Parcels

#### Zoning



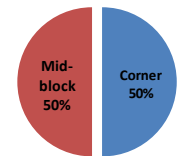
#### Land Use



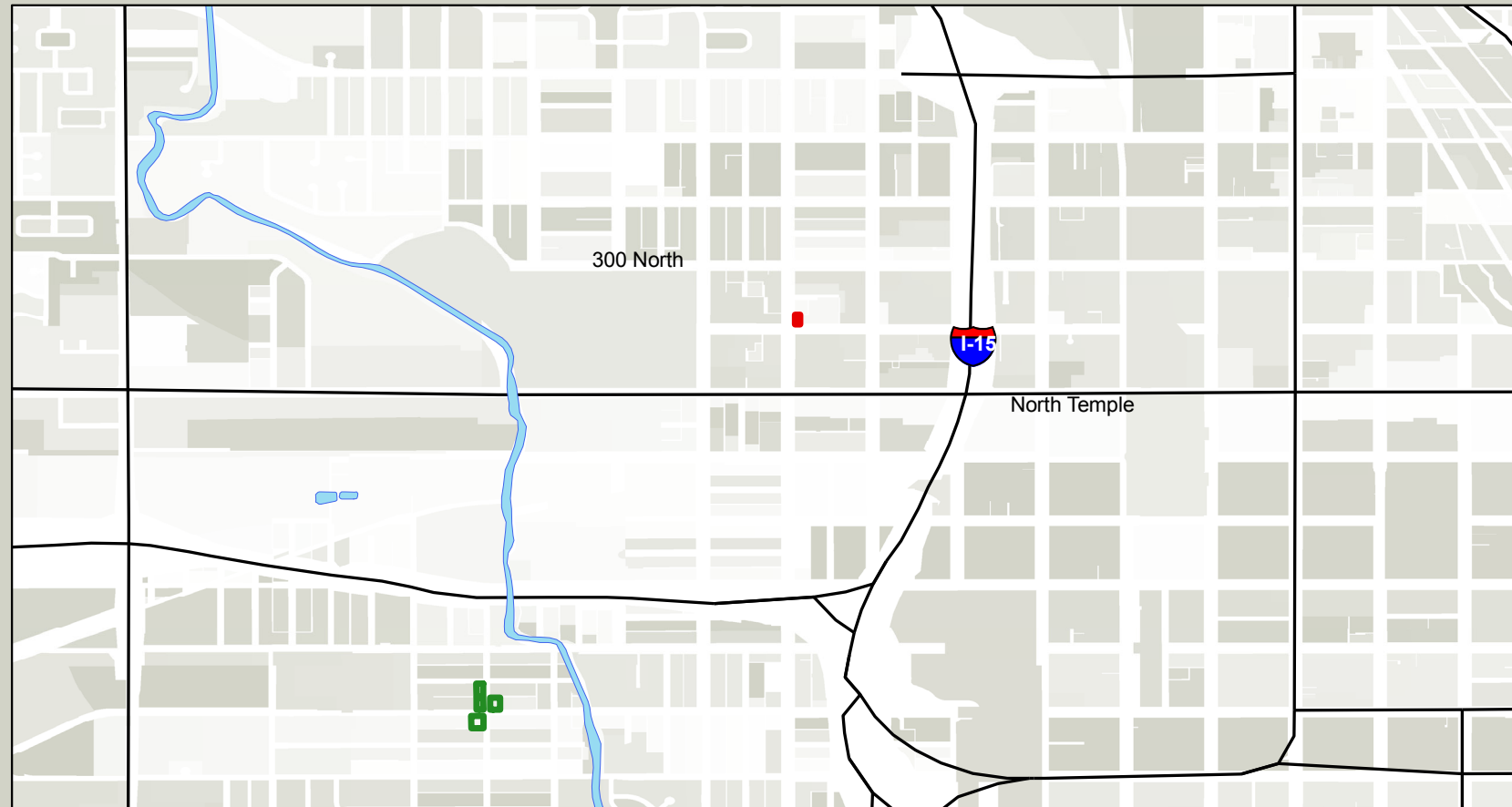
#### Parking



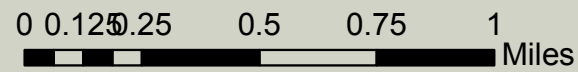
#### Location



# Small Neighborhood Business Amendment



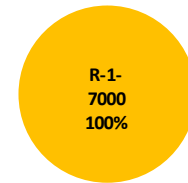
## West Salt Lake



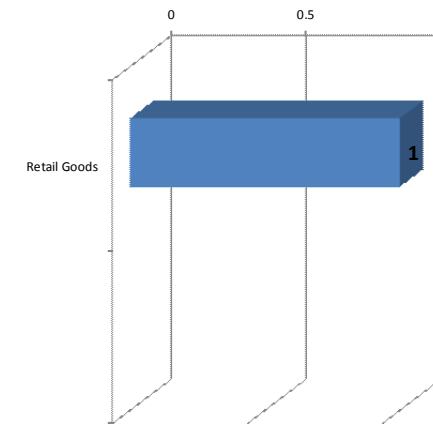
**Parcels**  
**Conforming**  
 No  
 Yes

### Information on Nonconforming Parcels

#### Zoning



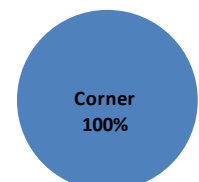
#### Land Use



#### Parking



#### Location



# ATTACHMENT C: PROPOSED ORDINANCE

## Chapter 21A.33.030 TABLE OF PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS

Use	CN	CB	CS	CC	CSHBD	GG	TC-75	SNB
Nursing Care Facility		P		P		P	P	
Office	P	P	P	P	P	P	P	P <sup>18</sup>
<u>Office, single-practitioner medical, dental, and health</u>								<u>P</u>
Offices and reception centers in landmark sites (see subsection 21A.24.010T of this title)								C
Open Space	P	P	P	P	P	P	P	

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, except for single-practitioner medical, dental and health offices.

19. Permitted in the CG zoning district only when associated with an on site food service establishment.

### Chapter 21A.60.020: LIST OF DEFINED TERMS

Office, publishing company.

Office, research related.

Office, single-practitioner medical, dental, and health.

On premises sign. See chapter 21A.46 of this title.

Open air mall. See chapter 21A.46 of this title.

### Chapter 21A.62.040: DEFINITIONS OF TERMS

**OFFICE, PUBLISHING COMPANY:** A company whose business is the editing and publishing of works of authors. The term "publishing company" shall not include a printing plant, unless it is only accessory to the publishing business.

**OFFICE, RESEARCH RELATED:** See definition of Office.

**OFFICE, SINGLE-PRACTITIONER MEDICAL, DENTAL, AND HEALTH:** An office where medical, dental, mental health, and/or other personal health care services are provided to human patients on an outpatient basis, and that accommodates no more than one State-licensed primary practitioner (for example, medical doctor, dentist, chiropractor, psychologist, etc.) within a single office suite.

**OPEN SPACE:** Any area of a lot which is completely free and unobstructed from any structure or parking areas. Landscaping, walkways, uncovered patio areas, light poles and other ornamental features shall not be considered as obstructions for purposes of this definition. Driveways that provide access to parking lots shall not be considered as an obstruction subject to the driveways not exceeding twenty percent (20%) of any required yard area that they provide access through.

**OPEN SPACE ON LOTS LESS THAN FOUR ACRES IN SIZE:** See definition of Open Space.

## ATTACHMENT D: ANALYSIS OF STANDARDS

As per section 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 concerning a proposed text amendment, the City Council should consider the following:

Factor	Finding	Rationale
<p><b>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;</b></p>	<p>The proposed amendment is <b>consistent</b> with the purposes, goals, objectives and policies of the city.</p>	<p>The Economics Subcommittee subsection of the executive summary section of the City’s Futures Commissions report of 1998 states, ‘The city must recognize that municipal planning and zoning functions are important economic development tools in promoting quality economic development projects’ (page 26).</p> <p>By allowing a new context for single-practitioners, the proposed text amendment supports local business development, fosters neighborhood-scale preservation of existing structures, and supports increased neighborhood walkability.</p>
<p><b>2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;</b></p>	<p>Staff finds that the proposed changes to the Zoning Ordinance will either further or have no substantial effect on the purpose statement of the SNB District, and the Commercial Districts, overall.</p>	<p><b>Analysis:</b> Chapter 21A.26.010(A) of the Zoning Ordinance states, regarding commercial districts, generally:</p> <p><i>Statement Of Intent:</i> Salt Lake City commercial districts are intended to enhance the economic vitality of the specific commercial districts and the city as a whole, encourage sustainable and profitable businesses, create dynamic and vital business districts, and implement the adopted development policies of the city. The zoning districts differ in the range and intensity of uses to reflect the diverse nature of the commercial areas within the city. Some zoning districts encourage commercial development that supports residential neighborhoods while other zoning districts promote community and regional commercial areas. Each zoning district includes standards and land uses that are intended to provide certainty to property owners, business owners and neighbors about what is allowed and to enhance employment opportunities, encourage efficient use of land and to enhance property values and the tax base. The standards are intended to allow development flexibility within parameters that support the purpose statement of the individual zoning districts and promote the desired character for the commercial area.</p> <p>Additionally, Section 21A.26.025(A) of the Zoning Ordinance provides the following for the Small</p>

		<p>Neighborhood Business (SNB) district:</p> <p><i>Purpose Statement:</i> The purpose of the small neighborhood business zoning district is to provide areas for small commercial uses to be located adjacent to residential land uses, including mid block. This district will preserve and enhance older commercial structures and storefront character by allowing a variety of commercial uses and placing more strict regulations on new construction and major additions to existing buildings. The regulations are intended to restrict the size and scale of the commercial uses in order to mitigate negative impacts to adjacent residential development and encourage pedestrian oriented development. This zoning district is appropriate in places where it is supported by a community master plan, small area master plan or other adopted city policies.</p> <p>All proposed changes to the text, as outlined, are intended to support and 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.</p>
<p><b>3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;</b></p>	<p>The proposed text amendment is not associated with any specific overlay zoning districts.</p>	<p>The proposed text amendment is not associated with any overlay zoning districts. The proposed text amendment will not diminish any regulations required in any overlay district.</p> <p>Given the presence (and likelihood of future) rezones in the city’s historic neighborhoods, it is likely that the SNB zone will interact with the H (Historic Preservation) overlay. Though it is not specifically associated with this overlay, the proposed text amendment is consistent with the purposes and provisions of that overlay.</p>
<p><b>4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.</b></p>	<p>The proposed amendment would implement the best and current professional practices of urban planning and design.</p>	<p>The inclusion of appropriately scaled commercial land uses within the context of a broader residential district fosters the ability of neighborhoods to retain a walkable character and contributes to their ongoing rich, urban character. This is the fundamental basis of the SNB zoning, and the addition of this specific and limited set of land uses will serve to reinforce and extend that purpose.</p> <p>All of these elements are aligned with best and current professional practices of urban planning and design.</p>

## **ATTACHMENT E: PUBLIC PROCESS AND COMMENTS**

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Zoning text amendments require that both the Planning Commission and the City Council hold a public hearing giving the public further opportunities to voice their opinion. This amendment would be city wide and will not require any changes to the zoning map.

### **Public Notice, Meetings, Comments**

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

#### **Open House:**

Because this zoning text amendment impacts the entire city and not just a specific community council, an open house was held on August 20, 2015.

- One resident gave significant comment expressing concerns that allowing this use type in the Small Neighborhood Business District could allow for a significant proliferation of these types of offices in residential neighborhoods. The comments hinged largely on several key points.
  - These uses can bring with them significant external impacts related to traffic and parking.
  - There have been residential neighborhoods significantly damaged by the development of large medical office buildings, many of which are currently only partially occupied.

#### **Notice of the public hearing for the proposal included:**

Public hearing notice published in the newspaper on September 9, 2015.

Public hearing notice posted on September 8, 2015.

Public notice posted on City and State websites and Planning Division list serve on September 8, 2015.

#### **Public Input:**

No additional public comment was received either by phone or e-mail.

## **ATTACHMENT F: DEPARTMENT REVIEW COMMENTS**

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Input was requested from all pertinent departments within Salt Lake City. The following responses were received:

**Building Services** - Greg Mikolash

No zoning or use issues with the proposal.

**Engineering** - Scott Weiler

No response.

**Fire** - Ted Itchon

No response.

**Public Utilities** - Jason Draper

Utilities had no concerns with the proposed ordinance.

**Transportation** - Scott Vaterlaus

No response.



## **ATTACHMENT G: MOTIONS**

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### **Potential Motions**

#### **Consistent with Staff Recommendation:**

Based on the findings and analysis in the staff report and testimony and the discussion at the public hearing, I move that the Planning Commission forward a positive recommendation to the City Council regarding petition PLNPCM2015-00644, to allow “Single-Practitioner medical, dental and health offices” in the SNB zoning district.

#### **Not consistent with Staff Recommendations:**

Based on the staff report information, public input, discussion, and the following finding(s), I move that the Planning Commission transmit a negative recommendation to the City Council relating to adoption of the proposed text amendments as written in addendum A of the staff report relating to PLNPCM2015-00644.

The Planning Commission shall make findings on the Zoning Text Amendment standards as listed below:

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;
2. Whether a proposed text amendment furthers the specific purpose statements of 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
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.