



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission

From: Wayne Mills, Senior Planner
801-535-7282

Date: January 25, 2017

Re: PLNPCM2016-00600, Planned Development Ordinance Amendments

Zoning Text Amendment

PROPERTY ADDRESS: Not Applicable
PARCEL ID: Not Applicable
MASTER PLAN: Not Applicable
ZONING DISTRICT: Not Applicable

REQUEST: A request by the Salt Lake City Planning Commission to review and modify the Planned Development Ordinance. A Planned Development is a development approval process that allows the Planning Commission to modify zoning standards in an effort to get a better project than what could be allowed under strict zoning regulations. The process is regulated in Chapter 21A.55 of the Salt Lake City Zoning Ordinance. The purpose of the proposed amendments is to:

- Ensure that a planned development is meeting a citywide planning objective;
- Ensure that the design of the project is compatible with adjacent development; and
- Clarify zoning regulations.

RECOMMENDATION: Based on the findings in the staff report, Planning Staff finds the proposal adequately meets the standards for general text amendments. Planning Staff recommends the Planning Commission transmit a positive recommendation for PLNPCM2016-00600 to the City Council to adopt the proposed zoning ordinance text amendments.

MOTION: Based on the findings in the staff report and the discussion heard, I move that the Planning Commission transmit a positive recommendation for PLNPCM2016-00600 to the City Council to adopt the proposed zoning ordinance text amendments related to Planned Developments.

ATTACHMENTS:

- A. Summary of proposed changes
- B. Zoning Ordinance Amendments – Strike and Underline
- C. Analysis of Standards
- D. Public Process and Comments

- E. City Department Comments
- F. Motions

PROJECT DESCRIPTION:

What is a Planned Development?

A planned development (PD) is a development approved by the Planning Commission through a special review process. The process is regulated by section 21A.55 of the zoning ordinance and is intended to allow for the flexible application of most zoning standards provided certain objectives are met. The purpose statement for PD lists the following intent statements:

- Encourage efficient use of land and resources,
- Promote greater efficiency in public and utility services; and
- Encourage innovative planning and development.

A PD is also intended to result in a more enhanced product than would be achievable through the strict application of land use regulations while ensuring that development is compatible with adjacent and nearby land development.

A typical development proposal that meets zoning and building code regulations can receive a building permit following staff review and approval of the building plans. A PD requires a special review process where the proposal is presented to the affected Community Council(s) and the Planning Commission is charged with approving the development plan by reviewing the proposal according to a specific set of standards.

Reasons for Planned Development Requests

A developer may choose to design a project that requires PD approval for the following reasons:

- *Multiple buildings on a lot:* Large lots are generally developed with multiple buildings. The Zoning Ordinance requires PD approval in cases where multiple buildings are proposed and not all buildings are located along the street.
- *Changes in building codes, techniques and trends:* Modern zoning codes do not always respond well to changes in building technique and market demands. Changes in market demand, building technique and building codes often dictate the building placement, site design, and building design in ways that are different than what zoning codes allow.
- *Irregular lots:* The zoning ordinance is focused on creating standards that focus on regular lots of a specific size. It does not take into account existing historic development patterns and does not translate well to property that does not meet exact specifications.
- *Economics:* Zoning standards (building height, setbacks, etc.) dictate how much can be built on a property. A developer may ask for a modification to a zoning standard to allow for more dwelling units or additional square footage to make the project profitable.

Issues and Proposed Changes

Attachment A provides a summary of all of the proposed changes including a summary of the issues associated with the existing regulations. Strike and underline versions of the ordinances proposed to be amended are included in Attachment B with the text shown in ~~striketrough~~ being omitted and the text in underline added.

In working with the Planning Commission on identifying issues related to the PD review process, the main issues are related to the objectives and standards that the Planning Commission use to review the project. They have not been strong enough to ensure that the end result of a PD project is better than

what would be allowed under strict enforcement of zoning standards, is compatible with the surrounding neighborhood, and meets a citywide planning objective. The following provides the details regarding the changes to the PD objectives and standards.

PD Purpose and Objectives

The overall purpose of the PD review process is to:

- Encourage efficient use of land and resources,
- Promote greater efficiency in public and utility services; and
- Encourage innovative planning and development.

In 2010, the City amended the PD ordinance and created specific development objectives that the City seeks to achieve through the PD process. Although, the objectives have provided some guidance on what the City is trying to achieve through the process, they have not gone far enough in supporting the implementation of city plans. The proposed objectives highlight goals that are identified in citywide master plans and lists specific strategies that should be incorporated into the project to meet the stated objective

The following table lists the objectives in the existing PD ordinance and the proposed objectives with the associated strategies that support the objectives. A PD proposal would need to meet at least one of the proposed objectives by incorporating at least one of the associated strategies.

Existing Objectives	Proposed Objectives
<p>Combination and coordination of architectural styles, building forms, building materials, and building relationships;</p> <p>Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;</p> <p>Preservation of buildings which are architecturally or historically significant or contribute to the character of the city;</p> <p>Use of design, landscape, or architectural features to create a pleasing environment;</p> <p>Inclusion of special development amenities that are in the interest of the general public;</p> <p>Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation;</p> <p>Inclusion of affordable housing with market rate housing; or</p> <p>Utilization of "green" building techniques in development.</p>	<p>Open space and natural lands. Preserving, protecting or creating open space and natural lands.</p> <ul style="list-style-type: none"> • Inclusion of community gathering places or public recreational opportunities, such as new trails or trails that connect to existing or planned trail systems, playgrounds or other similar types of facilities. • Preservation of critical lands, watershed areas, riparian corridors and/or the urban forest. • Development of connected greenways and/or wildlife corridors. • Daylighting of creeks/water bodies. • Inclusion of local food production areas, such as community gardens. • Clustering of development to preserve open spaces. <p>Historic Preservation:</p> <ul style="list-style-type: none"> • Preservation, restoration, or adaptive reuse of buildings or structures that contribute to the character of the city either architecturally and/or historically, and that contribute to the general welfare of the residents of the city. • Preservation of, or enhancement to, historically significant landscapes that contribute to the character of the city and contribute to the general welfare of the city's residents. <p>Housing: Providing affordable housing or types of housing that helps achieve the City's housing goals and policies.</p>

	<ul style="list-style-type: none"> • At least 20% of the housing must be for those with incomes that are at or below 80% of the area median income. • The proposal includes housing types that are not commonly found in the existing neighborhood but are of a scale that is typical to the neighborhood. <p>Mobility: Creates a complete circulation network and ensures convenient, safe and equitable access to a variety of transportation options:</p> <ul style="list-style-type: none"> • Creating new interior block walkway connections that connect through a block or improve connectivity to transit or the bicycle network. • Improvements that encourage transportation options other than just the automobile. <p>Sustainability: Creation of a project that achieves exceptional performance with regards to resource consumption and impact on natural systems.</p> <ul style="list-style-type: none"> • Energy Use and Generation: Design of the building, its systems, and/or site that allow for a significant reduction in energy usage as compared with other buildings of similar type and/or the generation of energy from an on-site renewable resource. • Reuse of Priority Site: Locate on a brownfield where soil or groundwater contamination has been identified, and where the local, state, or national authority (whichever has jurisdiction) requires its remediation. Perform remediation to the satisfaction of that authority. <p>Master Plan Implementation: A project that helps implement portions of an adopted master plan in instances where the master plan provides specific guidance on the character of the immediate vicinity of the proposal.</p> <ul style="list-style-type: none"> • A project that is consistent with the guidance of the master plan related to building scale, building orientation, site layout, or other similar character defining features.
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PD Review Standards

The PD ordinance provides specific standards that the Planning Commission must use when reviewing a PD proposal. The current standards lack sufficient criteria to ensure that a project is meeting a planning objective, is compatible with the surrounding area, and is better than what could be allowed under strict compliance with zoning standards.

The following table lists the existing PD review standards and the proposed standards:

Existing Standards	Proposed Standards
A. Planned Development Objectives: The planned development shall meet the purpose statement for a planned development (section 21A.55.010 of this chapter) and will	A. Planned Development Objectives: The planned development shall meet the purpose statement for a planned development (section 21A.55.010 of this chapter) and will achieve at least one of the objectives

achieve at least one of the objectives stated in said section;

B. Master Plan And Zoning Ordinance Compliance: The proposed planned development shall be:

1. Consistent with any adopted policy set forth in the citywide, community, and/or small area master plan and future land use map applicable to the site where the planned development will be located, and
2. Allowed by the zone where the planned development will be located or by another applicable provision of this title.

C. Compatibility: The proposed planned development shall be compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located. In determining compatibility, the planning commission shall consider:

1. Whether the street or other means of access to the site provide the necessary ingress/egress without materially degrading the service level on such street/access or any adjacent street/access;
2. Whether the planned development and its location will create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected, based on:
 - a. Orientation of driveways and whether they direct traffic to major or local streets, and, if directed to local streets, the impact on the safety, purpose, and character of these streets;
 - b. Parking area locations and size, and whether parking plans are likely to encourage street side parking for the planned development which will adversely impact the reasonable use of adjacent property;
 - c. Hours of peak traffic to the proposed planned development and whether such traffic will unreasonably impair the use and enjoyment of adjacent property;
3. Whether the internal circulation system of the proposed planned development will be designed to mitigate adverse impacts on adjacent property from

stated in said section. To determine if a planned development objective has been achieved, the applicant shall demonstrate that at least one of the strategies associated with the objective are included in the proposed planned development. The applicant shall also demonstrate why modifications to the zoning regulations are necessary to achieve the stated objective. The Planning Commission should consider the relationship between the proposed modifications to the zoning regulations and the stated objective, and determine if the project will result in a more enhanced product than would be achievable through strict application of the land use regulations.

B. Master Plan Compatibility: The proposed planned development is generally consistent with adopted policies set forth in the citywide, community, and/or small area master that is applicable to the site where the planned development will be located.

C. Design and Compatibility: The proposed planned development is compatible with the area the planned development will be located and is designed to achieve a more enhanced product than would be achievable through strict application of land use regulations. In determining design and compatibility, the planning commission should consider:

1. Whether the scale, mass, and intensity of the proposed planned development is compatible with the neighborhood where the planned development will be located and/or the policies stated in an applicable master plan related to building and site design;
2. Whether the building orientation and building materials in the proposed planned development are compatible with the neighborhood where the planned development will be located and/or the policies stated in an applicable master plan related to building and site design;
3. Whether building setbacks along the perimeter of the development:
 - a. Maintain the visual character of the neighborhood or the character described in the applicable master plan.
 - b. Provide sufficient space for private amenities.
 - c. Provide sufficient open space buffering between the proposed development and neighboring properties to minimize impacts related to privacy and noise.
 - d. Provide adequate sight lines to streets, driveways and sidewalks.
 - e. Provide sufficient space for maintenance.

- motorized, nonmotorized, and pedestrian traffic;
- 4. Whether existing or proposed utility and public services will be adequate to support the proposed planned development at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources;
- 5. Whether appropriate buffering or other mitigation measures, such as, but not limited to, landscaping, setbacks, building location, sound attenuation, odor control, will be provided to protect adjacent land uses from excessive light, noise, odor and visual impacts and other unusual disturbances from trash collection, deliveries, and mechanical equipment resulting from the proposed planned development; and
- 6. Whether the intensity, size, and scale of the proposed planned development is compatible with adjacent properties.

If a proposed conditional use will result in new construction or substantial remodeling of a commercial or mixed used development, the design of the premises where the use will be located shall conform to the conditional building and site design review standards set forth in chapter 21A.59 of this title.

- D. **Landscaping:** Existing mature vegetation on a given parcel for development shall be maintained. Additional or new landscaping shall be appropriate for the scale of the development, and shall primarily consist of drought tolerant species;
- E. **Preservation:** The proposed planned development shall preserve any historical, architectural, and environmental features of the property;
- F. **Compliance With Other Applicable Regulations:** The proposed planned development shall comply with any other applicable code or ordinance requirement.

- 4. Whether building facades offer ground floor transparency, access, and architectural detailing to facilitate pedestrian interest and interaction;
- 5. Whether lighting is designed for safety and visual interest while minimizing impacts on surrounding property;
- 6. Whether dumpsters, loading docks and/or service areas are appropriately screened; and
- 7. Whether parking areas are appropriately buffered from adjacent uses.

D. **Landscaping:** The proposed planned development preserves, maintains or provides native landscaping where appropriate. In determining the landscaping for the proposed planned development, the Planning Commission should consider:

- 1. Whether mature native trees located along the periphery of the property and along the street are preserved and maintained;
- 2. Whether existing landscaping that provides additional buffering to the abutting properties is maintained and preserved;
- 3. Whether proposed landscaping is designed to lessen potential impacts created by the proposed planned development; and
- 4. Whether proposed landscaping is appropriate for the scale of the development.

E. **Mobility:** The proposed planned development supports citywide transportation goals and promotes safe and efficient circulation within the site and surrounding neighborhood. In determining mobility, the planning commission should consider:

- 1. Whether drive access to local streets will negatively impact the safety, purpose and character of the street;
- 2. Whether the site design considers safe circulation for a range of transportation options including;
 - a. Safe and accommodating pedestrian environment and pedestrian oriented design;
 - b. Bicycle facilities and connections where appropriate, and orientation to transit where available; and
 - c. Minimizing conflicts between different transportation modes
- 3. Whether the site design of the proposed development promotes or enables access to adjacent uses and amenities;
- 4. Whether the proposed design provides adequate emergency vehicle access; and
- 5. Whether loading access and service areas are adequate for the site and minimize impacts to the

	<p style="text-align: center;">surrounding area and public rights-of-way.</p> <p>F. Existing Site Features: The proposed planned development preserves natural and built features that significantly contribute to the character of the neighborhood and/or environment.</p> <p>G. Utilities: Existing and/or planned utilities will adequately serve the development and not have a detrimental effect on the surrounding area.</p>
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KEY ISSUES:

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

Issue: Affordable housing as a density bonus

In some residential zoning districts, the number of dwelling units allowed on a property is based on the size of the property. The Planning Commission directed the Planning Staff to study the option of allowing, through the PD process, additional dwelling units than what would be allowed according to the property size regulations if the development includes affordable housing. Planning Staff studied the proposal and found that additional study is needed for the following reasons:

- *City Housing Plan:* The City is currently working on a plan that will provide guidance on the City’s approach to providing housing for all of its residents. The PD process could be a valuable tool in this effort; however, the housing plan should be completed first to provide a vision and framework for the development of tools, such as the PD process.
- *Demolition of Existing Affordable Housing:* Much of the City’s existing housing that is considered affordable is located in older apartment buildings. These apartment buildings do not necessarily contain affordable housing in the sense that they are regulated or controlled through lease restrictions. The rent is generally lower due to the age of the buildings. There is some concern that providing a density bonus could incentivize the demolition of these older buildings. The new buildings would have to contain some affordable units, but the demolition could result in the loss of a larger number of affordable units than what would be replaced.
- *Tracking System:* In order to ensure that the dwelling units remain “affordable” following the PD approval, a tracking system needs to be in place. Affordable units are “tracked” when a developer receives financial assistance from a local, State, or Federal institution; however, if a developer is not receiving financial assistance and is putting in the affordable units to receive a density bonus, there needs to be a system in place to ensure that the units remain affordable for a specified amount of time.

Planning Staff will continue to work with other City Divisions to complete the Housing Plan and to find solutions to the above noted concerns.

Issue: The definition of “Neighborhood” in relation to compatibility

On December 14 Planning Staff briefed the Planning Commission on the proposed ordinance changes. One issue brought up during the briefing is that the review standards refer to the term “neighborhood” in relation to compatibility and that the term is not defined. The concern is that the geographic extent of a neighborhood can be defined differently by different people.

Planning Staff recommends that the term “neighborhood” should not be defined and should be determined on a project by project basis. The extent of a neighborhood when determining a project’s compatibility is dependent on the size of the project. For example, a small planned development that includes a couple of single-family homes may only have an impact on the street that the project is located, whereas a planned development that encompasses an entire block with a mix of high density land uses could impact a number of surrounding blocks. It should be up to the Planning Staff to provide an analysis to the Planning Commission on the extent of the impact of the project and how that project relates to the impacted area.

DISCUSSION:

The proposal complies with the standards for zoning text amendments (see Attachment C). After analyzing the proposal and the applicable standards, Planning Staff is of the opinion that a positive recommendation should be forwarded to the City Council for this request.

NEXT STEPS:

The City Council has the final authority to make changes to the text of the Zoning Ordinance. The recommendation of the Planning Commission for this request will be forwarded to the City Council for their review and decision.

ATTACHMENT A: Summary of Proposed Zoning Changes

See following pages.

Planned Development Ordinance Revision Summary

TOPIC	EXISTING CODE LANGUAGE DESCRIPTION AND ISSUES	DESCRIPTION OF PROPOSED CHANGES
Purpose and Objectives	The overall purpose of the Planned Development process is to get a better development project than what could be done through strict compliance of the zoning standards. The existing Planned Development ordinance provides specific development objectives that the City seeks to achieve through the Planned Development process; however, the objectives are very general in nature and have not gone far enough to ensure that projects are implementing Citywide planning goals.	The proposed objectives highlight goals that are identified in citywide master plans and lists specific strategies that should be incorporated into a Planned Development to meet the stated objective. A planned development proposal would need to meet at least one of the proposed objectives by incorporating at least one of the associated strategies. The proposed objectives relate to the following topics: Open Space and Natural Lands, Historic Preservation, Housing, Mobility, Sustainability, and Master Plan Implementation.
Review Standards	The Planned Development ordinance provides specific standards that the Planning Commission must use when reviewing a Planned Development proposal. The current standards lack sufficient criteria to ensure that a project is meeting a planning objective, is compatible with the surrounding area, and is better than what could be allowed under strict compliance with zoning standards.	The proposed review standards require the Planning Commission to analyze a planned development in relation to: How it meets a planning objective; Master plan compatibility; Site, building, landscape, mobility, and utility design; and the projects compatibility with the surrounding neighborhood.
Off-Site Parking	In many cases, a planned development contains multiple properties that all function together as one development and the parking is shared between the multiple properties. Locating parking spaces on a different property than where the associated business/residence is located is called "Off-Site Parking" and is considered a land use in the Zoning Ordinance. The current Planned Development ordinance prohibits the Planning Commission from approving land uses that are not allowed in the zoning district where the planned development is located.	The proposed change would allow the Planning Commission to approve this type of parking arrangement in zoning districts that do not allow "Off-Site Parking" as a land use if the parking is located within the planned development area and is only used by the uses within the planned development.
Density Bonus	The Planning Commission can modify any zoning or subdivision regulation through the Planned Development process; however, the Planning Commission cannot approve a land use that is not allowed in the zoning district where the Planned Development is located and they cannot approve more dwelling units per lot area (density) that what is allowed.	The proposed change would eliminate the property size requirement in determining the allowed the number of dwelling units if the proposed development is removing a land use that not currently allowed in the zoning district where it is located (considered a nonconforming use) and replacing it with a conforming residential land use. The purpose of the change is to provide an incentive to transform a nonconforming use to a conforming use that increases the City's housing stock.
No Presumption of Approval	The Planning Commission is not required to approve a Planned Development by State or City laws . There is no language in the existing code that provides notice of this.	The proposed text addition states that a request for a Planned Development does not constitute an assurance of approval and that the Planning Commission can deny a Planned Development if they determine that it does not meet the review standards.
Consolidate Application Procedures	Application requirements and procedures are currently spread throughout the Planned Development ordinance and some of the requirements are repeated in various sections.	The proposed changes would consolidate the application requirements and procedures into one section and eliminate redundancies.

Planned Development Ordinance Revision Summary

TOPIC	EXISTING CODE LANGUAGE DESCRIPTION AND ISSUES	DESCRIPTION OF PROPOSED CHANGES
Reduced Width Street Dedication Provision	The Planned Development ordinance contains a provision that allows the Planning Commission to approve the dedication of a public street that does not meet City street width standards. One issue is that the minimum street width standards have become more flexible dependent on the improvements that are made to the street. Another issue is that this provision is redundant because other sections in the Planned Development ordinance state that the Planning Commission can modify any regulation in the Subdivision ordinance.	The proposal eliminates this section of the Planned Development ordinance.
Specific standards for Planned Developments in Certain Zoning Districts	In addition to the standards of review listed for all Planned Developments, the Planned Development ordinance lists separate standards of review for Planned Developments located in the RB, R-MU, MU, CN, CB and CSHBD zoning districts. These specific standards should be used when reviewing all Planned Developments.	This section is proposed to be eliminated from the Planned Development ordinance. The standards in this section are addressed in the proposed standards of review for all Planned Developments.
Perimeter Setback Dimensional Requirements	Under the existing ordinance, when a Planned Development is adjacent to a residential lot, the side and rear yard setbacks of the Planned Development must be equal to the side and rear yard setbacks of the residential lot. This section of the code is confusing, difficult to interpret, and may not be appropriate for every development.	The proposal is to eliminate this section of the Planned Development ordinance. A specific standard of review related to perimeter setbacks is proposed that would allow the Planning Commission to review the setbacks on a case by case basis.
Effect of Planned Development Approvals	The current ordinance states that planned development approval constitutes the use of the development and nothing can be done outside of the planned development approval. The Planned Development process is a site design review process and the standards do not address uses, so the final approval should not prohibit a change of use in the future if the site design remains the same.	Change the ordinance language to state that Planned Development approval only dictates the design of the site.
Multiple Buildings On One Lot	Section 21A.36.010B of the Zoning Ordinance contains complicated regulations that essentially state that in most zoning districts, if more than one building is placed on a lot and every building does not have street frontage, the project must be reviewed as a Planned Development. In many zoning districts, such as the Manufacturing and Business Park zones, multiple buildings without street frontage is a common development pattern.	The project includes proposed changes to Section 21A.36.010B that would allow more than one principle building on a lot, regardless of street frontage, in the Manufacturing, Business Park, Airport, Agricultural and Open Space zoning districts.

ATTACHMENT B: Zoning Ordinance Amendments – Strike and Underline

See following pages.

21A.55: PLANNED DEVELOPMENTS

21A.55.010: PURPOSE STATEMENT:

A planned development is intended to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of development. Further, a planned development implements the purpose statement of the zoning district in which the project is located, utilizing an alternative approach to the design of the property and related physical facilities. A planned development incorporates special development characteristics that help to achieve city goals identified in adopted master plans and that provide an overall benefit to the community as determined by the planned development objectives. A planned development will result in a more enhanced product than would be achievable through strict application of land use regulations, while enabling the development to be compatible and congruous with adjacent and nearby land developments. ~~Through the flexibility of the planned development regulations, the city seeks to achieve any of the following specific objectives: The city seeks to achieve at least one or any combination of the following objectives through the planned development process. Each objective includes strategies that are intended to be used to determine if an objective has been accomplished through a specific proposal:~~

- ~~A. Combination and coordination of architectural styles, building forms, building materials, and building relationships;~~
- ~~B. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;~~
- ~~C. Preservation of buildings which are architecturally or historically significant or contribute to the character of the city;~~
- ~~D. Use of design, landscape, or architectural features to create a pleasing environment;~~
- ~~E. Inclusion of special development amenities that are in the interest of the general public;~~
- ~~F. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation;~~
- ~~G. Inclusion of affordable housing with market rate housing; or~~
- ~~H. Utilization of "green" building techniques in development. (Ord. 23-10 § 21, 2010)~~

A. Open space and natural lands. Preserving, protecting or creating open space and natural lands.

1. Inclusion of community gathering places or public recreational opportunities, such as new trails or trails that connect to existing or planned trail systems, playgrounds or other similar types of facilities.
2. Preservation of critical lands, watershed areas, riparian corridors and/or the urban forest.
3. Development of connected greenways and/or wildlife corridors.
4. Daylighting of creeks/water bodies.
5. Inclusion of local food production areas, such as community gardens.
6. Clustering of development to preserve open spaces.

B. Historic Preservation:

1. Preservation, restoration, or adaptive reuse of buildings or structures that contribute to the character of the city either architecturally and/or historically, and that contribute to the general welfare of the residents of the city.
2. Preservation of, or enhancement to, historically significant landscapes that contribute to the character of the city and contribute to the general welfare of the city's residents.

- C. Housing: Providing affordable housing or types of housing that helps achieve the City's housing goals and policies.
 - 1. At least 20% of the housing must be for those with incomes that are at or below 80% of the area median income.
 - 2. The proposal includes housing types that are not commonly found in the existing neighborhood but are of a scale that is typical to the neighborhood.

- D. Mobility: Enhances accessibility and mobility.
 - 1. Creating new interior block walkway connections that connect through a block or improve connectivity to transit or the bicycle network.
 - 2. Improvements that encourage transportation options other than just the automobile.

- E. Sustainability: Creation of a project that achieves exceptional performance with regards to resource consumption and impact on natural systems.
 - 1. Energy Use and Generation: Design of the building, its systems, and/or site that allow for a significant reduction in energy usage as compared with other buildings of similar type and/or the generation of energy from an on-site renewable resource.
 - 2. Reuse of Priority Site: Locate on a brownfield where soil or groundwater contamination has been identified, and where the local, state, or national authority (whichever has jurisdiction) requires its remediation. Perform remediation to the satisfaction of that authority.

- F. Master Plan Implementation: A project that helps implement portions of an adopted master plan in instances where the master plan provides specific guidance on the character of the immediate vicinity of the proposal.
 - 1. A project that is consistent with the guidance of the master plan related to building scale, building orientation, site layout, or other similar character defining features.

21A.55.020: AUTHORITY:

The planning commission may approve planned developments for uses listed in the tables of permitted and conditional uses for each category of zoning district or districts. The approval shall be in accordance with the standards and procedures set forth in this chapter and other regulations applicable to the district in which the property is located. (Ord. 23-10 § 21, 2010)

In approving a planned development, the Planning Commission may change, alter, modify or waive the following provisions of this title:

- A. Any provisions of this title or of the city's subdivision regulations as they apply to the proposed planned development except that the Planning Commission cannot approve a use that is not allowed in the zoning district in which the planned development is located, with the exception of off-site parking as further described in this section.
- B. Off-site parking in zoning districts where off-site parking is not an allowed use. The parking must be located within the planned development area and can only be used for the uses within the planned development.
- C. Up to five feet of additional building height, except in the FR, R-1, SR, or R-2 where additional building height cannot be approved through the planned development process.
- D. Density: Residential planned developments shall not exceed the density limitation of the zoning district where the planned development is proposed except as allowed below. The calculation of

planned development density may include open space that is provided as an amenity to the planned development. Public streets located within or adjacent to a planned development shall not be included in the planned development area for the purpose of calculating density.

1. In the RMF zoning districts and on lots 0.20 acres or more in size, developments that change a nonconforming commercial use to a residential use that is allowed in the zoning district are exempt from the density limitations of the zoning district when approved as a planned development.

21A.55.030: PLANNING COMMISSION DECISION:

- A. No Presumption of Approval: A request for a planned development does not constitute an assurance or presumption that such planned development will be approved. Rather, each proposed planned development shall be evaluated on an individual basis, in relation to its compliance with the standards and factors set forth in this chapter and with the standards for the zoning district in which it is located, in order to determine whether the planned development is appropriate at a particular location.
- B. Approval: The Planning Commission may approve a Planned Development as proposed or may impose conditions necessary or appropriate for the Planned Development to comply with the standards and factors set forth in this chapter.
- C. Denial: The Planning Commission may deny an application for a planned development if it finds that the proposal does not meet the intent of the base zoning district, does not meet the purpose of this chapter, or is not consistent with the standards and factors as set forth in this chapter.

21A.55.030: AUTHORITY TO MODIFY REGULATIONS:

In approving any planned development, the planning commission may change, alter, modify or waive any provisions of this title or of the city's subdivision regulations as they apply to the proposed planned development; however, additional building height may not be approved in the FR, R-1, SR, or R-2 zoning districts. In zoning districts other than the FR, R-1, SR, or R-2 districts, the planning commission may approve up to five feet (5') maximum of additional building height in accordance with the provisions of this title if it further achieves one or more of the objectives in section [21A.55.010](#) of this chapter. (Ord. 23-10 § 21, 2010)

21A.55.035: PROCEDURES:

- ~~A. Application: The applicant must file an application for planned development approval with the planning director. A complete application shall contain at least the following information submitted by the applicant, unless certain information is determined by the planning director to be inapplicable or unnecessary to appropriately evaluate the application:
 1. The applicant's name, address, telephone number, and interest in the property;
 2. The property owner's name, address, and telephone number, if different than the applicant, and the property owner's signed consent to the filing of the application;
 3. The street address and legal description of the subject property;~~

- ~~4. The zoning classification, zoning district boundaries, and present use of the subject property;~~
- ~~5. A complete description of the proposed planned development;~~
- ~~6. Site plans, as required pursuant to section [21A.58.060](#) of this title;~~
- ~~7. Traffic impact analysis, where required by the city transportation division; and~~
- ~~8. Other information or documentation the planning director may deem necessary for proper review and analysis of a particular application. Information which may be required under this subsection A8 shall not apply to a determination of completeness under subsection B of this section.~~

~~9.—~~

~~B. Determination Of Completeness: Upon receipt of an application for a planned development, the planning director shall make a determination of completeness of the application pursuant to section [21A.10.010](#) of this title.~~

~~C. Fees: The application shall be accompanied by the applicable fees shown on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by chapter 21A.10 of this title. (Ord. 54 14, 2014)~~

21A.55.040: PROCEDURES:

- A. Application: The applicant must file an application for planned development approval with the planning director. A complete application shall contain at least the following information submitted by the applicant, unless certain information is determined by the planning director to be inapplicable or unnecessary to appropriately evaluate the application. The application submittal shall include one (1) paper copy and one (1) digital copy.
 1. A complete description of the proposed planned development including the zoning regulations being modified in the planned development and the planning objectives being met;
 2. When the proposed planned development includes provisions for common open space or recreational facilities, a statement describing the provision to be made for the care and maintenance of such open space or recreational facilities;
 3. A written statement with supporting graphics showing how the proposed planned development is compatible with other property in the neighborhood;
 4. Plans, as required pursuant to section [21A.58.060](#) of this title, with the exception of the number of copies required;
 5. Architectural graphics including floor plans, elevations, profiles and cross sections;
 6. A preliminary subdivision plat, if required;
 7. Traffic impact analysis, where required by the city transportation division; and
 8. Other information or documentation the planning director may deem necessary for proper review and analysis of a particular application.
- B. Determination Of Completeness: Upon receipt of an application for a planned development, the planning director shall make a determination of completeness of the application pursuant to

section 21A.10.010 of this title.

- C. Staff Report: Upon completing a site plan review and receiving recommendations from applicable city department(s)/division(s), a staff report evaluating the planned development application shall be prepared by the planning division and forwarded to the applicant and the planning commission.
- D. Public Hearing: The planning commission shall hold a public hearing to review the planned development application in accordance with the standards and procedures set forth in chapter 21A.10 of this title.
- E. Planning Commission Action: Following the public hearing, the planning commission shall decide, on the basis of the standards contained in section 21A.55.050 of this chapter whether to approve, approve with modifications or conditions, or deny the application.
- F. Notification Of Decision: The planning director shall notify the applicant of the decision of the planning commission in writing, accompanied by one copy of the submitted plans marked to show such decision and a copy of the motion approving, approving with modifications, or denying the development plan application.

21A.55.040: LIMITATION:

~~No change, alteration, modification or waiver authorized by section [21A.55.030](#) of this chapter shall authorize a change in the uses permitted in any district or a modification with respect to any standard established by this chapter, or a modification with respect to any standard in a zoning district made specifically applicable to planned developments, unless such regulations expressly authorize such a change, alteration, modification or waiver. (Ord. 23-10 § 21, 2010)~~

21A.55.050: STANDARDS FOR PLANNED DEVELOPMENTS:

The planning commission may approve, approve with conditions, or deny a planned development based upon written findings of fact according to each of the following standards. It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance with the following standards:

- A. ~~Planned Development Objectives: The planned development shall meet the purpose statement for a planned development (section [21A.55.010](#) of this chapter) and will achieve at least one of the objectives stated in said section;~~
- B. ~~Master Plan And Zoning Ordinance Compliance: The proposed planned development shall be:~~
 - 1. ~~Consistent with any adopted policy set forth in the citywide, community, and/or small area master plan and future land use map applicable to the site where the planned development will be located, and~~
 - 2. ~~Allowed by the zone where the planned development will be located or by another applicable provision of this title.~~

- C. ~~Compatibility: The proposed planned development shall be compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located. In determining compatibility, the planning commission shall consider:~~
- ~~1. Whether the street or other means of access to the site provide the necessary ingress/egress without materially degrading the service level on such street/access or any adjacent street/access;~~
 - ~~2. Whether the planned development and its location will create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected, based on:
 - ~~a. Orientation of driveways and whether they direct traffic to major or local streets, and, if directed to local streets, the impact on the safety, purpose, and character of these streets;~~
 - ~~b. Parking area locations and size, and whether parking plans are likely to encourage street side parking for the planned development which will adversely impact the reasonable use of adjacent property;~~
 - ~~c. Hours of peak traffic to the proposed planned development and whether such traffic will unreasonably impair the use and enjoyment of adjacent property;~~~~
 - ~~3. Whether the internal circulation system of the proposed planned development will be designed to mitigate adverse impacts on adjacent property from motorized, nonmotorized, and pedestrian traffic;~~
 - ~~4. Whether existing or proposed utility and public services will be adequate to support the proposed planned development at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources;~~
 - ~~5. Whether appropriate buffering or other mitigation measures, such as, but not limited to, landscaping, setbacks, building location, sound attenuation, odor control, will be provided to protect adjacent land uses from excessive light, noise, odor and visual impacts and other unusual disturbances from trash collection, deliveries, and mechanical equipment resulting from the proposed planned development; and~~
 - ~~6. Whether the intensity, size, and scale of the proposed planned development is compatible with adjacent properties.~~

~~If a proposed conditional use will result in new construction or substantial remodeling of a commercial or mixed used development, the design of the premises where the use will be located shall conform to the conditional building and site design review standards set forth in chapter 21A.59 of this title.~~

- D. ~~Landscaping: Existing mature vegetation on a given parcel for development shall be maintained. Additional or new landscaping shall be appropriate for the scale of the development, and shall primarily consist of drought tolerant species;~~
- E. ~~Preservation: The proposed planned development shall preserve any historical, architectural, and environmental features of the property;~~
- F. ~~Compliance With Other Applicable Regulations: The proposed planned development shall comply with any other applicable code or ordinance requirement. (Ord. 23-10 § 21, 2010)~~
- A. Planned Development Objectives: The planned development shall meet the purpose statement for a planned development (section [21A.55.010](#) of this chapter) and will achieve at least one of

the objectives stated in said section. To determine if a planned development objective has been achieved, the applicant shall demonstrate that at least one of the strategies associated with the objective are included in the proposed planned development. The applicant shall also demonstrate why modifications to the zoning regulations are necessary to meet the purpose statement for a planned development. The Planning Commission should consider the relationship between the proposed modifications to the zoning regulations and the purpose of a planned development, and determine if the project will result in a more enhanced product than would be achievable through strict application of the land use regulations.

- B. Master Plan Compatibility: The proposed planned development is generally consistent with adopted policies set forth in the citywide, community, and/or small area master plan that is applicable to the site where the planned development will be located.
- C. Design and Compatibility: The proposed planned development is compatible with the area the planned development will be located and is designed to achieve a more enhanced product than would be achievable through strict application of land use regulations. In determining design and compatibility, the planning commission should consider:
1. Whether the scale, mass, and intensity of the proposed planned development is compatible with the neighborhood where the planned development will be located and/or the policies stated in an applicable master plan related to building and site design;
 2. Whether the building orientation and building materials in the proposed planned development are compatible with the neighborhood where the planned development will be located and/or the policies stated in an applicable master plan related to building and site design;
 3. Whether building setbacks along the perimeter of the development:
 - a. Maintain the visual character of the neighborhood or the character described in the applicable master plan.
 - b. Provide sufficient space for private amenities.
 - c. Provide sufficient open space buffering between the proposed development and neighboring properties to minimize impacts related to privacy and noise.
 - d. Provide adequate sight lines to streets, driveways and sidewalks.
 - e. Provide sufficient space for maintenance.
 4. Whether building facades offer ground floor transparency, access, and architectural detailing to facilitate pedestrian interest and interaction;
 5. Whether lighting is designed for safety and visual interest while minimizing impacts on surrounding property;
 6. Whether dumpsters, loading docks and/or service areas are appropriately screened; and
 7. Whether parking areas are appropriately buffered from adjacent uses.
- D. Landscaping: The proposed planned development preserves, maintains or provides native landscaping where appropriate. In determining the landscaping for the proposed planned development, the Planning Commission should consider:
1. Whether mature native trees located along the periphery of the property and along the street are preserved and maintained;
 2. Whether existing landscaping that provides additional buffering to the abutting properties is maintained and preserved;

3. Whether proposed landscaping is designed to lessen potential impacts created by the proposed planned development; and
 4. Whether proposed landscaping is appropriate for the scale of the development.
- E. Mobility: The proposed planned development supports citywide transportation goals and promotes safe and efficient circulation within the site and surrounding neighborhood. In determining mobility, the planning commission should consider:
1. Whether drive access to local streets will negatively impact the safety, purpose and character of the street;
 2. Whether the site design considers safe circulation for a range of transportation options including:
 - a. Safe and accommodating pedestrian environment and pedestrian oriented design;
 - b. Bicycle facilities and connections where appropriate, and orientation to transit where available; and
 - c. Minimizing conflicts between different transportation modes
 3. Whether the site design of the proposed development promotes or enables access to adjacent uses and amenities;
 4. Whether the proposed design provides adequate emergency vehicle access; and
 5. Whether loading access and service areas are adequate for the site and minimize impacts to the surrounding area and public rights-of-way.
- F. Existing Site Features: The proposed planned development preserves natural and built features that significantly contribute to the character of the neighborhood and/or environment.
- G. Utilities: Existing and/or planned utilities will adequately serve the development and not have a detrimental effect on the surrounding area.

21A.55.060: MINIMUM AREA:

A planned development proposed for any parcel or tract of land under single ownership or control in certain zoning districts shall have a minimum net lot area as set forth in table 21A.55.060 of this section.

TABLE 21A.55.060
PLANNED DEVELOPMENTS

District	Minimum Planned Development Size
Residential districts:	
FR-1/43,560 Foothills estate residential district	5 acres
FR-2/21,780 Foothills residential district	5 acres
FR-3/12,000 Foothills residential district	5 acres
R-1/12,000 Single-family residential district	24,000 square feet

	R-1/7,000 Single-family residential district	14,000 square feet
	R-1/5,000 Single-family residential district	10,000 square feet
	SR-1 and SR-1A Special development pattern residential district	10,000 square feet
	SR-2 Reserved	-
	SR-3 Special development pattern residential district	4,000 square feet
	R-2 Single- and two-family residential district	10,000 square feet
	RMF-30 Low density multi-family residential district	9,000 square feet
	RMF-35 Moderate density multi-family residential district	9,000 square feet
	RMF-45 Moderate/high density multi-family residential district	9,000 square feet
	RMF-75 High density multi-family residential district	9,000 square feet
	RB Residential/business district	No minimum required
	R-MU-35 Residential/mixed use district	9,000 square feet
	R-MU-45 Residential/mixed use district	9,000 square feet
	R-MU Residential/mixed use district	No minimum required
	RO Residential/office district	No minimum required
Commercial districts:		
	CN Neighborhood commercial district	No minimum required
	CB Community business district	No minimum required
	CS Community shopping district	No minimum required
	CC Corridor commercial district	No minimum required
	CSHBD Sugar House business district	No minimum required
	CG General commercial district	No minimum required
	TC-75 Transit corridor district	No minimum required
Manufacturing districts:		
	M-1 Light manufacturing district	No minimum required

	M-2 Heavy manufacturing district	No minimum required
Downtown districts:		
	D-1 Central business district	No minimum required
	D-2 Downtown support district	No minimum required
	D-3 Downtown warehouse/residential district	No minimum required
	D-4 Downtown secondary central business district	No minimum required
Special purpose districts:		
	RP Research park district	No minimum required
	BP Business park district	No minimum required
	FP Foothills protection district	32 acres
	AG Agricultural district	10 acres
	AG-2 Agricultural district	4 acres
	AG-5 Agricultural district	10 acres
	AG-20 Agricultural district	40 acres
	A Airport district	No minimum required
	PL Public lands district	No minimum required
	PL-2 Public lands district	No minimum required
	I Institutional district	No minimum required
	UI Urban institutional district	No minimum required
	OS Open space district	No minimum required
	MH Mobile home park district	No minimum required
	EI Extractive industries district	No minimum required
	MU Mixed use district	No minimum required

(Ord. 23-10 § 21, 2010)

21A.55.070- DENSITY LIMITATIONS:

Residential planned developments shall not exceed the density limitation of the zoning district where the planned development is proposed. The calculation of planned development density may include

open space that is provided as an amenity to the planned development. Public or private roadways streets located within or adjacent to a planned development shall not be included in the planned development area for the purpose of calculating density. (Ord. 23-10 § 21, 2010)

~~21A.55.080: CONSIDERATION OF REDUCED WIDTH STREET DEDICATION:~~

~~A residential planned development application may include a request to dedicate the street to Salt Lake City for perpetual use by the public. The request will be reviewed and evaluated individually by appropriate departments, including transportation, engineering, public utilities, public services and fire. Each department reviewer will consider the adequacy of the design and physical improvements proposed by the developer and will make a recommendation for approval or describe required changes. Items such as adequate vehicular access, public safety access, pedestrian and bicycle access, adequate parking, and urban design elements will be considered as part of this review. A synopsis will be incorporated into the staff report for review and decision by the planning commission. (Ord. 23-10 § 21, 2010)~~

~~21A.55.090: SPECIFIC STANDARDS FOR PLANNED DEVELOPMENT IN CERTAIN ZONING DISTRICTS:~~

~~Planned developments within the TC-75, RB, R-MU, MU, CN, CB, CSHBD districts, South State Street corridor overlay district and CS district (when the CS district is adjacent to an area of more than 60 percent residential zoning located within 300 feet of the subject parcel to be developed, either on the same block or across the street), may be approved subject to consideration of the following general conceptual guidelines (a positive finding for each is not required):~~

- ~~A.—The development shall be primarily oriented to the street, not an interior courtyard or parking lot;~~
- ~~B.—The primary access shall be oriented to the pedestrian and mass transit;~~
- ~~C.—The facade shall maintain detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction;~~
- ~~D.—Architectural detailing shall emphasize the pedestrian level of the building;~~
- ~~E.—Parking lots shall be appropriately screened and landscaped to minimize their impact on the neighborhood;~~
- ~~F.—Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods;~~
- ~~G.—Dumpsters and loading docks shall be appropriately screened or located within the structure; and~~
- ~~H. Signage shall emphasize the pedestrian/mass transit orientation. (Ord. 23-10 § 21, 2010)~~

~~21A.55.100: PERIMETER SETBACK:~~

~~If the planned development abuts a residential lot or a lot in a residential zoning district whose side and rear yard setback requirements are greater than the planned development lot's requirements, then the side and rear yard setback requirements of the subject planned development parcel shall be equal to the side and rear yard setback requirements of the abutting residentially used property or residentially zoned parcel. (Ord. 23-10 § 21, 2010)~~

21A.55.110: DEVELOPMENT PLAN:

The applicant must file an application for planned development approval with the zoning administrator.

A.—Application Requirements: The planned development application shall be submitted on a form provided by the zoning administrator accompanied by such number of copies of documents as the zoning administrator may require for processing of the application, and shall include at least the following information set forth below:

1.—General Information:

- a.—The applicant's name, address, telephone number and interest in the property;
- b.—The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
- c.—The street address and legal description of the subject property;
- d.—The zoning classification, zoning district boundaries and present use of the subject property;
- e.—A vicinity map with north arrow, scale, and date, indicating the zoning classifications and current uses of properties within eighty five feet (85') (exclusive of intervening streets and alleys) of the subject property;
- f.—The proposed title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner or engineer on the project; and
- g.—A signed statement that the applicant has met with and explained the proposed conditional use to the appropriate community organization entitled to receive notice pursuant to [title 2, chapter 2.60](#) of this code.

2.—Planned Development Plan: A planned development plan at a scale of twenty feet to the inch (20' = 1") or larger, unless otherwise approved by the zoning administrator, setting forth at least the following, unless waived by the zoning administrator:

- a.—The location, dimensions and total area of the site;
- b.—The location, dimensions, floor area, type of construction and use of each proposed building or structure;
- c.—The number, the size and type of dwelling units in each building, and the overall dwelling unit density;
- d.—The proposed treatment of open spaces and the exterior surfaces of all structures, with sketches of proposed landscaping and structures, including typical elevations;
- e.—Architectural graphics, if requested by the zoning administrator, including typical floor plans and elevations, profiles and cross sections;
- f.—The number, location and dimensions of parking spaces and loading docks, with means of ingress and egress;
- g.—The proposed traffic circulation pattern within the area of the development, including the location and description of public improvements to be installed, including any streets and access easements;
- h.—A traffic impact analysis (if required by the city transportation division);
- i.—The location and purpose of any existing or proposed dedication or easement;
- j.—The general drainage plan for the development tract;
- k.—The location and dimensions of adjacent properties, abutting public rights of way and easements, and utilities serving the site;
- l.—Significant topographical or physical features of the site, including existing trees;
- m.—Soils and subsurface conditions, if requested;

- n. The location and proposed treatment of any historical structure or other historical design element or feature;
 - o. One copy of the development plan colored or shaded (unmounted) for legibility and presentation at public meetings; and
 - p. A reduction of the development plan to eight and one-half by eleven inches ($8\frac{1}{2} \times 11$ "). The reduction need not include any area outside the property lines of the subject site.
3. ~~Plat Of Survey: A plat of survey of the parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions of the parcel, lot, lots, block, blocks, or portions thereof, according to the registered or recorded plat of such land.~~
4. ~~Preliminary Subdivision Plat, If Required: A preliminary subdivision plat showing that the planned development consists of and is conterminous with a single lot described in a recorded subdivision plat, or a proposed resubdivision or consolidation to create a single lot or separate lots of record in suitable form ready for review.~~
5. ~~Additional Information: The application shall also contain the following information as well as such additional information, drawings, plans or documentation as may be requested by the zoning administrator or the planning commission if determined necessary or appropriate for a full and proper consideration and disposition of the application:~~
- a. ~~When the proposed planned development includes provisions for common open space or recreational facilities, a statement describing the provision to be made for the care and maintenance of such open space or recreational facilities;~~
 - b. ~~A written statement showing the relationship of the proposed planned development to any adopted general plan of the city;~~
 - c. ~~A written statement with supporting graphics showing how the proposed planned development is compatible with other property in the neighborhood.~~
- B. ~~Review Procedure: Upon the review of a planned development application, the applicable city department/division shall notify the applicant of any deficiencies and/or modifications necessary to complete the application.~~
- 1. ~~Public Hearing: Upon receiving site plan review and recommendation from the applicable city department(s)/division(s), and completing a staff report, the planning commission shall hold a public hearing to review the planned development application in accordance with the standards and procedures set forth in chapter 21A.10 of this title.~~
 - 2. ~~Planning Commission Action: Following the public hearing, the planning commission shall decide, on the basis of the standards contained in section [21A.55.050](#) of this chapter whether to approve, approve with modifications or conditions, or deny the application.~~
 - 3. ~~Notification Of Decision: The planning director shall notify the applicant of the decision of the planning commission in writing, accompanied by one copy of the submitted plans marked to show such decision and a copy of the motion approving, approving with modifications, or denying the development plan application. (Ord. 58-13, 2013; Ord. 23-10 § 21, 2010)~~

~~21A.55.120:~~ 21A.55.070: APPEAL OF THE PLANNING COMMISSION DECISION:

Any person adversely affected by a final decision of the planning commission on an application for a planned development may appeal to the appeals hearing officer in accordance with the provisions of chapter 21A.16 of this title. Notwithstanding section [21A.16.030](#) of this title, the filing of the appeal shall not stay the decision of the planning commission pending the outcome of the appeal, unless the planning commission takes specific action to stay a decision. (Ord. 8-12, 2012)

~~21A.55.130:~~ 21A.55.080: TIME LIMIT ON APPROVED PLANNED DEVELOPMENT:

No planned development approval shall be valid for a period longer than one year unless a building permit has been issued or complete building plans have been submitted to the division of building services and licensing. The planning commission may grant an extension of a planned development for up to one additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted prior to the expiration of the planned development approval. (Ord. 23-10 § 21, 2010)

~~21A.55.140:~~ 21A.55.090: EFFECT OF APPROVAL OF PLANNED DEVELOPMENT:

The approval of a proposed planned development by the planning commission shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the city, including, but not limited to, a building permit, a certificate of occupancy and subdivision approval. (Ord. 23-10 § 21, 2010)

~~21A.55.150: REGULATION DURING AND FOLLOWING COMPLETION OF DEVELOPMENT:~~

~~Following planned development approval, the development plan, rather than any other provision of this title, shall constitute the use, parking, loading, sign, bulk, space and yard regulations applicable to the subject property, and no use or development, other than home occupation and temporary uses, not allowed by the development plan shall be permitted within the area of the planned development. (Ord. 23-10 § 21, 2010)~~

~~21A.55.160:~~ 21A.55.100: MODIFICATIONS TO DEVELOPMENT PLAN:

Following planned development approval, the development plan approved by the Planning Commission shall constitute the site design in relation to building placement and design, landscaping, mobility and circulation elements, and any elements that were approved as zoning modifications through the planned development process. Modifications to the development plan may be allowed pursuant to this section.

- A. New Application Required For Modifications And Amendments: No substantial modification or amendment shall be made in the construction, development or use without a new application under the provisions of this title. Minor modifications or amendments may be made subject to written approval of the planning director and the date for completion may be extended by the

planning commission upon recommendation of the planning director.

- B. Minor Modifications: The planning director may authorize minor modifications to the approved development plan pursuant to the provisions for modifications to an approved site plan as set forth in chapter 21A.58 of this title, when such modifications appear necessary in light of technical or engineering considerations. Such minor modifications shall be limited to the following elements:
1. Adjusting the distance as shown on the approved development plan between any one structure or group of structures, and any other structure or group of structures, or any vehicular circulation element or any boundary of the site;
 2. Adjusting the location of any open space;
 3. Adjusting any final grade;
 4. Altering the types of landscaping elements and their arrangement within the required landscaping buffer area;
 5. Signs;
 6. Relocation or construction of accessory structures; or
 7. Additions which comply with the lot and bulk requirements of the underlying zone.

Such minor modifications shall be consistent with the intent and purpose of this title and the development plan as approved pursuant to this chapter, and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such modifications would result in a violation of any standard or requirement of this title.

- C. Major Modifications: Any modifications to the approved development plan not authorized by subsection B of this section shall be considered to be a major modification. The planning commission shall give notice to all property owners consistent with notification requirements located in chapter 21A.10 of this title. The planning commission may approve an application for a major modification to the approved development plan, not requiring a modification of written conditions of approval or recorded easements, upon finding that any changes in the plan as approved will be in substantial conformity with the approved development plan. If the commission determines that a major modification is not in substantial conformity with the approved development plan, then the commission shall review the request in accordance with the procedures set forth in this section. (Ord. 23-10 § 21, 2010)

~~21A.55.170:~~ 21A.55.110: DISCLOSURE OF PRIVATE INFRASTRUCTURE COSTS FOR PLANNED DEVELOPMENTS:

Planned developments, approved under this title after January 1, 1997, shall include provisions for disclosure of future private infrastructure maintenance and placement costs to unit owners.

- A. Infrastructure Maintenance Estimates: Using generally accepted accounting principles, the developer of any planned development shall calculate an initial estimate of the costs for maintenance and capital improvements of all infrastructure for the planned development including roads, sidewalks, curbs, gutters, water and sewer pipes and related facilities, drainage systems, landscaped or paved common areas and other similar facilities ("infrastructure"), for a period of sixty (60) years following the recording of the subdivision plat or the estimated date of

first unit occupancy of the planned development, whichever is later.

- B. Initial Estimate Disclosure: The following measures shall be incorporated in planned developments to assure that owners and future owners have received adequate disclosure of potential infrastructure maintenance and replacement costs:
1. The cost estimate shall be recorded with and referenced on the recorded plat for any planned development. The initial disclosure estimate shall cover all private infrastructure items and shall be prepared for six (6) increments of ten (10) years each.
 2. The recorded plat shall also contain a statement entitled "notice to purchasers" disclosing that the infrastructure is privately owned and that the maintenance, repair, replacement and operation of the infrastructure is the responsibility of the property owners and will not be assumed by the city.
 3. The cost estimate shall be specifically and separately disclosed to the purchaser of any property in the planned development, upon initial purchase and also upon all future purchases for the duration of the sixty (60) year period.
- C. Yearly Maintenance Statements: The entity responsible for the operation and maintenance of the infrastructure shall, at least once each calendar year, notify all property owners in the planned development of the estimated yearly expenditures for maintenance, repair, operation or replacement of infrastructure, and at least once each calendar year shall notify all property owners of the actual expenditures incurred, and shall specify the reason(s) for any variance between the estimated expenditures and the actual expenditures.
- D. Maintenance Responsibilities: The property owners in a planned development shall be collectively and individually responsible, on a pro rata basis, for operating, maintaining, repairing and replacing infrastructure to the extent necessary to ensure that access to the planned development is available to the city for emergency and other services and to ensure that the condition of the private infrastructure allows for the city's continued and uninterrupted operation of public facilities to which the private infrastructure may be connected or to which it may be adjacent. (Ord. 23-10 § 21, 2010)

21A.36.010: USE OF LAND AND BUILDINGS:

The following rules shall apply to the use of land and buildings in each zoning district:

- A. Enclosed Business Activity: All business activity, service, storage, merchandise, display, repair, processing, assembly and manufacturing shall be conducted wholly within an enclosed building except where specifically provided otherwise. Permitted off street parking lots, off street loading facilities, and outdoor sales in zoning districts where such outdoor sales are permitted, need not be enclosed.
- B. One Principal Building Per Lot: Not more than one principal building shall be located on any lot except that:
 - 1. ~~Lots in the SR-3, RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, RO, CB, CS, CC, CSHBD, CG, RP, BP, MU, M-1, M-2, A, I and UI districts may have more than one principal building on a lot, subject to all of the principal nonresidential buildings being occupied by one use, or all principal residential and nonresidential buildings having frontage on a public street and subject to site plan review approval, pursuant to chapter 21A.58 of this title; and~~
 - 2. ~~More than one principal building may be permitted on a lot in all zoning districts other than those identified in subsection B1 of this section, or when the principal buildings are occupied by more than one use, when authorized in conjunction with an approved planned development pursuant to chapter 21A.55 of this title. All land uses shall front a public street unless specifically exempted from this requirement by other provisions of this title.~~
 - 3. With the exception of buildings located in the FR, R1, SR and R2 districts, more than one principle building may be located on a lot subject to all principle buildings having frontage along a public street.
 - 4. Lots in the RP, BP, M-1, M-2, AG, AG-2, AG-5, AG-20, A, OS, NOS, and EI districts may have multiple buildings on a single lot regardless of street frontage and subject to meeting all other zoning regulations.
 - 5. This section does not apply in instances where multiple buildings on a lot are regulated elsewhere in this title.
- C. Frontage Of Lot On Public Street: All lots shall front on a public street unless specifically exempted from this requirement by other provisions of this title.
- D. Hazardous Waste Prohibition: It is unlawful to permanently store or dispose of hazardous waste within Salt Lake City except for incineration of hazardous waste as allowed in the industrial M-2 zoning district.
- E. Flag Lots In Nonresidential Districts: In the CG, BP, RP, M-1 and M-2 districts, flag lots shall be permitted, subject to subdivision regulations; provided, that:
 - 1. As part of new subdivisions or through the planned development process only when the flag lot is proposed at the rear of an existing parcel;
 - 2. The flag lot access strip shall have a minimum of twenty four feet (24') of frontage on a public street; and
 - 3. The city subdivision review process determines the following:
 - a. It is not desirable or necessary to extend a public street to access the parcel, and
 - b. The existing lot and site layout is not conducive to private street development.

ATTACHMENT C: Analysis of Standards

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
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;	Complies	Plan Salt Lake provides the vision for the future of Salt Lake City. It also lists guiding principles and initiatives to achieve the vision. Plan Salt Lake was used to develop the objectives that the City wants to achieve when approving a Planned Development. The proposed standards of review were developed to provide a framework for the Planning Commission to use when analyzing a project to ensure that it is meeting the goals and initiatives stated in Plan Salt Lake. In summary, the purpose of the proposed amendments is to provide a better framework for ensuring that future projects are consistent with the purposes, goals, objectives and policies of adopted city plans.
2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;	Complies	<p>The purpose of the Planned Development ordinance is to encourage the efficient use of land and resources, promote greater efficiency in public and utility services, and encourage innovated planning and development. It is also the intent of the Planned Development ordinance to get better projects than would be achievable through strict application of the zoning regulations while ensuring that development is compatible with the adjacent neighborhood.</p> <p>The overall purpose of the proposed amendments is to ensure that a planned development is consistent with citywide planning objectives and to ensure that the project is compatible with adjacent development, which is directly in line with the stated purpose of the Planned Development process.</p>
3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;	No applicable. This standard does not apply.	The proposed text amendment is citywide and is not tied directly to any specific property within the city. Any future development that results from the proposed zoning changes would be subject to all pertinent zoning regulations.
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.	Complies	Most cities in the country have an adopted Planned Development ordinance that allows the decision making authority to modify zoning standards for the purpose of getting a better product. Salt Lake City's Planned Development ordinance is consistent with other Cities in this respect; however, the proposed amendments go further by specifically stating objectives the City is trying to achieve through the process. The proposed amendments also provide more detailed standards that the Planning Commission must use when reviewing a project to ensure that a project is in the best interest of the City and adjacent neighborhood, which is a "best practice" in planning.
5. The adequacy of public facilities and services intended to serve the subject property, including, but not	Not applicable. At this current time, this standard does not apply.	The proposal is not site specific. All requests for a new use would be reviewed to ensure compliance with City codes and policies.

limited to, roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.		
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ATTACHMENT D: Public Process and Comments

The Planning Division held two public open house meetings regarding the proposed ordinance amendments; one on October 13, 2016 (nine people signed the attendance sheet) and the other on November 17, 2016 (no one attended). The open house meeting notices were sent to all community council chairs and individuals who have applied for a Planned Development within the last few years. Detailed information regarding the proposed amendments was posted on the Planning Division website and the open house notices made reference to that posted information in the event that an individual could not attend the open house.

The only comments received throughout the public engagement process were from a representative of the Seven Canyons Trust, a nonprofit organization focused on daylighting the creeks that traverse the Salt Lake Valley (see following pages). The Seven Canyons Trust representative requested that the Planned Development ordinance include daylighting creeks as an objective and that the application submittal requirements should include a daylighting feasibility report if a project is located within a specified distance of a culvert containing a creek. Staff considered these recommendations and included “daylighting of creeks/water bodies” as a strategy under the open space objective. Staff did not include the feasibility report as an application requirement. In the event that a project impacts an underground stream or if an adopted master plan recommends daylighting a specific section of an underground stream, the Planning Director has the ability, through the standard application procedure, to require any additional information that is needed to analyze the project.

ATTACHMENT E: City Department Comments

The proposed zoning amendments were sent to the following City Departments/Divisions for review:

- Building Services;
- Engineering;
- Public Utilities;
- Fire;
- Transportation;
- Sustainability;
- Police;
- City Attorney;
- Economic Development;
- Parks and Public Lands;
- Housing and Neighborhood Development; and
- the Redevelopment Agency

Representatives from the Building Services Division suggested changes to the wording in the ordinance, which have been incorporated into the draft ordinance revision document. A representative from the Department of Sustainability provided the following comments:

Having “sustainability” as an objective is also much too broad. I think this is a great opportunity for us to more clearly define what additional things would be needed to have a project that truly pushes the envelope. Some examples of what is defined as “exceptional performance with regards to resource consumption and impact on natural systems...” include:

- *LEED Gold or better*
- *Living Building Certified*
- *ISI Envision Certified*
- *Net Zero Energy or Net Zero Energy Ready*
- *Upfront Energy Modeling on Various Scenarios*
- *15%+ Above Current Code*
- *Stringent Facility Commissioning to Meet Energy Use Intensity Goals*
- *Passive Building or Passive Solar Design*
- *EV Charging Stations or EV Ready*
- *Planned Bike and/or Car Share to support Active Transportation*
- *Onsite Renewables or Solar Ready*
- *Exceptional Water Efficiency – Indoor and Outdoor Uses – and Elimination of Polluting Landscape Equipment Needs*

The challenge is articulating this realm of sustainability possibilities in a way that creates usable standards for the development community. In a certain sense, a more general ordinance allows the best possible evaluation and critique to ensure that the correct pieces are in place to create “exceptional performance.” But we should include direction on how we evaluate applications internally so that appropriate benefits are given to developers, depending upon the measures they choose to incorporate.

Planning Staff discussed these comments with the Planning Commission in a work session and determined that it is best to keep the objectives and standards broad enough to allow some flexibility in the review of a project.

ATTACHMENT F: Motions

Based on the findings listed in the staff report, it is the Planning Staff's opinion that the project meets the applicable standards for zoning text amendments and therefore recommends that the Planning Commission forward a positive recommendation to the City Council.

Consistent with Staff Recommendation:

Based on the findings in the staff report and made in this meeting, I find the proposal adequately meets the standards for general text amendments and therefore recommends the Planning Commission transmit a positive recommendation for PLNPCM2016-00600 to the City Council to adopt the proposed zoning ordinance text amendments.

Not Consistent with Staff Recommendation:

Based on the findings made at this meeting, I find that the proposed amendments do not adequately meet the standards for general text amendments and therefore recommend the Planning Commission transmit a negative recommendation for PLNPCM2016-00600 to the City Council to adopt the proposed zoning ordinance text amendments.