



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Mayara Lima
(801) 535-7932 or mayara.lima@slcgov.com
Date: January 24, 2018
Re: PLNPCM2017-00921 Design Standards Text Amendment

Zoning Text Amendment

PROPERTY ADDRESS: Citywide
PARCEL ID: Not applicable
MASTER PLAN: Not applicable
ZONING DISTRICT: All zoning districts

REQUEST: Salt Lake City Mayor Jackie Biskupski is requesting to amend the text of the Zoning Ordinance to prohibit renovations to existing structures from reducing or eliminating existing design elements that are required by the Design Standards, Chapter 21A.37 of the Zoning Ordinance.

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

ATTACHMENTS:

- A. [Proposed Text Amendment](#)
- B. [Petition to Initiate](#)
- C. [Analysis of Standards](#)
- D. [Public Process and Comments](#)

PROJECT DESCRIPTION:

Chapter 21A.37, Design Standards, was adopted in April, 2017 to consolidate design standards into one area of the zoning code and to make the design standard language consistent. The chapter's applicability section states that the design standards apply to new construction and additions to existing buildings, but the chapter does not address improvements to existing structures.

Issue: Because there is nothing in the ordinance that states that a design element cannot be further reduced or eliminated, construction activities to existing structures that do not include an addition can modify existing design elements to the extent of creating a noncompliance or increasing the degree of an existing noncompliance.

Proposal: Add language to section 21A.37.020, Applicability to clarify that the design standards apply to new construction and additions as well as to existing structures when physical modifications to design elements are proposed.

DISCUSSION:

The proposed changes will help to preserve design elements required by the Design Standards chapter in existing structures. If the proposed changes are not adopted, existing structures with existing design elements that meet the regulations could be renovated to eliminate those design elements.

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: PROPOSED TEXT AMENDMENT

21A.37.020: APPLICABILITY:

The design standards identified in this chapter apply to all ~~new construction and additions on property~~ **properties** in the zoning districts listed in section 21A.37.060, ~~table 21A.37.060, subsections A through E of this chapter and pursuant to the following:~~ (residential except R-1, FR, SR, and R-2 districts), commercial, manufacturing, downtown, and special purpose districts (except A airport). When an addition to an existing building is made, only the addition is subject to the design standards of this chapter. For existing buildings where an addition is not proposed, a change in use or interior alterations of the building are not subject to this chapter. All new construction, additions, exterior building work, structure work, and site work on property in an H historic preservation overlay district or a landmark site remain subject to a certificate of appropriateness as required in subsection 21A.34.020E of this title.

- A. Change in use: A change of use shall be exempt from this chapter, provided that it does not result in alterations of existing design elements regulated by the standards of this chapter.
- B. Additions: When an addition to an existing structure is made, only the addition is subject to this chapter, provided that no existing design element regulated by these standards is altered in other portions of the existing structure.
- C. Repair, Maintenance or Alterations: Structures may be repaired, maintained or altered, except that no such work shall either create a noncompliance or increase the degree of an existing noncompliance. If an existing design element of an existing structure complies with a standard of this chapter, it shall not be altered to the extent of becoming a noncompliance.
- D. All new construction, additions, exterior building work, structure work, and site work on property in an H historic preservation overlay district or a landmark site remain subject to a certificate of appropriateness as required in subsection 21A.34.020E of this title.

ATTACHMENT B: PETITION TO INITIATE

PLN PCM2017-00921



Petition Initiation Request

Planning Division
Community & Neighborhoods Department

To: Mayor Biskupski
From: Nick Norris, Planning Director
Date: November 2, 2017
CC: Patrick Leary, Chief of Staff; Mike Reberg, CAN Director, Mike Akerlow, CAN Deputy Director; file
Re: Initiate Petition to Amend Text in the Zoning Ordinance Related to how Design Standards Apply to Existing Buildings.

This memo is to request that you initiate a petition directing the Planning Division to analyze the appropriateness of amending the Zoning Ordinance to prohibit renovations to existing buildings from reducing or eliminating design elements that are required by the Design Standards chapter of the Zoning Ordinance. The purpose of this amendment is to clarify that the design standards apply not only to new construction, but to existing buildings as well. Currently the ordinance does not indicate how the standards apply to existing buildings.

Issue

The Applicability section of the Design Standards chapter (Section 21A.37.020) states:

"The design standards identified in this chapter apply to all new construction and additions on property in the zoning districts listed in section 21A.37.060, table 21A.37.060, subsections A through E of this chapter (residential except R-1, FR, SR, and R-2 districts), commercial, manufacturing, downtown, and special purpose districts (except A airport). When an addition to an existing building is made, only the addition is subject to the design standards of this chapter. All new construction, additions, exterior building work, structure work, and site work on property in an H historic preservation overlay district or a landmark site remain subject to a certificate of appropriateness as required in subsection 21A.34.020E of this title."

As stated in the applicability section stated above, the design standards apply to new construction and additions to existing buildings. The code is silent regarding improvements to buildings that include only the renovation of existing building walls. What this means is that if an existing building meets the design regulations as stated in the Design Standards chapter of the Zoning Ordinance, construction activities can

occur that eliminate those design elements if the construction activity does not include an addition. There is nothing in the ordinance that states that a design element of the building cannot be further reduced or eliminated. If the petition is initiated, Planning Staff will propose new zoning text that states that any renovation to an existing building cannot reduce an existing design element of the building that is regulated by the Design Standards chapter of the Zoning Ordinance.

As part of the process, the Planning Division will follow the City adoption process for zoning text amendments, which includes citizen input and public hearings with the Planning Commission and City Council.

Please contact Wayne Mills at ext. 7282 or wayne.mills@slcgov.com if you have any questions.

Thank you.

Concurrence to initiate the zoning text amendment petition as noted above.



Jackie Biskupski, Mayor

11-6-17
Date

ATTACHMENT C: ANALYSIS OF STANDARDS

ZONING TEXT AMENDMENTS

21A.50.050: A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. In making a decision to amend the zoning map, the City Council should consider the following:

Factor	Finding	Rationale
<p>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;</p>	Complies	<p>One of the guiding principles of the 2015 Plan Salt Lake is to provide a beautiful city that is people focused. The design standards of chapter 21A.37 were created with a focus on pedestrian interaction. This amendment will prevent that design elements required by that chapter be eliminated from existing structures.</p>
<p>2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;</p>	Complies	<p>The purpose statement of the design standards chapter is to promote walkable environments, foster place making, protect property values, and maintain the character of the city. The proposed changes further this purpose statement by encouraging and preserving design elements in both new and existing structures.</p>
<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;</p>	Not applicable	<p>The proposed changes do not affect any overlay zoning districts, but rather deal with the base zoning districts.</p>
<p>4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.</p>	Complies	<p>The proposed changes provide clarification and consistency in the implementation of urban design principles. A more consistent application of the design standards will help users to better understand the purpose of the regulations, leading to fewer interpretations of the regulation and a more efficient review process.</p>

ATTACHMENT D: PUBLIC PROCESS AND COMMENTS

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

Open House: On December 6, 2017, a community wide Open House was held regarding the proposed text amendment. Staff did not receive any comments at the meeting.

Public Hearing Notice: A notice of the public hearing for this text amendment includes:

- Public hearing notice published in newspaper on January 11, 2018.
- Public hearing notice posted on City and State websites on January 11, 2018.

Public Comments: At the time of the publication of this staff report, no public comments have been received. Any comments received will be forwarded to the Planning Commission.