



# Staff Report

PLANNING DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission  
From: Mayara Lima, Principal Planner  
(801) 535-7118 or [mayara.lima@slcgov.com](mailto:mayara.lima@slcgov.com)  
Date: January 8, 2020  
Re: PLNPCM2019-00795 – Zoning Map Amendment

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## Zoning Map Amendment

**PROPERTY ADDRESS:** 1172 E Chandler Drive  
**PARCEL ID:** 09-32-226-009  
**MASTER PLAN:** Avenues Master Plan  
**ZONING DISTRICT:** OS Open Space

**REQUEST:** Bruce Baird, representing the property owner, is requesting a Zoning Map Amendment to rezone the property at approximately 1172 E Chandler Drive from OS Open Space to FR-3/12,000 Foothills Residential. The intent of the rezone is to match the zoning of the property to the east, which is under the same ownership, in order to allow residential accessory uses on the property after the two lots are combined.

**RECOMMENDATION:** Based on the information included in the staff report, Planning Staff recommends that the Planning Commission forward a positive recommendation to the City Council for the proposed zoning map amendment with the following condition:

- The applicant must obtain subdivision approval to combine the subject parcel with the abutting parcel located at approximately 1174 E Chandler (parcel ID 09-32-276-001).

**ATTACHMENTS:**

- [Vicinity and Zoning Maps](#)
- [Site Photographs](#)
- [Application Materials](#)
- [Master Plan Policies](#)
- [Existing Conditions & Development Standards](#)
- [Analysis of Standards](#)
- [Public Process and Comments](#)

**PROJECT DESCRIPTION:** This is a request to change the zoning of the property located at 1172 E Chandler Drive from OS Open Space to FR-3/12,000 Foothills Residential. The applicant claims that the current zoning serves no purpose to this privately-owned land and that the proposed zoning would be more appropriate. The intent of the proposal is to match the zoning of the adjacent property to the east (1174 E Chandler) to allow for development of the subject property in conjunction with the adjacent property.

The subject parcel is a rectangular lot that has approximately 14,000 square feet in area. Although the property is considered vacant, it currently functions as the rear yard of the residence on 1174 E Chandler. Aerial images show that the subject property has been landscaped and that the neighboring patio, walkway and wall have extended into its boundaries.

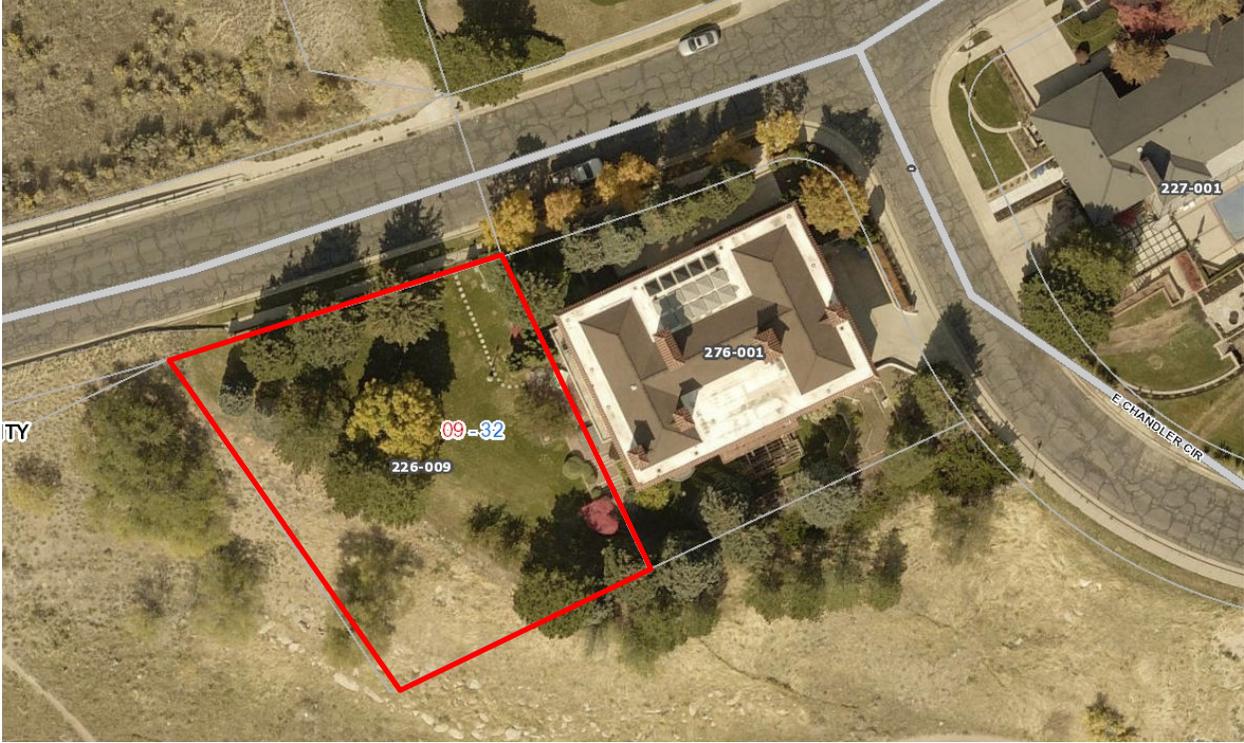


Figure 1 - Aerial image shows landscaping and encroachments onto the property.



Figure 2 – View south of the subject property shows landscaping and wall encroachment.

**BACKGROUND AND CONTEXT:** The subject property was created in 1983 without a subdivision process when it was deeded from Douglas Miles, who owned several acres of land in the Upper Avenues, to Keith Garner, who owned the property to the east. The home on 1174 E Chandler was built in 1978 and it is likely that Mr. Garner acquired the subject parcel with the intent of using it as an extension of his property. Since the subject property was created, the two abutting parcels have been passed onto other individuals but always kept under the same ownership.



Figure 3 – 1985 aerial photograph shows adjacent home built and subject property partially landscaped.

## **KEY CONSIDERATIONS:**

### **Consideration 1: OS zoning limitations imposed on the property**

The purpose of the OS Open Space zoning district is stated in section 21A.32.100 of the Zoning Ordinance:

*The purpose of the OS Open Space District is to preserve and enhance public and private open space, natural areas, and improved park and recreational areas. These areas serve to provide opportunities for active and passive outdoor recreation; provide contrasts to the built environment; preserve scenic qualities; protect sensitive or fragile environmental areas such as wetlands, steep slopes, ridge lines, meadows, and stream corridors; preserve the capacity and water quality of the stormwater drainage system; encourage sustainability, conservation and renewable energy and provide pedestrian and bicycle transportation connections.*

Land uses are limited in this district because of the characteristics intended for the area. Permitted uses include those that do not involve buildings such as agricultural uses, community gardens and parks and those commonly associated with public use such as art galleries, indoor recreation and reception centers. Residential uses are not allowed in this district.

It is likely that at the time the subject property was created, its zoning allowed for residential uses. However, during the 1995 citywide rezone this property was designated as OS Open Space. The steep slope that exist on nearly half of the lot - and makes development more challenging on the property - could have been a reason for that zone change but there is no concrete evidence of why this property was designated as OS.



Figure 4 – Photo shows the steep slope on the southwestern half of the lot. The other half is flatter and more suitable for development.

The 1995 rezone of the property to OS imposed strict limitations on how the property owner could improve it as an extension of the adjacent residence. Even if the lots were combined, zoning requirements would prevent the construction of residential accessory structures, such as a garage or a guest house, and other residential amenities, such as a private swimming pool or playground.

### **Consideration 2: Future use of the property and impacts to adjacent properties**

The subject property is surrounded by open space on all sides but the east side. If the rezone is approved, principal and accessory residential uses could be built on the lot. A principal use, such as a new home on the property could create visual and environmental impacts to the neighborhood. However, accessory uses should not substantially impact the surrounding properties especially due to the limited intensity of development allowed in the proposed zoning district.

The purpose of the FR-3/12,000 zoning district is stated in section 21A.24.040 of the Zoning Ordinance:

*The purpose of the FR-3/12,000 Foothills Residential District is to promote environmentally sensitive and visually compatible development of lots not less than twelve thousand (12,000) square feet in size, suitable for foothills locations as indicated in the applicable community Master Plan. The district is intended to minimize flooding, erosion, and other environmental hazards; to protect the natural scenic character of foothill areas by limiting development; to promote the safety and well being of present and future residents of foothill areas; to protect wildlife habitat; and to ensure the efficient expenditure of public funds.*

Thus, the FR-3/12,000 zoning district is intended for low residential density that it is appropriate for and compatible with foothills areas. Requirements for accessory building height and placement as well as landscaping and grading are in place to protect the scenic and natural character of the area by promoting environmentally sensitive and visually compatible development. These requirements are specific to the foothills zones and included as special regulations in the Zoning Ordinance to ensure

development is done in a prudent and safe manner in these areas. Additionally, a soil study will be required before any significant work is done on the property.

**Consideration 3: Lot consolidation**

The applicant expressed interest in using the subject property exclusively as an extension to the property to the east. Therefore, in order to avoid potential impacts of allowing a principal building on the property, staff is recommending that the zoning map amendment be conditioned on the subdivision approval of combining the subject property with the property to the east located at approximately 1174 E Chandler Dr (parcel ID 09-32-276-001).

In the FR-3/2000 zoning district, the maximum lot size allowed is 18,000 square feet, which the two lots together would exceed by over 2,000 square feet. The zoning ordinance however allows lots in excess of the maximum lot size through the subdivision process subject to the following standards:

1. The size of the new lot is compatible with other lots on the same block face;
2. The configuration of the lot is compatible with other lots on the same block face; and
3. The relationship of the lot width to the lot depth is compatible with other lots on the same block face.

Staff finds that the combined lots would follow the development pattern of both the block face along Chandler Drive and Chandler Circle, thus meeting these standards.

**DISCUSSION:**

The proposed zoning map amendment from OS to FR-3/12,000 of the subject property would allow accessory residential uses on this privately-owned land after it is combined to the abutting property to the east. The proposed zone is appropriate for the location context of the lot and it is both reasonable, given the expectations at the time of the creation of the lot, and consistent with the adopted master plans. as discussed in [Attachment D](#).

**NEXT STEPS:**

The Planning Commission's recommendation will be forwarded to the City Council for their consideration as part of the final decision on this petition. If the request is approved, the applicant would need to obtain subdivision approval to combine the lot with the abutting property to the east and any future development of the property would need to comply with the FR-3/12,000 zoning regulations. If denied, the subject property would maintain its OS designation and would have to be developed accordingly.

# ATTACHMENT A: Vicinity and Zoning Maps



## ATTACHMENT B: Site Photographs

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*Figure 5 – Northwest view of the property*



*Figure 6 – View of properties across Chandler Drive*



*Figure 7 – Northeast view of the adjacent property*

## **ATTACHMENT C: Application Materials**



# Zoning Amendment

SALT LAKE CITY PLANNING

Amend the text of the Zoning Ordinance     Amend the Zoning Map

### OFFICE USE ONLY

|                                   |                                    |                                       |
|-----------------------------------|------------------------------------|---------------------------------------|
| Received By:<br><i>CHRIS EARL</i> | Date Received:<br><i>8/26/2019</i> | Project #:<br><i>PLNPM 2019-00795</i> |
|-----------------------------------|------------------------------------|---------------------------------------|

Name or Section/s of Zoning Amendment:

### PLEASE PROVIDE THE FOLLOWING INFORMATION

Address of Subject Property (or Area):  
*1172 East Chandler, 84103      09-32-226-009-0000*

Name of Applicant:  
*Benjamin Middleton Dahl LT 10/26/07 - counsel*      by *Bruce R. Baird*      Phone:  
*801-647-1408*

Address of Applicant:  
*2150 S. 1300 E #500, SLC UT 84103*

E-mail of Applicant:  
*bbaird@difficultdirt.com*      Cell/Fax:

Applicant's Interest in Subject Property:  
 Owner     Contractor     Architect     Other:

Name of Property Owner (if different from applicant):  
*Benjamin Middleton Dahl Living Trust 10/26/07*

E-mail of Property Owner:      Phone:  
*915 984 9658*

Please note that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

### AVAILABLE CONSULTATION

If you have any questions regarding the requirements of this application, please contact Salt Lake City Planning Counter at (801) 535-7700 prior to submitting the application.

### REQUIRED FEE

- Map Amendment: filing fee of \$1,034, plus \$121 per acre in excess of one acre
- Text Amendment: filing fee of \$1,035, plus \$100 for newspaper notice.
- Plus additional fee for mailed public notices.

### SIGNATURE

If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent: *Counsel for owner*      Date:  
*Attorney@law and*      *8/26/19*  
*attorney in fact*

**SUBMITTAL REQUIREMENTS**

Staff Review

**1. Project Description** (please attach additional sheets.)

- A statement declaring the purpose for the amendment.
- A description of the proposed use of the property being rezoned.
- List the reasons why the present zoning may not be appropriate for the area.
- Is the request amending the Zoning Map?  
If so, please list the parcel numbers to be changed.
- Is the request amending the text of the Zoning Ordinance?  
If so, please include language and the reference to the Zoning Ordinance to be changed.

*To match the zoning of the home next door as either a building lot or as a part of the existing home*

*09-32-226-009-0000*

**WHERE TO FILE THE COMPLETE APPLICATION**

**Mailing Address:** Planning Counter  
PO Box 145471  
Salt Lake City, UT 84114

**In Person:** Planning Counter  
451 South State Street, Room 215  
Telephone: (801) 535-7700

**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.

*BARB*

*The lot is adjacent to a home on an FR 3-zoned property and serves no meaningful purpose as Open Space. As privately owned property the OS zone is inappropriate*

# BRUCE R. BAIRD PLLC

ATTORNEY AND COUNSELOR  
2150 SOUTH 1300 EAST, FIFTH FLOOR  
SALT LAKE CITY, UTAH 84106  
TELEPHONE (801) 328-1400  
BBAIRD@DIFFICULTDIRT.COM

September 9, 2019

VIA EMAIL ONLY

Ms. Mayara Lima

**Re: 1164 East Chandler  
Supplement to Zoning Map Amendment Petition  
Response to Erroneous Email dated September 9, 2019**

Dear Ms. Mayara:

This email responds to your above-referenced email. It is utterly unnecessary given the facts of this matter and the fact that my hand-written notes on the Application I previously submitted complied with the applicable requirements of the City Code. But I am doing it any way just to move this forward.

First, as clearly stated in the Application, I represent (as both Attorney at Law and Attorney-in-fact) the landowner and I thus (as both a burden and a curse of being a member of the Bar) have plenipotentiary power (including the power to say that I have the power of representation).

Concerning the balance of your email, I cloned into this letter the exact applicable provisions of the Code sections referenced in your email and interlineated additional responses.

21A.50.040: PROCEDURE:

[ ]

A. Application: An application shall be made to the zoning administrator on a form or forms provided by the office of the zoning administrator, which shall include at least the following information:

1. A statement of the text amendment or map amendment describing the purpose for the amendment and the exact language, boundaries and zoning district;

**Response:** See the Application. The Property detailed below is requested to be rezoned from Open Space to FR-3.

2. Street address and legal description of the property;

**Response:**

(09-32-226-009)

ADDRESS: 1164 E CHANDLER DR, SALT LAKE CITY, UTAH 84103  
BEGINNING AT THE NORTHWEST CORNER OF LOT 3, VIRGINIA  
HEIGHTS, PLAT B, A SUBDIVISION OF PART OF THE NORTHEAST  
QUARTER OF SECTION 32, TOWNSHIP 1 NORTH, RANGE 1 EAST,  
SALT LAKE BASE AND MERIDIAN, IN SALT LAKE CITY, AND  
RUNNING THENCE SOUTH 25°00' EAST 121.632 FEET; THENCE  
SOUTH 65°00' WEST 100.996 FEET; THENCE NORTH 33°18'55"  
WEST 137.932 FEET TO THE SOUTH BOUNDARY OF CHANDLER  
DRIVE; THENCE NORTH 72° EAST 121.852 FEET ALONG THE  
BOUNDARY OF CHANDLER DRIVE TO THE POINT OF  
BEGINNING.

3. A complete description of the proposed use of the property where appropriate;

**Response:** As noted in the Application, the requested rezoning is to allow the use of the Property for the uses allowed in FR-3.

4. Site plans drawn to scale (where applicable); and

**Response:** Not applicable. No specific uses have been determined and thus no site plan is appropriate.

5. Related materials or data supporting the application as may be determined by the applicant and the zoning administrator.

**Response:** Of course, I have no idea what the ZA may want at this time but I will be happy to submit it in the future.

Since that is all that is listed in the Code for an Application that should be the end of this letter. However, since your email mentioned the approval standards in Section .050 I will address them here to.

21A.50.050: STANDARDS FOR GENERAL AMENDMENT:

[ ]

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

1. Whether a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;

**Response:** I can't possibly know all of the various "adopted planning documents". What I can find on the City's website are the Zoning Code, the 12 different "Citywide Plans" and

the 1987 “Avenues Master Plan”. The Avenues Master Plan has the applicable boundaries literally sketched in Crayon but it appears to include the Property. Of course, since it is 30 years old and its “Land Use” element is hopelessly vague it is impossible to adequately analyze its impact on this request except to note that the request generally complies with all of the “Recommendations and Strategies”. Fortunately there are no “Historic Preservation” issues (p. 4) since this is vacant land. Concerning the “Foothill Development and Protection” section, (pp. 4 – 5) the Crayon map does not even legend the Property. This entire section is just hortatory and has no substantive standards to measure anything against. Nonetheless, the requested rezoning is believed to be consistent with its “purposes, goals and objective”. The rezoning petition raises no “Traffic” issues (pp. 5 – 8) since the Property fronts on Chandler which is a major street and any new residential uses would add about 11 trips per day pursuant to standard ITE analysis. Regarding the “Parks and Recreation” section (pp. 8 – 9) this language is also hortatory except for the provision discussing maintaining open space in its “natural state” which, as noted in the Application would serve to convert private property into public open space without just compensation. The City has recognized on prior matters that zoning private property to “open space” has Constitutional “Takings” implications. The “Urban Design” section (pp. 10 – 11) is irrelevant at this rezoning stage and, also, given the eclectic mix of design in this area.

I have, cursorily, reviewed the 12 “Citywide Plans”. As far as I can tell, the only one of those 12 plans with any potential applicability is the Open Space Master Plan that is, literally, 27 years old. I have tried to read it but it really does not say anything. As noted above, to the extent that the OS Master Plan tries to restrict private property to being unusable open space it raises Constitutional “Takings” issues.

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

**Response:** By definition, if the proposed amendment is approved it would further the purpose of the zoning ordinance. Otherwise, I have no idea what this statement means.

3. The extent to which a proposed map amendment will affect adjacent properties;

**Response:** There are only two adjacent properties. 1174 Chandler is zoned the same FR-3 as proposed in the rezoning (and is owned by the same entity). Having an FR-3 property next door to an FR-3 property is extraordinarily common. The other property is the open space to the south and west of the property. The County Assessor’s “Interactive Parcel Viewer” shows its ownership as “Null” but it is believed that it is actually owned by the City. Having the Property rezoned to FR-3 cannot have any different impact on the open space than there already is by the current FR-3 property at 1174 Chandler.

4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and

Ms. Mayara Lima, SLC Principal Planner  
September 14, 2019  
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**Response:** The City's "Zoning Lookup Map" does not show any overlay zones. Also, by definition, the rezoning would be consistent to the rezoned district.

5. The adequacy of public facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

**Response:** One potential additional residence would have no impact on any public services (oh, and by the way, it is illegal to consider the impact on schools of a rezoning).

I trust that this letter satisfies the issues in your email. Can we now move forward?

Sincerely,

A handwritten signature in blue ink, appearing to be "BR", with a long horizontal flourish extending to the right.

Bruce R. Baird

cc: Client

# ATTACHMENT D: Master Plan Policies

## Avenues Master Plan

The subject property is located within the Avenues Master Plan (adopted July 1987) and is designated on the future land use map as “Very Low-Density 1-4 Units per Gross Acre”. The subject property is also located within the “F-1 Foothill Development Overlay Zone”, which was intended to protect views in the foothill areas and prevent incompatible development.

The Land Use goal stated in this master plan is to

*Preserve the residential character and existing land use patterns in the Avenues Community. Special emphasis should be placed on regulating foothill development and preserving the historically significant sites and districts.*

Regarding Foothill Development and Protection, the goal is to

*Preserve the city’s natural mountainous backdrop and recreation opportunities the mountains provide. Devise a growth management program that includes strategies to help protect the foothills from continued urban encroachment.*

The master plan includes a Foothill Growth Management Strategy map that recommends an urban growth boundary north of Chandler Drive, where land should be preserved as natural open space, and identifies properties the city should acquire to preclude development. The subject property is within the proposed urban growth limits and it is not among the properties recommended to remain open space.

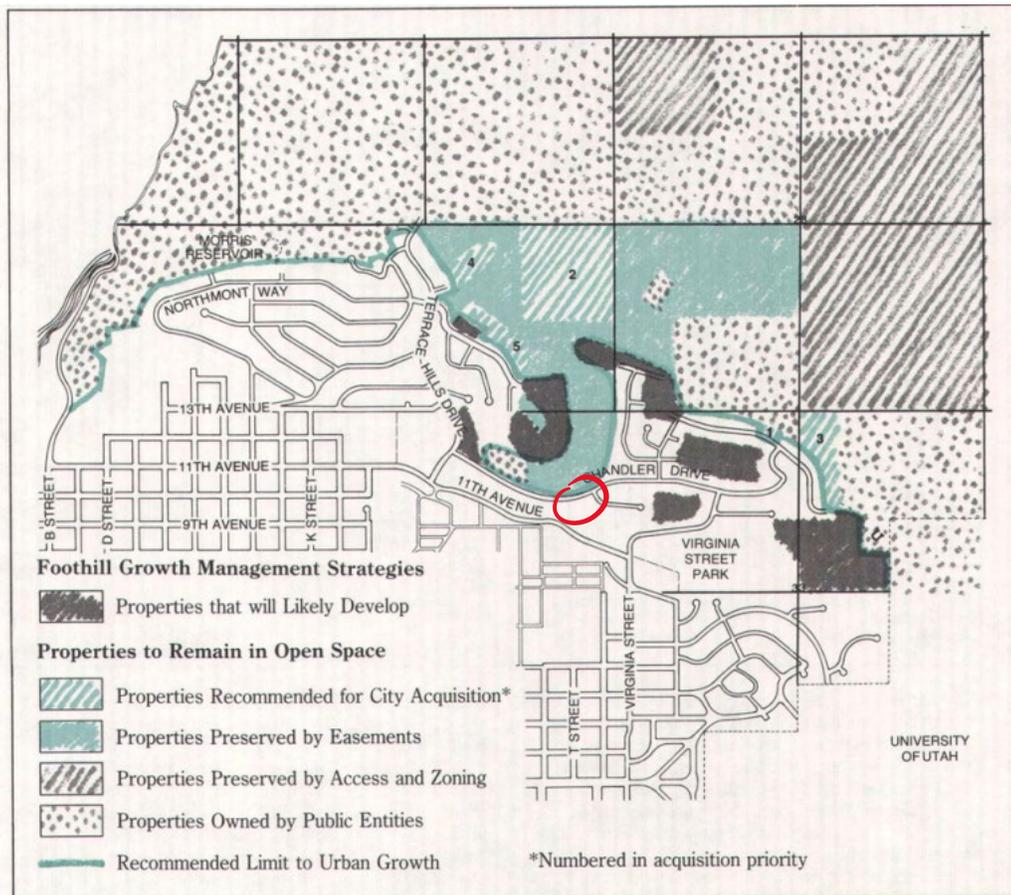


Figure 8 – Foothill Growth Management Strategy map. Red marker shows general location of the subject property.

**Staff Discussion:** The proposed zoning of the property is FR-3/12,000 Foothills Residential, which is in agreement with the master plan's future land use map. The proposed zoning is also subject to special foothills regulations that are intended to protect the natural foothill areas, wildlife habitats, and prevent visually incompatible development. This zoning amendment will reinforce the residential character of the area and existing land use pattern. However, it will not expand beyond the expected area of urban growth.

**Open Space Master Plan**

Salt Lake City's Open Space Master Plan, adopted in 1992, provides an analysis of the city's natural environments and *defines a coherent approach to connecting the open space resources and providing a safe, and enjoyable experience.* The plan focuses on specific lake basin and valley land forms that include transitional foothills areas and recommends connecting these transitional foothill areas through natural corridors. The subject property is generally located within the area outlined in the Shoreline Trail Avenues Corridor, but the plan does not specifically include the property as an element of the conceptual trail route as *many of the corridors utilize existing public property, easements and rights-of-ways.*

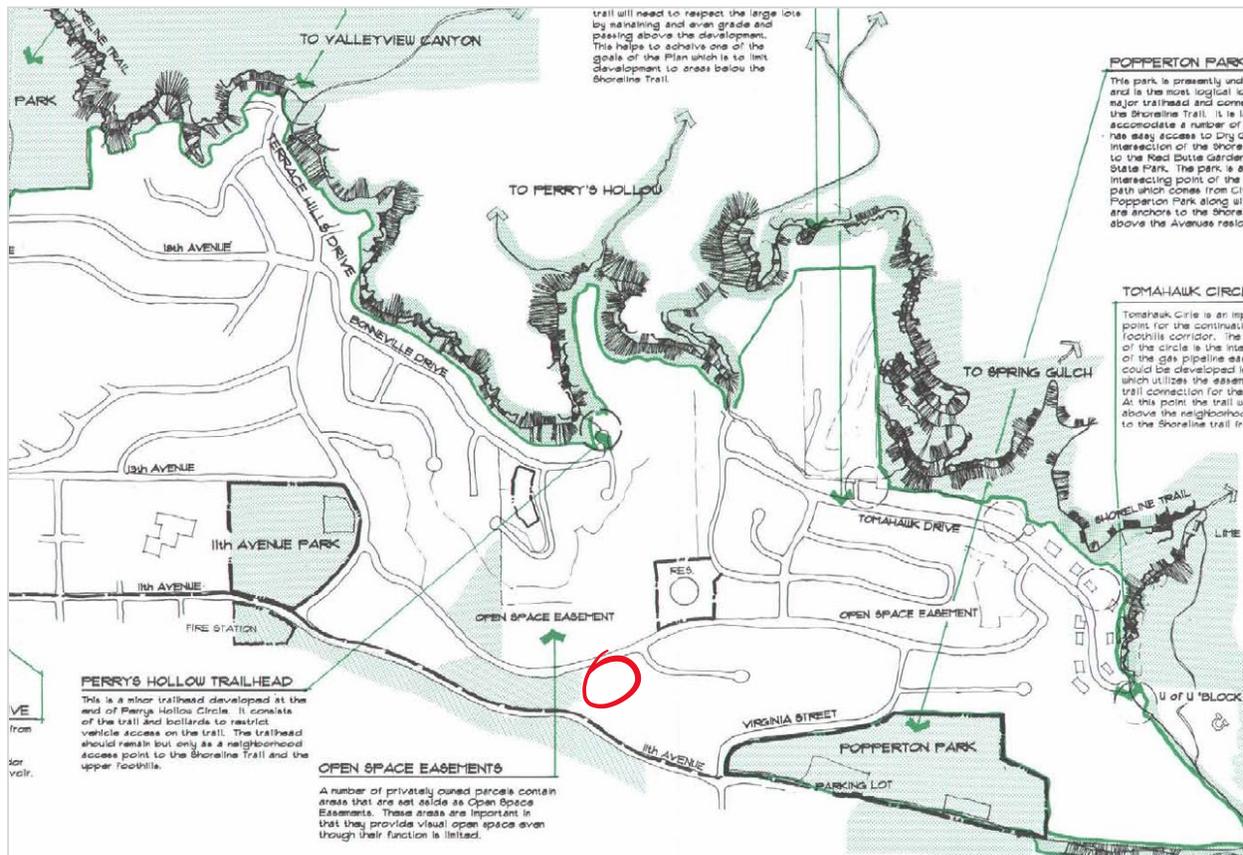


Figure 9 – Section of the Shoreline Trail Avenues Corridor. Red marker shows general location of the subject property.

**Staff Discussion:** The proposed zoning amendment and the property's future development will not affect the areas recommended to remain open space in the city and will not negatively impact the plan's proposed foothills corridor.

## **Plan Salt Lake**

This citywide master plan adopted in 2015 provides a vision and policies for the future of Salt Lake City. Open space related goals that are relevant to this project include:

*Guiding Principle: **Minimize our impact on the natural environment.***

*Initiatives:*

- **Preserve natural open space and sensitive areas to sustain biodiversity and ecosystem functions through:**
  - **Restoration of natural lands and critical habitat;**
  - **Support of stewardship of City-owned natural open space;**
  - **Implementation and promotion of best practices in management and stewardship of natural lands;**
  - **Reduction in habitat fragmentation.**

*Guiding Principle: **Protecting the natural environment while providing access and opportunities to recreate and enjoy nature.***

*Initiatives:*

- **Balance protection and management of natural lands with access to recreational opportunities.**
- **Enhance trail and open space connectivity through improved visual and physical connections.**

**Staff Discussion:** The private ownership of the subject property makes it complicated for the city to impose specific uses and/or to limit the private enjoyment of the land. As discussed above, the proposed zoning amendment will not negatively impact natural areas identified as important foothills corridors. Likewise, any future development of the property will have to comply with the standards of the proposed zoning district, FR-3/12,000, which are in place to protect the natural foothill areas, wildlife habitats, and prevent visually incompatible development. Thus, the proposed zoning amendment is, in its context, in line with Plan Salt Lake's goals.

# ATTACHMENT E: Existing Conditions & Development Standards

## Surrounding uses and property ownership:



## Current zoning standards:

| OS Open Space    |                   |                |              |          |       |
|------------------|-------------------|----------------|--------------|----------|-------|
| Minimum Lot Area | Minimum Lot Width | Maximum Height | Minimum Yard |          |       |
|                  |                   |                | Front        | Interior | Rear  |
| None             | None              | 35 ft          | 10 ft        | 10 ft    | 10 ft |

## Proposed zoning standards:

| FR-3/12,000 Foothills Residential |                   |                |              |          |       |                           |
|-----------------------------------|-------------------|----------------|--------------|----------|-------|---------------------------|
| Minimum Lot Area                  | Minimum Lot Width | Maximum Height | Minimum Yard |          |       | Maximum Building Coverage |
|                                   |                   |                | Front        | Interior | Rear  |                           |
| 12,000 sq ft                      | 80 ft             | 28 ft          | 20 ft        | 10 ft    | 35 ft | 35%                       |

## Land use comparison:

| Use                                                                                           | OS              | FR-3/12,000 |
|-----------------------------------------------------------------------------------------------|-----------------|-------------|
| Accessory use, except those that are otherwise specifically regulated elsewhere in this title | P <sup>26</sup> | P           |

|                                                                               |                  |                 |
|-------------------------------------------------------------------------------|------------------|-----------------|
| Adaptive reuse of a landmark site                                             | C <sup>2</sup>   | C <sup>8</sup>  |
| Agricultural use                                                              | P                |                 |
| Amphitheater, formal                                                          | P                |                 |
| Amphitheater, informal                                                        | P                |                 |
| Animal: Pet cemetery                                                          | P <sup>4,5</sup> |                 |
| Antenna, communication tower                                                  | P <sup>27</sup>  |                 |
| Art gallery                                                                   | P                |                 |
| Botanical garden                                                              | P                |                 |
| Cemetery                                                                      | P                |                 |
| Community garden                                                              | P                | C               |
| Daycare center, adult                                                         | P                |                 |
| Daycare center, child                                                         | P                |                 |
| Daycare, nonregistered home daycare                                           | P <sup>22</sup>  | P <sup>22</sup> |
| Daycare, registered home daycare or preschool                                 | P <sup>22</sup>  | P <sup>22</sup> |
| Dwelling, accessory guest and servant's quarter                               | C                | P <sup>11</sup> |
| Dwelling, accessory unit                                                      |                  | C               |
| Dwelling, assisted living facility (limited capacity)                         |                  | C               |
| Dwelling, group home (small) <sup>15</sup>                                    |                  | P               |
| Dwelling, manufactured home                                                   |                  | P               |
| Dwelling, single-family (detached)                                            |                  | P               |
| Eleemosynary facility                                                         |                  | C               |
| Farm stand, seasonal                                                          | P                |                 |
| Golf course                                                                   | P                |                 |
| Governmental facility                                                         | P <sup>26</sup>  | C               |
| Home occupation                                                               | P <sup>23</sup>  | P <sup>24</sup> |
| Municipal service use, including City utility use and police and fire station |                  | C               |
| Museum                                                                        | P                |                 |
| Open space                                                                    | P                |                 |
| Open space on lots less than 4 acres in size                                  | P                | P               |
| Park                                                                          | P                | P               |
| Parking, off site (to support uses in an OS or NOS Zoning District)           | P                |                 |
| Place of worship on lots less than 4 acres in size                            |                  | C               |
| Reception center                                                              | C <sup>28</sup>  |                 |
| Recreation (indoor)                                                           | P                |                 |
| Recreation (outdoor)                                                          | P                |                 |

|                                                                                  |                 |                 |
|----------------------------------------------------------------------------------|-----------------|-----------------|
| Retail, sales and service accessory use when located within a principal building | P <sup>26</sup> |                 |
| School, seminary and religious institute                                         |                 | C               |
| Temporary use of closed schools and churches                                     |                 | C <sup>23</sup> |
| Urban farm                                                                       | P               | P               |
| Utility, building or structure                                                   |                 | P <sup>5</sup>  |
| Utility, transmission wire, line, pipe or pole                                   |                 | P <sup>5</sup>  |
| Vending cart, public property                                                    | P               |                 |
| Zoological park                                                                  | P               |                 |

*OS Open Space Qualifying provisions:*

4. Subject to Salt Lake Valley Health Department approval.
5. In conjunction with, and within the boundaries of, a cemetery for human remains.
22. Allowed only within legal conforming single-family, duplex, and multi-family dwellings and subject to section 21A.36.130 of this title.
23. Allowed only within legal conforming single-family, duplex, and multi-family dwellings and subject to section 21A.36.030 of this title.
26. When customarily provided with the principal use and is accessory to the principal use.
27. New antennae and communication towers are allowed outside the telecommunication corridor in the OS Open Space District for public safety, public security or Salt Lake City Public Utilities Department purposes only.
28. Reception centers may be allowed in parks of 100 acres or more where the reception center is a subordinate use to the principal use of the property as a park. Reception centers are allowed in existing buildings, are limited to 1 reception center per park, and hours of operation are limited to park hours. Removal of existing recreation areas to accommodate the stand alone reception center use, including areas to accommodate parking for the reception center use, is not permitted.

*FR-3/12,000 Qualifying provisions:*

5. Pursuant to the requirements set forth in section 21A.36.140 of this title.
8. No check cashing/payday loan business shall be located closer than 1/2 mile of other check cashing/payday loan businesses.
11. In CN and CB Zoning Districts, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.
22. Subject to section 21A.36.130 of this title.
23. Allowed only within legal conforming single-family, duplex, and multi-family dwellings and subject to section 21A.36.030 of this title.
24. Must contain retail component for on-site food sales.

# ATTACHMENT F: Analysis of Standards

## ZONING MAP AMENDMENTS

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

| Factor                                                                                                                                                                                   | Finding                | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>1. Whether a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;</b></p> | <p><b>Complies</b></p> | <p>As discussed in <a href="#">Attachment D</a>, the proposed zoning amendment is consistent with the Avenues Master Plan’s future land use map and principles to preserve the residential character of the area and city’s foothills. In the context of this property, the proposed change is also in line with natural preservation goals of Plan Salt Lake given the special foothills regulations of the proposed Fr-3/12,000 zoning district. Additionally, the proposed change is in agreement with the Open Space Master Plan because it does not interfere with the development of the plans’ foothills trail corridor.</p>  |
| <p><b>2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance.</b></p>                                                                      | <p><b>Complies</b></p> | <p>Because the proposed amendment is in line with adopted plans and is consistent with the subject property’s location context and history, it furthers the purpose of the Zoning Ordinance <i>to promote the convenience and order, to implement the adopted plans of the city, and to carry out the purposes of the municipal land use development</i>. Furthermore, the proposal helps to <i>foster the city’s residential development, and protect the environment</i> by allowing residential uses on this this privately-owned property while imposing special regulations intended to protect the natural foothills area.</p> |
| <p><b>3. The extent to which a proposed map amendment will affect adjacent properties;</b></p>                                                                                           | <p><b>Complies</b></p> | <p>As discussed in Consideration #2, the subject property is surrounded by open space on all sides but the east side, which is owned and occupied by the applicant. Due to the low intensity of development allowed in the proposed zoning district, the proposed amendment</p>                                                                                                                                                                                                                                                                                                                                                      |

|                                                                                                                                                                                                                                                                                                      |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                      |                 | should not substantially impact the surrounding properties.                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;</b>                                                                                                                          | <b>Complies</b> | The property is located within the Groundwater Source Protection Overlay. The proposed amendment is not in conflict or contrary to the purposes of the overlay district.                                                                                                                                                                                                                                                                                                              |
| <b>5. The adequacy of public facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.</b> | <b>Complies</b> | The zoning amendment is not tied to a specific development proposal. Nonetheless, no objections were received from other City departments regarding this amendment. Public Utilities did point out that <i>drainage on this property is difficult and any work on the property must prevent soil erosion and impact to the downhill properties</i> . Any requests for a new use on the properties would be reviewed to ensure compliance with all applicable City codes and policies. |

## **ATTACHMENT G: Public Process and Comments**

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

### **Public Notices:**

- Notice of the project and request for comments sent to the Chair of the Greater Avenues Community Council on September 25, 2019 in order to solicit comments. The 45-day recognized organization comment period expired on November 9, 2019.
- Early notification notices mailed on September 25, 2019.

### **Public Hearing Notice:**

- Public hearing notice mailed on December 20, 2019.
- Public hearing notice posted on City and State websites on December 20, 2019.
- Sign posted on the property on December 27, 2019.

### **Public Comments:**

- The Community Council Chair did not ask staff to attend a meeting to present the project and did not provide any public comment.
- At the time of the publication of this staff report, no public comments were received. Any comments received will be forwarded to the Planning Commission.