



Staff Report

PLANNING DIVISION

To: Salt Lake City Planning Commission
From: Noah Elmore, Associate Planner
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Date: April 10th, 2024
Re: PLNPCM2024-0155, Form Based Zone Corrections

Zoning Text Amendment

PROPERTY ADDRESS: City-wide
PARCEL ID: Not applicable
MASTER PLAN: Not applicable
ZONING DISTRICT: [Chapter 21A.27 - Form Based Districts](#)

REQUEST:

Mayor Erin Mendenhall has initiated a zoning text amendment to correct sections in Chapter 21A.27 - Form Based Districts. Form Based Districts were adopted in 2016 and most recently amended in 2023. Over time, staff has found certain standards to be incorrect, inconsistent, or otherwise incompatible with the intent of the chapter.

RECOMMENDATION:

That the Planning Commission forward a positive recommendation to the City Council regarding this proposal.

ATTACHMENTS:

- A. [ATTACHMENT A: Proposed Text Amendment](#)
- B. [ATTACHMENT B: Zoning Text Amendment Standards](#)
- C. [ATTACHMENT C: Public Process and Comments](#)

PROJECT DESCRIPTION

The purpose of this text amendment is to revise language that is incorrect, inconsistent, or otherwise incompatible with the purpose of Chapter 21A.27 – Form Based Districts. Form Based Districts are intended to provide zoning regulations that focus on the form of development, the manner in which buildings are oriented toward public spaces, the scale of development, and the interaction of uses within the city. Regulations within form based districts place emphasis on the built environment over land use.

More specifically, the proposed text amendment will correct language that does not align with the stated intent of the chapter. It will remove language that is detrimental to the district and modify how certain standards apply to existing buildings. It will also fix errors and oversights created by recent text amendments. This text amendment will result in standards that better align with the intent of the chapter and the goals of the City.

APPROVAL PROCESS AND COMMISSION AUTHORITY

The proposal is for a zoning text amendment. The Planning Commission may make a recommendation to the City Council on this type of proposal per 21A.50.050.A. The Planning Commission may make modifications to the proposed amendments, direct staff to make recommendations, or forward a recommendation to the City Council.

KEY CONSIDERATIONS

The key considerations listed below were identified through the analysis of the project:

1. Ensuring Language Reflects Intent
2. Potential Outcomes If Ordinances Are Not Revised

Consideration 1: Ensuring Language Reflects Intent

The proposal clarifies and revises the ordinance to ensure the language of the chapter matches the intent of the chapter.

The code currently contains language exempting certain building additions from development standards, such as setback, height, density, and design standards. As those development standards regulate building form, exempting additions from the zoning district's regulations would effectively bypass the intent of the chapter. This proposal includes revising the allowed exemptions to better match the intent of the chapter. Changes to existing buildings not affecting a building entrance will not require compliance with entry features standards, and small additions will not trigger open space area requirements. The standard for residential balconies is also revised to clarify that balconies must be looking out over a public street as opposed to a side yard.

Other revisions will be made to correct errors. The street corners which are permitted additional building height will be amended because one of the footnotes references West Temple when it should reference 200 W. This error was a result of a recent amendment. Moreover, the chapter regulating fences, walls, and hedges inadvertently excludes form base districts in the list of the "nonresidential" districts. This amendment will delete the list while maintaining the correct range of code sections.

Consideration 2: Potential Outcomes If Ordinance is Not Revised

The form based districts differ from other districts in that the primary focus is on the building form, or shape and configuration, in addition to setback, height, and density. With that in mind, a portion of the chapter which is proposed to be deleted stipulates, "*Building form and street type standards apply to all new buildings and additions when the new construction related to the addition is greater than twenty five percent (25%) of the footprint of the structure or one thousand (1,000) square feet, whichever is less*". This means additions up to 1,000 square feet are exempt from the building form standards outlined in the chapter with no limitation on the number of additions. As a result, it would be possible to build an unlimited series of additions

without needing to comply with building form standards. The ability to bypass those standards in form based districts effectively undermines the intent of the entire chapter.

STAFF RECOMMENDATION

The proposed ordinance amendments have been reviewed against the Zoning Amendment consideration criteria in [Attachment B](#). The proposed amendment adds consistency and clarity to the ordinance with the aim of improving the applicability of the chapter. The proposed amendment also furthers the purpose of the city's policies and goals, including those in the applicable master plans. Due to these considerations, staff is recommending that the Commission forward a positive recommendation on this request to the City Council.

NEXT STEPS

The city council has the final decision-making authority on all zoning amendments. The zoning ordinance authorizes the Planning Commission to make recommendations to the city council on zoning amendments. The Planning Commission may provide a positive or negative recommendation for the proposal and can request that changes be made to the proposal.

The recommendation and any requested changes will be sent to the City Council, who will hold a briefing and additional public hearing on the proposed changes. The City Council may make modifications to the proposal and approve or decline to approve the proposed changes.

If ultimately approved by the City Council, the changes would be incorporated into the City Zoning code.

ATTACHMENT A: Proposed Text Amendment

This proposed ordinance makes the following amendments to Title 21A. Zoning:

21A.27.020: BUILDING TYPES AND FORMS ESTABLISHED:

~~C. Building Form Standards:~~

~~—1. The provisions of this section shall apply to all properties located within the Form Based Districts as indicated on the maps in each Form Based District.~~

~~—2. Building form and street type standards apply to all new buildings and additions when the new construction related to the addition is greater than twenty five percent (25%) of the footprint of the structure or one thousand (1,000) square feet, whichever is less. Refer to Section 21A.27.030 of this chapter on the building configuration standards for more information on how to comply with the standards. The graphics included provide a visual representation of the standards as a guide and are not meant to supersede the standards in the tables. Only building forms identified in the table are permitted.~~

21A.27.030: BUILDING CONFIGURATION AND DESIGN STANDARDS:

~~B. Building Entry: Refer to the building entrance standards in Subsection 21A.37.050.D of this title. In the case of an existing structure, this standard shall only apply if changes are made to the building entrance.~~

~~(...)~~

~~C. Additional Design Standards Required for Form Based Districts:~~

~~1. Open Space Area: A minimum of ten percent (10%) of the lot area shall be provided for open space area, unless a different requirement is specified in the building form regulation. Individual districts may require additional open space area requirements. Open space area may include landscaped yards, patio, dining areas, common balconies, rooftop gardens, and other similar outdoor living spaces. Private balconies shall not be counted toward the minimum open space area requirement. Required parking lot landscaping or perimeter parking lot landscaping shall also not count toward the minimum open space area requirement. Additions to existing buildings are exempt from this standard when the addition is less than twenty-five percent (25%) of the footprint of the structure or one thousand (1,000) square feet, whichever is less.~~

~~(...)~~

~~2. Residential Balconies: All street facing residential units above the ground floor or level shall contain a usable balcony facing the street that is a minimum of four feet in depth. Balconies may overhang any required yard. All dwelling units located above the first story and on a street-facing façade shall include a balcony. The balcony shall be accessible from the dwelling unit and project a minimum of four feet from the street-facing façade. Balconies may project into a required front yard setback. In the case of an addition to an existing structure, this standard shall only apply to portions added along street-facing elevations.~~

TABLE 21A.27.050.C.3

Footnotes:

1. Additional Building Height Regulations. Properties listed in this footnote shall have a permitted building height of up to 65' and 5 stories.

(...)

c. For legally existing parcels or lots as of January 1, 2023 located on the corners of 200 West Temple at Fayette Avenue;

(...)

21A.40.120: REGULATION OF FENCES, WALLS AND HEDGES:

D. Design Requirements:

2. Nonresidential districts ([chapters 21A.26](#) through [21A.34](#) of this title: ~~commercial districts, manufacturing districts, downtown districts, gateway districts, special purpose districts and overlay districts~~):

(...)

E. Height Restrictions and Gates:

1. Fences, walls, and hedges shall comply with the following regulations based on the following zoning districts:

a. Residential Zoning Districts:

(4) All refuse disposal and recycling dumpsters shall be screened on all sides by a solid wood fence, masonry wall, or an equivalent opaque material to a height of not less than 6 feet but not more than 8 feet.

ATTACHMENT B: Zoning Text Amendment 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:

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;

Guiding Principle 13 of Plan Salt Lake is to have “a local government that is collaborative, responsive, and transparent”. Initiative #1 of this principle is to “ensure easy access to complete and understandable information”. By clarifying the code and providing consistency throughout, this initiative is met. Initiative #13 is to “improve licensing and permitting processes”. Clarification of zoning standards allows the permitting process to be smoother for all parties involved.

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

21A.02.030 Purpose and Intent: *The purpose of this title is to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the City, and to carry out the purposes of the Municipal Land Use Development and Management Act, title 10, chapter 9, of the Utah Code Annotated or its successor, and other relevant statutes. This title is, in addition, intended to:*

- A. *Lessen congestion in the streets or roads;*
- B. *Secure safety from fire and other dangers;*
- C. *Provide adequate light and air;*
- D. *Classify land uses and distribute land development and utilization;*
- E. *Protect the tax base;*
- F. *Secure economy in governmental expenditures;*
- G. *Foster the City's industrial, business and residential development; and*
- H. *Protect the environment.*

Revising the zoning ordinance to be clear, consistent, and efficient helps in the administration of the zoning ordinance throughout the city. This, in turn, makes it easier to fulfill the purpose and intent of Title 21A.

21A.27.010.A Purpose Statement: *The purpose of the form based districts is to create urban neighborhoods that provide the following:*

- 1. *People oriented places;*

2. *Options for housing types;*
3. *Options in terms of shopping, dining, and fulfilling daily needs within walking distance or conveniently located near mass transit;*
4. *Transportation options;*
5. *Access to employment opportunities within walking distance or close to mass transit;*
6. *Appropriately scaled buildings that respect the existing character of the neighborhood;*
7. *Safe, accessible, and interconnected networks for people to move around in; and*
8. *Increased desirability as a place to work, live, play, and invest through higher quality form and design.*

Revising the ordinance will ensure that the language of the chapter matches the intent of the chapter.

[21A.50.010 Purpose Statement](#): *The purpose of this chapter is to provide standards and procedures for making amendments to the text of this title and to the zoning map. This amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy.*

This proposal is consistent with the general purpose of making changes in light of changed conditions related to the literal enforcement of the existing ordinance.

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

This factor is not applicable to the proposal.

4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.

The best regulations are those that are clear and understandable to both those who administer and those who are required to adhere to them. The proposed text amendment clarifies the application of the regulations and adds consistency by revising the language to better align with the stated intent of the chapter.

ATTACHMENT C: Public Process and Comments

Public Notice, Meetings, Comments

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

- February 8, 2024 – A 45-day notice was sent to all city recognized community organizations. No formal comments have been received at the time of publishing.
- February 12, 2024 – The project was posted to the Online Open House webpage.

Notice of the public hearing for the proposal included:

- By March 29, 2024 – Public notice posted on City and State websites and Planning Division list serve.

Public Input

Staff did not receive public input on this amendment. Any comments received after the publishing of this staff report will be forwarded to the Planning Commission for consideration.