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## **SALT LAKE CITY COUNCIL STAFF REPORT**

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**DATE:** October 1, 2004

**SUBJECT:** Proposed ordinance pertaining to Petition No. 400-00-52 – amending zoning regulations to locate parking lots behind buildings and establish pedestrian-oriented design standards in certain commercial and mixed-use zoning districts. (Walkable Communities)

**AFFECTED COUNCIL DISTRICTS:** If the ordinance is adopted the proposed amendments will affect Council Districts citywide

**STAFF REPORT BY:** Janice Jardine, Land Use Policy Analyst

**ADMINISTRATIVE DEPT. AND CONTACT PERSON:** Community Development Department, Planning Division  
Doug Dansie, Principal Planner

**NOTICE REQUIREMENTS:** Newspaper advertisement and written notification 14 days prior to the Public Hearing

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- A. The Administration will provide a brief presentation regarding this issue and walk Council Members through the proposed design review process at the Council's Work Session on Tuesday, October 5<sup>th</sup>. Since receiving the Administration's paperwork in the Council office, Council staff and Planning staff have noted sections of the proposed draft ordinance that need to be revised. The revisions will be reviewed by Council staff prior to the Tuesday, October 5<sup>th</sup> briefing as they were just completed on Friday. For instance, the Planning Director has noted that the section relating to the Sugar House Business District should be removed and addressed as part of the Sugar House Business District zoning/master plan update currently underway with the Planning Commission.
- B. The Administration's transmittal notes that the current proposal is similar to the original proposal and includes a new chapter relating to building and site design review. The design review process and design criteria are established to provide flexibility in meeting the intent of the code.
1. The design standards apply to over-the-counter permits for projects that meet the criteria included in the ordinance.
  2. The design review process is provided for allowed uses that cannot meet the criteria and wish to propose alternative approaches.
- C. The Administration has indicated that this approach is similar to the conditional use concept, except that the conditional use process focuses on land use and this process focuses on design. The proposed amendments have been revised to:
1. Simplify the process when adherence to the technical requirements of the ordinance is not practical.
  2. Provide an alternative to the traditional conditional use procedure.
  3. Initiate a minimal design review approach.

## POTENTIAL OPTIONS:

- A. Identify specific areas of concern or interest and request additional information or analysis from the Administration.
- B. Request that the Administration review the ordinance with a group of developers to get feedback on the application of the ordinance.
- C. Schedule an additional briefing to allow for further discussion.
- D. Request that the Administration revise other City standards, regulations and master plans. These could include revising transportation and engineering public way standards that address traffic circulation, pedestrian/traffic conflicts and public way issues such as adequate pedestrian right of way to accommodate access, ease of movement, mobility and ADA accessibility, and updating the Urban Design Element to provide more specific design guidelines.
- E. Advance the Administration's zoning proposal to a public hearing.
- F. Advance the Administration's zoning proposal to a public hearing and request that the Administration make specific changes to the text. Changes could include those previously recommended by the East Central, Central City and Sugar House Community Councils such as addressing potential pedestrian/traffic conflicts and including criteria to address access to and from trail corridors or open space when appropriate.
- G. Any combination of the above.
- H. Other options identified by Council Members.

## SUMMARY:

- A. The Council held a public hearing on December 3, 2002 in conjunction with the Transit Corridor zoning. The Council voted to close the hearing and table action on this issue for further study, input and refinement.
  - 1. Issues discussed at the Work Session briefing prior to the public hearing included:
    - a. Options identified during the Council's previous briefings and discussion with the Council's consultants, Frank Gray and Merilee Utter.
    - b. Moving forward with the Administration's proposed transit zoning on an interim basis while additional review and analysis takes place.
    - c. Allowing additional time for community input.
    - d. Establishing a Council subcommittee to work through the various options and provide recommendations back to the full Council.
  - 2. Issues identified at the public hearing included:
    - a. The cumulative impacts on the Central City Community by previous commercial and office developments, surface parking lots, condominium and apartment developments that preclude attracting families with children and single-family development.
    - b. The need to focus on the long-term future of the area, 20 to 30 years.
    - c. Support for the recommendations from the East Central, Central City and Sugar House Community Councils such as addressing potential pedestrian/traffic conflicts, creating compatibility or design review and including criteria to address access to and from trail corridors or open space when appropriate.
- B. In May of 2003, at the request of the Planning Director, the Council referred this item back to the Planning Division for additional review. It was noted that the Planning Commission had requested an additional reevaluation.
- C. The Administration's transmittal notes the consultant for the Council suggested that although the ordinance would work in its present form, the City may wish to consider making the transition to a full fledged performance zoning code to incorporate design elements. The Administration indicates that costs of changing the entire zoning code to a performance based code are prohibitive at this time.
- D. On May 26, 2004, the current proposal was presented at an open house. No comments were received.

- E. The new proposal was not sent to other departments in its present form because all changes relate to procedural issues.
- F. On June 9, 2004, the Planning Commission held a public hearing. Issues discussed included:
  - 1. The need to allow higher density and encourage more walkable, less auto-dependent zoning.
  - 2. The need for a more comprehensive master plan to address all transit-related issues.
  - 3. Requiring bus shelters to be located at commercial nodes.
  - 4. Requiring additional 4-foot entrance walkways running parallel to structures and the public right-of-way to accommodate space for bus shelters and ADA accessibility.
  - 5. Coordination with UTA and City Transportation Division to address walkable and ADA friendly elements.
  - 6. Increasing the involvement of UTA in future ordinance changes.

## KEY ELEMENTS:

- A. The proposed changes for parking lots to be located behind buildings will apply to the following zoning classifications:
 

1. Residential Business	RB
2. Residential Mixed-use	RMU
3. Mixed Use	MU
4. Neighborhood Commercial	CN
5. Community Business	CB
6. Sugar House Business District	CSHBD
7. South State Street Corridor Overlay	SSSC
- B. The proposed changes apply to new construction, remodeling or a change of existing use that would increase the floor area or required parking by more than 50 percent for commercial and mixed-use zoning districts. The proposed changes include criteria used in other zoning districts in order to maintain consistency in interpretation of the Zoning Ordinance. The Zoning Administrator or Planning Commission may approve exceptions, a waiver or modifications of the zoning requirements based on findings for a specific set of criteria. Specific requirements include:
  - 1. A maximum building setback for a percentage of the exterior front or face of a building for commercial and mixed-use zoning districts.
  - 2. Main entrances of buildings to be oriented to the street.
  - 3. A minimum percentage of glass to be used in buildings at the street level on the exterior front or face of a building.
  - 4. Parking lots or structures to be located in the rear or side yard areas with a larger landscaped setback than that required for buildings.
  - 5. Parking lot screening and lighting restrictions.
- C. Planned developments within the zoning classifications referenced above will be subject to additional "general conceptual guidelines". A positive finding for each individual guideline is not required. The planned development "conceptual guidelines" will also apply to development in the Commercial Shopping CS zone when the district is adjacent to more than 60 percent residential zoning (within 300 feet, either on the same block or across the street). Guidelines include:
  - 1. Development primarily oriented to the street, not an interior courtyard or parking lot.
  - 2. Primary access oriented to the pedestrian and mass transit.
  - 3. Façade shall maintain detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction.
  - 4. Architectural detailing shall emphasize the pedestrian level of the building.
  - 5. Parking lots shall be appropriately screened and landscaped to minimize impact on the neighborhood.
  - 6. Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods.

7. Dumpsters and loading docks shall be appropriately screened or located within the structures.
  8. Signage shall emphasize the pedestrian/mass transit orientation.
- D. A new chapter has been created entitled *Conditional Building and Site Design Review*. Key elements are summarized below:
1. **Purpose Statement:** The intent of building and site design review regulations is to provide for the flexible implementation of the specific design requirements set forth within individual zoning districts. The purpose statement of each zoning district provides the philosophical approach to defining that flexibility. This process is intended to supplement the review and administrative procedures which are carried out under this title or other city ordinances and regulations. The design review process is intended to help ensure that newly developed properties and redeveloped properties are designed to encourage pedestrian access, circulation and orientation.
  2. **Authority:**
    - a. Design review required for uses specified within individual zoning districts prior to issuance of zoning certificates, building permits or certificates of occupancy.
    - b. Planning Commission shall approve design criteria upon consideration of comments received from city departments and determining whether modification of specific design regulations meet the intent of the individual zoning district.
    - c. Planning Commission may modify individual design requirements if the intent of the basic design criteria has been met.
  3. **Scope of Application:**
    - o Design review approval shall be required for all permitted, conditional and accessory uses when specifically authorized and referenced by individual zoning districts.
  4. **Scope of Modifications Authorized:**
    - o The Planning Commission through the design review process shall be limited to modification of the specific elements referenced within each zoning district.
  5. **Application Requirements:**
    - o Each application for design review shall include the same information as required for site plan review.
  6. **Standards for Design Review** – In addition to standards provided in other sections for specific types of approval, the following standards apply for design review:
    - a. Development primarily oriented to the street, not an interior courtyard or parking lot.
    - b. Primary access oriented to the pedestrian and mass transit.
    - c. Façade 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 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 structures.
    - h. Signage shall emphasize the pedestrian/mass transit orientation.
  7. **Pre-application Conference:**
    - o Applicant is encouraged to meet with the Development Review Team regarding the general proposal. No formal application required.
  8. **Fees:**
    - o \$300.00 plus \$100.00/acre in excess of one acre.
  9. **Submission of Final Plans – Review and Approval:**
    - a. **Planning Commission Review:**
      - o Application reviewed and processed through the Planning Commission in coordination with the appropriate city departments.
      - o If the plan is approved, the Zoning Administrator shall certify approval and state the conditions.
      - o If the plan is denied, the Zoning Administrator shall notify the applicant in writing the reasons for denial.

- b. Appeal of the Planning Commission decision shall be made to the Land Use Appeals Board.
- c. Amendments or Modifications to approved Design Review:
  - o Amendments or modifications shall be submitted to the Zoning Administrator and distributed to appropriate departments for review.
  - o The Zoning Administrator may waive this requirement if modification of the original design review has no significant impact upon the original proposal and conforms to design concepts approved by the Planning Commission.
- d. Time Limit on Approval
  - o Building permit issuance or use of the land must commence within 12 months from date of approval.
  - o Revalidation of the site plan may be granted for an addition 12 months.
  - o Written notice requesting revalidation shall be reviewed by the Zoning Administrator prior to expiration of the original 12 month period.

## **MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:**

- A. Council Members may wish to discuss with the Administration steps that have been taken to coordinate with City Departments/Divisions and Utah Transit Authority to adjust current policies, regulations and standards that would support the concepts in the proposed amendments. This was discussed at the Planning Commission meeting. Planning staff has previously noted:
  - 1. Bus stops, sidewalk widths, curb cuts, speed limits, etc. are guided by Administrative policy rather than the Zoning Ordinance.
  - 2. These items are integral to the success of walkable communities.
  - 3. It would be appropriate to request a review of the Administrative policies in light of the new zoning requirements.
- B. Council Members may wish to discuss with the Administration how public review and notification will be addressed in the proposed design review process. The Council received a letter from the Liberty Wells Community Council requesting that as part of the design review process, applicants be required to present their plans to affected Community Councils. *The Council consultants, Frank Gray and Merilee Utter, have previously recommended that input be obtained up front, in developing the ordinance, rather than on a case-by-case basis.*
- C. Council Members may wish to discuss with the Administration steps taken to address issues identified by Council Members during previous briefings, recommendations from the Council's consultants (Frank Gray and Marilee Utter), previous changes proposed by the Administration and recommendations from the East Central, Central City and Sugar House Community Councils. The following information was provided for the Council's discussions in 2002 and is provided again for your reference.
  - 1. At the October 3, 2002 Work Session, Council Members discussed the proposed text amendments with consultants Frank Gray and Merilee Utter. Items the Council may wish to be reminded of include:
    - a. Input received from meetings with various groups identified support for a clear, predictable process, easily understandable objective criteria and a clear direction as to what is acceptable and what is not.
    - b. The need to establish design guidelines and a design review process through an area by area evaluation that would ultimately be applicable on a citywide level. This concept would provide a broader range of design criteria rather than one size fits all approach.
    - c. Consider distinguishing pedestrian design guidelines in the same zoning classification with different standards for properties abutting different street classifications. Street classifications include 1) arterial, 2) collector, 3) local, 4) trails.
    - d. For the long term, as the neighborhood or community master plans are created or updated, develop specific guidelines adapted to support the desired development character of each area.

- e. Establish design guidelines and a design review process that would reduce the need to use the conditional use process, reduce staff and Planning Commission work load eliminating the need for extensive staff analysis, report writing, and Planning Commission public hearings. *The proposal allows for an over-the-counter permit for allowed uses that meet the design criteria included in the ordinance. Allowed uses that cannot meet the criteria and wish to propose alternative approaches may go through a design review process before the Planning Commission similar to the conditional use process.*
2. Previous recommendations from the East Central, Central City and Sugar House Community Councils.
    - a. Establish density limitations.
    - b. Establish design criteria for the rear and sides of buildings to address architectural features and compatibility.
    - c. Require a public process element as part of the Zoning Administrator approval procedure for building expansion requests.
    - d. Add design criteria for underground garage entrances/exits to assure maximum motorists/pedestrians visibility.
    - e. Add criteria to address access to and from trail corridors or open space when appropriate.

## **MASTER PLAN AND POLICY CONSIDERATIONS:**

- A. The City's 1990 Urban Design Element includes statements that emphasize preserving the City's image, neighborhood character and maintaining livability while being sensitive to social and economic realities. Applicable policy concepts include:
  1. Allow individual districts to develop in response to their unique characteristics within the overall urban design scheme for the city.
  2. Ensure that land uses make a positive contribution to neighborhood improvement and stability.
  3. Ensure that building restoration and new construction enhance district character.
  4. Require private development efforts to be compatible with urban design policies of the city regardless of whether city financial assistance is provided.
  5. Treat building height, scale and character as significant features of a district's image.
  6. Ensure that features of building design such as color, detail, materials and scale are responsive to district character, neighboring buildings, and the pedestrian.
- B. The Council has adopted housing and transportation policy statements that support creating a wide variety of housing types citywide and changing the focus of transportation decisions from moving cars to moving people. The Council's policy statements have been included in the City's Community Housing Plan and Transportation Master Plan.
  1. Housing policy statements address a variety of issues including quality design, public and neighborhood participation and interaction, transit-oriented development, encouraging mixed-use developments, housing preservation, rehabilitation and replacement, zoning policies and programs that preserve housing opportunities as well as business opportunities.
  2. Transportation policy statements include support of alternative forms of transportation, considering impacts on neighborhoods on at least an equal basis with impacts on transportation systems and giving all neighborhoods equal consideration in transportation decisions.
- C. During the Council's recent discussions relating to growth, annexations and housing policy, Council Members have expressed support for developments that promote livable community concepts such as:
  1. Pedestrian and bicycle friendly environments.
  2. Compact, transit and pedestrian oriented developments.
  3. Neighborhood anchor areas or commercial and/or business uses that are necessary to the function of residential neighborhoods or are compatible with residential activity.
  4. Local services that are conveniently available or can be provided and are accessible on foot.

- D. The Council's adopted growth policy states: It is the policy of the Salt Lake City Council that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
1. Is aesthetically pleasing;
  2. Contributes to a livable community environment;
  3. Yields no negative net fiscal impact unless an overriding public purpose is served; and
  4. Forestalls negative impacts associated with inactivity.
- E. The City's Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality.
1. The Plans emphasize placing a high priority on maintaining and developing new affordable residential housing in attractive, friendly, safe environments and creating attractive conditions for business expansion including retention and attraction of large and small businesses.
  2. The Plans also support street designs that are pedestrian friendly and developing a multi-modal citywide transportation system.

## CHRONOLOGY:

The Council discussed the proposed transit corridor zoning at several meetings throughout the later part of 2002 including review from consultants Frank Gray and Marilee Utter. Key dates are listed below.

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|---------------------------------|---|
| • September 14, 2000            | Petition initiated by the Administration  |
| • October 5, 2000               | Issue presented to Mayor's monthly meeting with Community Council Chairs  |
| • November 16, 2000             | Planning Commission public hearing  |
| • December 2000 – January 2001  | Presentation to various real estate organizations   |
| • January 18, 2001              | Planning Commission decision  |
| • December 2000 - April 2001    | Presentation to Business Advisory Board and various real estate organizations   |
| • January – December 2001       | Administration meetings to resolve business and community issues  |
| • November 7, 2001              | Historic Landmark Commission meeting  |
| • December 13, 2001             | Planning Commission approval of revised text amendments and recommendation to City Council  |
| • Jan. 30, 2002                 | Historic Landmark Commission meeting  |
| • July 16, 2002 & Sept. 5, 2002 | Council Work Session Briefing   |
| • Oct. 3, 2002                  | Council Work Session Briefing with Consultants Frank Gray and Merrilee Utter  |
| • Oct. 15, 2002 & Nov. 5, 2002  | Council Work Session Briefing   |
| • Dec. 3, 2002                  | Council Work Session Briefing and Public Hearing - City Council action to close the hearing and table action on this issue for further study, input and refinement. |
| • May 8, 2003                   | Referred back to the Planning Division at the request of the Planning Director for additional review  |
| • August 5, 2004                | Received Administration's transmittal in the Council office   |

cc: Sam Guevara, Rocky Fluhart, DJ Baxter, Ed Rutan, Lynn Pace, Lee Martinez, David Dobbins, Orion Goff, Tim Harpst, Louis Zunguze, Brent Wilde, Doug Wheelwright, Kevin LoPiccolo, Cheri Coffey, Doug Dansie, Jan Aramaki, Marge Harvey, Sylvia Jones, Lehua Weaver, Annette Daley, Barry Esham, Gwen Springmeyer

File Location: Community Development Dept., Planning Division, Zoning Ordinance text change, Planning Commission initiated petition, Walkable Communities

**LIBERTY WELLS COMMUNITY COUNCIL**

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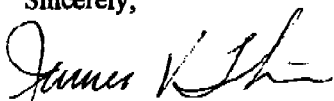
August 9, 2004

Salt Lake City Council  
451 South State Street  
Room 304  
Salt Lake City, Utah 84111

Dear Salt Lake City Council Members,

The Liberty Wells Community Council passed a resolution at its July meeting, to request that if a design review process is implemented as part of the Building and Zoning Approval in the Walkable Communities initiative, that applicants be required to present their plans to affected Community Councils.

Sincerely,



James V. Fisher  
Secretary  
Liberty Wells Community Council

Cc: Planning & Zoning Commission  
Salt Lake City Council