

**COUNCIL TRANSMITTAL**

**TO:** Rocky Fluhart, Chief Administrative Officer **DATE:** January 2, 2005

**FROM:** David Dobbins 

**RE:** Revisions to the proposed ordinance requiring parking lots to be located behind buildings, and not occupy street frontage, in all community-oriented commercial and mixed-use zoning districts.

**STAFF CONTACT:** Doug Dansie, Principal Planner 535-6182

**DOCUMENT TYPE:** Ordinance

**DISCUSSION:** Outlined in this transmittal are the changes the City Council requested after the Dec. 7, 2004 briefing and public hearing, and the Administration's response:

- 1. Include community notification (specifically community councils and the Business Advisory Board) for projects requiring Planning Commission review, but not for administrative reviews.**

The ordinance has been changed to include notification to community groups as outlined in the existing notification ordinance of the City Code, which currently does not include the Business Advisory Board. The Administration recommends this change to maintain consistency with the code. However, the Planning Division regularly notifies an expanded list of business groups and interested parties, including the Business Advisory Board and the Vest Pocket Coalition, and will continue to do so for projects going before the Planning Commission.

The Council defined notification as a mailed notice and not a requirement for the information to be presented to the community councils or other groups.

*Note: The Mayor's Office of Community Affairs is currently working on changes to the notification ordinance, including the possible addition of groups such as the Business Advisory Board and the Vest Pocket Coalition.*

- 2. Require posting of the project site for a Planning Commission hearing (not required for administrative reviews).**

A requirement for posting 10 days in advance, consistent with other posting requirements, has been added.

**3. Require pedestrian access through large parking lots, and define large parking lots.**

The ordinance has been changed to include a requirement that parking lots larger than 30 stalls be included in the review section. It has been made a specific item of review by the Development Review Team to ensure safe pedestrian access.

**4. Modify the approval process to allow the setback requirement for parking lots to be modified through an administrative process for new construction (administrative approval already allowed for expansion projects).**

These modifications have been made. Planning Commission would hear the appeal of the administrative decision.

**5. Modify the purpose statements of each zoning district to include support for general access, including the auto, consistent with the Business Advisory Board's concerns.**

The purpose statements have been modified to recognize a balance for general access that includes the automobile.

**6. Set an implementation date for the ordinance.**

The Administration recommends that the ordinance become effective four (4) months after the approval date, which will provide a grace period for projects already being processed to obtain a building permit under the existing code.

**7. Include the Business Advisory Board's recommendation to allow administrative approval for compatibility with "surrounding architecture."**

This request has been included in the ordinance.

**8. Address the width of sidewalks.**

Language in the ordinance has been included that allows the Planning and Transportation directors to administratively modify setbacks adjacent to substandard sidewalks to address potential pedestrian safety/access concerns.

*Note: The Transportation Division will prepare a report on current sidewalk standards in the City for the Council's review and the process that would be required to adjust the standards.*

**9. Provide for an appeal process for administrative decisions.**

Appeals of administrative decisions will go to the Planning Commission.

The issue was also raised by the City Council regarding whether or not the proposed ordinance would create non-complying structures or non-conforming uses. The ordinance's purpose statements include language clarifying that it will not create such structures and uses.

City Council also asked that an informational brochure be prepared for immediate distribution to property owners, architects, contractors and others that might be interested in, or affected by, the ordinance. Attached is the draft brochure that will be finalized after adoption of the ordinance. Building Services and Licensing maintains an extensive mailing list of nearly 400 customers which will be combined with the Planning Division's regular mailing list to inform the development community of the ordinance and its effective date.

Also attached are a letter from the Vest Pocket Business Coalition that was submitted subsequent to the City Council's December 7 hearing and a response from the Planning Director.

SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2004

(Amending the Salt Lake City Code to require that parking lots  
be located behind buildings, rather than on street frontage,  
in all community oriented commercial and mixed use zones)

AN ORDINANCE AMENDING THE SALT LAKE CITY CODE REQUIRING  
THAT ALL PARKING LOTS BE LOCATED BEHIND BUILDINGS, RATHER THAN  
ON STREET FRONTAGE, IN ALL COMMUNITY ORIENTED COMMERCIAL AND  
MIXED USE ZONES, PURSUANT TO PETITION NO. 400-00-52.

WHEREAS, the City is anxious to encourage new development in community  
oriented commercial and mixed use zones which would focus upon and emphasize the  
buildings' relationship to pedestrians and mass transit, more than to automobiles; and

WHEREAS, the proposed changes to the Salt Lake City zoning ordinance set  
forth herein would encourage buildings to be built near the front of the property (rather  
than the rear), and would encourage a high degree of interaction with the sidewalk  
(windows and doors), and place parking in a secondary position (in the side or rear yard);  
and

WHEREAS, the proposed ordinance also allows flexibility for those unique  
situations where pedestrian and transit friendly development does not work effectively;  
and

WHEREAS, after public hearings before the Planning Commission and the City  
Council, the Salt Lake City Council has determined that the proposed changes to the Salt  
Lake City zoning code are in the best interest of the City;

WHEREAS. No building constructed prior to the adoption of this ordinance shall  
be considered non-complying or non-conforming;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Section 21A.10.020.B.3 of the Salt Lake City Code shall be and hereby is amended to read as follows:

**3. Notification To Recognized And Registered Organizations:** The City shall give notification a minimum of fourteen (14) calendar days in advance of the public hearing by first-class mail to any organization which is entitled to receive notice pursuant to Chapter 2.62 of this Code.

SECTION 2. Section 21A.10.020.C of the Salt Lake City Code shall be and hereby is amended to read as follows:

C. Conditional building and site design review: The Planning Commission shall consider requests for conditional building and site review at a public hearing if there is an expression of interest after providing notice as follows: The Planning Director shall provide written notice a minimum of fourteen (14) days in advance, of the requested action to all owners of the land subject to the application, as shown on the latest published property tax records of the County Assessor, included in the application, as well as to the Planning Commission and to all owners of land as shown on the latest published property tax records of the County Assessor adjacent to and contiguous with the land subject to the application. The City shall also provide notification to any organization which is entitled to receive notice pursuant to Chapter 2.62 of this code. The land subject to the application shall be posted by the City with a sign giving notice of the pending action at least ten (10) calendar days in advance of the action. At the end of the fourteen (14) day notice period, if there are requests for a public hearing, the Planning Commission will schedule a public hearing and consider the issue; if there are no requests for a public hearing, the Planning Commission is authorized to direct the Planning Director to address the issue administratively

If the Planning Commission holds a public hearing, the Planning Director shall provide written notice a minimum of fourteen (14) days in advance, of the public hearing to all owners of the land subject to the application, as shown on the latest published property tax records of the County Assessor, included in the application, as well as to the Planning Commission and to all owners of land as shown on the latest published property tax records of the County Assessor adjacent to and contiguous with the land subject to

the application. The City shall also provide notification to any organization which is entitled to receive notice pursuant to Chapter 2.62 of this code. The land subject to the application shall be posted by the City with a sign giving notice of the pending action at least ten (10) calendar days in advance of the public hearing.

In the event that the City and applicant are aware of advanced interest in the project. The applicant may request to forgo the time frame for determining interest and request a public hearing with the Planning Commission.

SECTION 3. Section 21A.24.160 of the Salt Lake City Code shall be and hereby is amended to read as follows:

**21A.24.160 RB Residential/Business District.**

- A. **Purpose Statement.** The purpose of the RB residential/business district is to provide for limited commercial use opportunities within existing residential areas located along higher volume streets while preserving the attractiveness of the area for single-family residential use. Such commercial areas are intended to be pedestrian and transit oriented, while acknowledging the need for automobile access. Building design should be focused on compatibility with a residential setting.
- B. **Uses.** Uses in the RB residential/business district as specified in the Table of Permitted and Conditional Uses for Residential Districts found at Section 21A.24.190, are permitted subject to the general provisions set forth in Section 21A.24.010 and this section.
- C. **Planned Development Review:** Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the Planning Commission pursuant to the provisions of Section 21A.54.150 of this Title.
- D. **Minimum Lot Area and Lot Width.** The minimum lot areas and lot widths required in this district are as follows:

Land Use	Minimum Lot Area	Minimum Lot Width
1. Single-family detached dwellings	5,000 sq. ft.	50 ft.
2. Two-family dwellings	8,000 sq. ft.	50 ft.
3. Retail goods establishments, when located within an existing building originally designed for residential use	5,000 sq. ft.	50 ft.
4. Retail service establishments, when located within an existing building	5,000 sq. ft.	50 ft.

originally designed for residential use

5. Offices, when located within an existing building originally designed for residential use	5,000 sq. ft.	50 ft.
6. A single dwelling unit located above first floor retail or office uses.	Included in principle use.	Included in principle use.
7. Natural open space and conservation areas, public and private	No Minimum	No Minimum
8. Public pedestrian pathways, trails and greenways	No Minimum	No Minimum
9. Utility substations and buildings	5,000 sq. ft.	50 ft.
10. Municipal service uses, including City utility uses and police and fire stations	No Minimum	No Minimum
11. Places of worship less than 4 acres in size	5,000 sq. ft.	50 ft.
12. Public/private utility transmission wires, lines, pipes and poles	No Minimum	No Minimum
13. Other permitted or conditional uses as listed in Section 21A.24.190.	5,000 sq. ft.	50 ft.

E. **Maximum Building Height.** The maximum building height permitted in this district is thirty feet or two and one-half stories, whichever is less.

F. **Minimum Yard Requirements.**

1. **Front Yard.** Twenty percent of lot depth, but need not exceed twenty-five feet. For buildings legally existing on April 12, 1995, the front yard shall be no greater than the existing yard.
2. **Corner Side Yard.** Ten feet. For buildings legally existing on April 12, 1995, the corner side yard shall be no greater than the existing yard.
3. **Interior Side Yard.** Six feet; provided, that on interior lots one yard must be at least ten feet. For buildings legally existing on April 12, 1995, the required yard shall be no greater than the existing yard.
4. **Rear Yard.** Twenty-five percent of the lot depth, but the yard need not exceed thirty feet.
5. **Accessory Building and Structures in Yards.** Accessory buildings and structures may be located in a required yard subject to Part IV, Chapter 21A.36, Section 21A.36.20B, Table 21A.36.020B, Obstructions in Yards.

6. **Parking in required yard area.** No parking is allowed within the front or corner side yard.

**G. Required Landscape Yards.** All front and corner side yards shall be maintained as landscape yards.

**H. Maximum Building Coverage.** The surface coverage of all principal and accessory buildings shall not exceed fifty percent of the lot area.

**I. Design Standards.** All principal buildings constructed or remodeled after April 12, 1995, shall conform to the following design standards:

1. All roofs shall be of a hip or gable design, except additions or expansions to existing buildings may be of the same roof design as the original building;
2. The remodeling of residential buildings for retail or office use shall be allowed only if the residential character of the exterior is maintained;
3. The front building elevation shall contain not more than fifty percent glass;
4. Special sign regulations of Part IV, Chapter 21A.46, Signs;
5. Building orientation shall be to the front or corner side yard; and
6. Building additions shall consist of materials, color and exterior building design consistent with the existing structure, unless the entire structure is resurfaced.
7. No parking is allowed within the front or corner side yard.

**J. New Nonresidential Construction.** Construction of a new principal building, parking lot or addition to an existing building for a nonresidential use that includes the demolition of a residential structure shall only be approved as a conditional use pursuant to Part V, Chapter 21A.54, Conditional Uses, and subject to the design standards of subsection I of this section; provided, that in such cases the planning commission finds that the applicant has adequately demonstrated the following:

1. The location of the residential structure is impacted by surrounding nonresidential structures to the extent that it does not function as a contributing residential element to the residential-business neighborhood (RB district); and
2. The property is isolated from other residential structures and does not relate to other residential structures within the residential-business neighborhood (RB district); and the design and condition of the residential structure is such that it does not make a material contribution to the residential character of the neighborhood.

**K. Parking lot/structure lighting.** If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for parking lot/structure security lighting are limited to 16 feet in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties.



SECTION 4. Section 21A.24.170 of the Salt Lake City Code shall be and hereby is amended to read as follows:

**21A.24.170 R-MU residential/mixed use district.**

- A. **Purpose Statement.** The purpose of the R-MU residential/mixed use district is to reinforce the residential character of the area and encourage the development of areas as high density residential urban neighborhoods containing supportive retail, service commercial, and small scale office uses. The design guidelines are intended to facilitate the creation of a walkable urban neighborhood with an emphasis on pedestrian scale activity while acknowledging the need for transit and automobile access.
- B. **Uses.** Uses in the R-MU residential/mixed use district as specified in the Table of Permitted and Conditional Uses for Residential Districts found at Section 21A.24.190, are permitted subject to the general provisions set forth in Section 21A.24.010 and this section.
- C. **Planned Development Review:** Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the Planning Commission pursuant to the provisions of Section 21A.54.150 of this Title.
- D. **Minimum Lot Area and Lot Width.** The minimum lot areas and lot widths required in this district are as follows:

	<b>Land Use</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>
1.	Single-family detached dwellings	5,000 sq. ft.	50 ft.
2.	Single-family attached dwellings	3,000 sq. ft. per dwelling unit	22 ft. for interior lot 32 ft. for corner lot
3.	Two-family dwellings	8,000 sq. ft.	50 ft.
4.	Twin home dwellings	4,000 sq. ft. per dwelling unit	25 ft.
5.	Multifamily dwellings	No minimum lot area required	50 ft.
6.	Nonresidential uses	No minimum	No minimum
7.	Natural open space and		

	conservation areas, public and private	No minimum	No minimum
8.	Public pedestrian pathways, trails and greenways	No minimum	No minimum
9.	Utility substations and buildings	5,000 sq. ft.	50 ft.
10.	Municipal service uses, including city utility uses and police and fire stations	No minimum	No minimum
11.	Places of worship less than four acres in size	5,000 sq. ft.	50 ft.
12.	Public/private utility transmission wires, lines, pipes and poles	No minimum	No minimum
13.	Other permitted or con- additional uses as listed in Section 21A.24.190	5,000 sq. ft.	50 ft.

**E. Minimum Yard Requirements.**

**1. Single-Family Detached Dwellings.**

- a. **Front Yard.** Fifteen feet.
- b. **Corner Side Yard.** Ten feet.
- c. **Interior Side Yard.**
  - i. **Corner Lots.** Four feet.
  - ii. **Interior Lots.** Four feet on one side and ten feet on the other.
- d. **Rear Yard.** Twenty-five percent of the lot depth, but need not be more than twenty feet.

**2. Single-Family Attached, Two-Family and Twin Home Dwellings.**

- a. **Front Yard.** Fifteen feet.
- b. **Corner Side Yard.** Ten feet.
- c. **Interior Side Yard.**
  - i. **Single-Family Attached.** No yard is required, however if one is provided it shall not be less than four feet.
  - ii. **Two-Family.**
    - (A) **Interior Lot.** Four feet on one side and ten feet on the other.
    - (B) **Corner Lot.** Four feet.
  - iii. **Twin Home.** No yard is required along one side lot line. A ten-foot yard is required on the other.

d. **Rear Yard.** Twenty-five percent of lot depth or twenty-five feet, whichever is less.

3. **Multifamily Dwellings and Any Other Residential Uses.**

- a. **Front Yard.** No setback is required.
- b. **Corner Side Yard.** No setback is required.
- c. **Interior Side Yard.** No setback is required.
- d. **Rear Yard.** Twenty-five percent of lot depth, but need not exceed thirty feet.

4. **Nonresidential Development.**

- a. **Front Yard.** No setback is required.
- b. **Corner Side Yard.** No setback is required.
- c. **Interior Side Yard.** No setback is required.
- d. **Rear Yard.** Twenty-five percent of lot depth, but need not exceed thirty feet.

- 5. Lots legally existing on the effective date of the ordinance codified in this title, April 12, 1995, shall be considered legal conforming lots.
- 6. For multiple unit residential uses, nonresidential and mixed uses, no minimum lot area is required. In addition, no yards or landscaped setbacks are required; except where interior side yards are provided, they shall not be less than four feet.
- 7. For buildings legally existing on the effective date of the ordinance codified in this title, required yards shall be no greater than the established setback line.
- 8. **Maximum setback.** A maximum setback is required for at least twenty five percent (25%) of the building façade. The maximum setback is 10 feet greater than the minimum setback or 15 feet if no minimum setback is required. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director, in consultation with the Transportation Director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The Planning Director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than 50% if the Planning Director finds the following:
  - a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.
  - b. The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.Appeal of Administrative Decision is to the Planning Commission.
- 9. **Parking setback.** Surface parking is prohibited in a front or corner side yard. Surface parking lots within an interior side yard shall maintain a thirty foot (30') landscape setback from the front property line or be located behind the primary structure. Parking structures shall maintain a forty five foot (45') minimum

setback from a front or corner side yard property line or be located behind the primary structure. There are no minimum or maximum setback restrictions on underground parking. The Planning Director may modify or waive this requirement if the Planning Director finds the following:

- a. The parking is compatible with the architecture/design of the original structure or the surrounding architecture.
- b. The parking is not part of a series of incremental additions intended to subvert the intent of the ordinance.
- c. The horizontal landscaping is replaced with vertical screening in the form of berms, plant materials, architectural features, fencing and/or other forms of screening.
- d. The landscaped setback is consistent with the surrounding neighborhood character.
- e. The overall project is consistent with Chapter 21A.59.060.

Appeal of Administrative Decision is to the Planning Commission.

F. **Maximum Building Height.** The maximum building height shall not exceed seventy-five feet, except that nonresidential buildings and uses shall be limited by subsections E1 and 2 of this section. Buildings taller than seventy-five feet, up to a maximum of one hundred twenty-five feet, may be authorized as conditional uses, subject to the requirements of Part V, Chapter 21A.54, Conditional Uses; and provided, that the proposed conditional use is located within the one-hundred-twenty-five-foot height zone of the height map of the East Downtown master plan.

1. **Maximum Height for Nonresidential Buildings.** Three stories or forty-five feet, whichever is less.

2. **Maximum Floor Area Coverage of Nonresidential Uses in Mixed Use Buildings of Residential and Nonresidential Uses.** Three floors.

G. **Minimum Open Space.** For residential uses and mixed uses containing residential use, not less than twenty percent of the lot area shall be maintained as open space. This open space may take the form of landscape yards or plazas and courtyards, subject to site plan review approval.

H. **Landscape Yards.** All front and corner side yards provided shall be maintained as a landscape yard in conformance with Part IV, Chapter 21A.48, Landscaping and Buffers.

I. **Landscape Buffers.** Where a lot in the R-MU district abuts a lot in a single-family or two-family residential district, landscape buffers shall be provided as required in Part IV, Chapter 21A.48, Landscaping and Buffers.

J. **Entrance And Visual Access:**

1. **Minimum First Floor Glass:** The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front façade, shall not have less than forty percent (40%) glass

surfaces. All first floor glass shall be non-reflective. Display windows that are three-dimensional (3-D) and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director, in consultation with the Transportation Director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The Planning Director may approve a modification to this requirement, if the Planning Director finds:

- a. The requirement would negatively impact the historic character of the building,
- b. The requirement would negatively impact the structural stability of the building, or
- c. The ground level of the building is occupied by residential uses, in which case the 40% glass requirement may be reduced to 25%.

Appeal of Administrative decision is to the Planning Commission.

2. Facades: Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on any street, if the facades for all streets meet the forty percent (40%) glass requirement as outlined in section 21A.24.170.J.1.
3. Maximum Length: The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').
4. Screening: All building equipment and service areas, including on-grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

- K. **Parking lot/structure lighting.** If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for parking lot/structure security lighting are limited to 16 feet in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties.

SECTION 5. Section 21A.26.020 of the Salt Lake City Code shall be and hereby

is amended to read as follows:

**21A.26.020 CN Neighborhood Commercial District:**

- A. **Purpose Statement:** The CN Neighborhood Commercial District is intended to provide for small scale commercial uses that can be located within residential neighborhoods without having significant impact upon residential uses. The design

guidelines are intended to reinforce the historical scale and ambiance of traditional neighborhood retail that is designed with the pedestrian as the primary user while ensuring adequate transit and automobile access.

B. **Uses:** Uses in the CN Neighborhood Commercial District as specified in the Table of Permitted and Conditional Uses for Commercial Districts found at Section 21A.26.080 of this Chapter, are permitted subject to the general provisions set forth in Section 21A.36.010 of this Title and this Section.

C. **Planned Development Review:** Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the Planning Commission pursuant to the provisions of Section 21A.54.150 of this Title.

D. **Lot Size Requirements:** No minimum lot area or lot width is required. No lot shall be larger than sixteen thousand five hundred (16,500) square feet.

E. **Maximum District Size:** The total area of a contiguously mapped CN District shall not exceed ninety thousand (90,000) square feet, excluding all land in public rights of way.

F. **Minimum Yard Requirements:**

1. **Front Or Corner Side Yard:** A fifteen foot (15') minimum front or corner side yard shall be required. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission.

2. **Interior Side Yard:** None required.

3. **Rear Yard:** Ten feet (10').

4. **Buffer Yards:** Any lot abutting a lot in a residential district shall conform to the buffer yard requirements of Part IV, Chapter 21A.48 of this Title.

5. **Accessory Buildings And Structures In Yards:** Accessory buildings and structures may be located in a required yard subject to Table 21A.36.020B of this Title.

6. **Maximum setback.** A maximum setback is required for at least sixty five percent (65%) of the building façade. The maximum setback is twenty five feet (25'). Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director, in consultation with the Transportation Director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The Planning Director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than 50% if the Planning Director finds the following:

- a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.
- b. The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.

Appeal of Administrative Decision is to the Planning Commission.

7. **Parking setback.** Surface parking is prohibited in a front or corner side yard. Surface parking lots within an interior side yard shall maintain a thirty foot (30') landscape setback from the front property line or be located behind the primary structure. Parking structures shall maintain a forty five foot (45') minimum setback from a front or corner side yard property line or be located behind the primary structure. There are no minimum or maximum setback restrictions on underground parking. The Planning Director may modify or waive this requirement if the Planning Director finds the following:

- a. The parking is compatible with the architecture/design of the original structure or the surrounding architecture.
- b. The parking is not part of a series of incremental additions intended to subvert the intent of the ordinance.
- c. The horizontal landscaping is replaced with vertical screening in the form of berms, plant materials, architectural features, fencing and/or other forms of screening.
- d. The landscaped setback is consistent with the surrounding neighborhood character.
- e. The overall project is consistent with Chapter 21A.59.060.

Appeal of Administrative Decision is to the Planning Commission.

G. **Landscape Yard Requirements:** Front and corner side yards shall be maintained as landscape yards. Subject to site plan review approval, part or all of the landscape yard may be a patio or plaza, conforming to the requirements of Section 21A.48.090 of this Title.

H. **Maximum Height:** Twenty five feet (25') or two and one-half (2 1/2) stories, whichever is less.

I. **Entrance And Visual Access:**

1. **Minimum First Floor Glass:** The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front façade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be non-reflective. Display windows that are three-dimensional (3-D) and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director may approve a modification to this requirement if the Planning Director finds:
  - a. The requirement would negatively impact the historic character of the building, or
  - b. The requirement would negatively impact the structural stability of the building.

Appeal of Administrative Decision is to the Planning Commission.

2. **Facades:** Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one

door on any street, if the facades for all streets meet the forty percent (40%) glass requirement as outlined in Section 21A.26.020.I.1.

3. **Maximum Length:** The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').
4. **Screening:** All building equipment and service areas, including on-grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

J. **Parking lot/structure lighting.** If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for the parking lot/structure security lighting are limited to 16 feet in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties.

SECTION 6. Section 21A.26.030 of the Salt Lake City Code shall be and hereby is amended to read as follows:

**21A.26.030 CB Community Business District:**

A. **Purpose Statement:** The CB Community Business District is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods. The design guidelines are intended to facilitate retail that is pedestrian in its orientation and scale, while also acknowledging the importance of transit and automobile access to the site.

B. **Uses:** Uses in the CB Community Business District as specified in the Table of Permitted and Conditional Uses for Commercial Districts found at Section 21A.26.080 of this Chapter are permitted subject to the general provisions set forth in Section 21A.26.010 of this Chapter and this Section.

C. **Planned Development Review:** Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the Planning Commission pursuant to the provisions of Section 21A.54.150 of this Title.

D. **Lot Size Requirements:** No minimum lot area or lot width is required, however any lot exceeding four (4) acres in size shall be allowed only as a conditional use.

E. **Maximum Building Size:** Any building having a fifteen thousand (15,000) gross square foot floor area of the first floor or a total floor area of twenty thousand (20,000) gross square feet or more, shall be allowed only as a conditional use. An unfinished



basement used only for storage or parking shall be allowed in addition to the total square footage.

**F. Minimum Yard Requirements:**

**1. Front Or Corner Side Yard:** No minimum yard is if a front yard is provided, it shall comply with all provisions of this Title applicable to front or corner side yards, including landscaping, fencing, and obstructions.

**2. Interior Side Yard:** None required.

**3. Rear Yard:** Ten feet (10').

**4. Buffer Yards:** Any lot abutting a lot in a residential district shall conform to the buffer yard requirements of Part IV, Chapter 21A.48 of this Title.

**5. Accessory Buildings And Structures In Yards:** Accessory buildings and structures may be located in a required yard subject to Table 21A.36.020B of this Title.

**6. Maximum setback.** A maximum setback is required for at least seventy five percent (75%) of the building façade. The maximum setback is fifteen feet (15'). Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director, in consultation with the Transportation Director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The Planning Director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than 50% if the Planning Director finds the following:

- a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.
- b. The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.

Appeal of Administrative Decision is to the Planning Commission.

**7. Parking setback.** Surface parking is prohibited in a front or corner side yard. Surface parking lots within an interior side yard shall maintain a twenty foot (20') landscape setback from the front property line or be located behind the primary structure. Parking structures shall maintain a thirty five foot (35') minimum setback from a front or corner side yard property line or be located behind the primary structure. There are no minimum or maximum setback restrictions on underground parking. The Planning Director may modify or waive this requirement if the Planning Director finds the following;

- a. The parking is compatible with the architecture/design of the original structure or the surrounding architecture.
- b. The parking is not part of a series of incremental additions intended to subvert the intent of the ordinance.
- c. The horizontal landscaping is replaced with vertical screening in the form of berms, plant materials, architectural features, fencing and/or other forms of screening.
- d. The landscaped setback is consistent with the surrounding neighborhood character.
- e. The overall project is consistent with Chapter 21A.59.060.

Appeal of Administrative Decision is to the Planning Commission.

G. **Landscape Yard Requirements:** If a front or corner side yard is provided, such yard shall be maintained as a landscape yard. The landscape yard can take the form of a patio or plaza, subject to site plan review approval.

H. **Maximum Height:** Thirty feet (30') or two (2) stories, whichever is less.

I. **Entrance And Visual Access:**

1. **Minimum First Floor Glass:** The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front façade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be non-reflective. Display windows that are three-dimensional (3-D) and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director may approve a modification to this requirement if the Planning Director finds:
  - a. The requirement would negatively impact the historic character of the building,
  - b. The requirement would negatively impact the structural stability of the building, or
  - c. The ground level of the building is occupied by residential uses, in which case the 40% glass requirement may be reduced to 25%.

Appeal of Administrative Decision is to the Planning Commission.

2. **Facades:** Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on any street, if the facades for all streets meet the forty percent (40%) glass requirement as outlined in Section 21A.26.030.I.1.
3. **Maximum Length:** The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').
4. **Screening:** All building equipment and service areas, including on-grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

J. **Parking lot/structure lighting.** If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for the parking lot/structure security lighting are limited to 16 feet in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties.

SECTION 7. Section 21A.32.130 of the Salt Lake City Code shall be and hereby

is amended to read as follows:

**21A.32.130 MU mixed use district.**

A. **Purpose.** The purpose of the MU mixed use district is to encourage the development of areas as a mix of compatible residential and commercial uses. The district is to provide for limited commercial use opportunities within existing mixed use areas while preserving the attractiveness of the area for residential use. The district is intended to provide a higher level of control over nonresidential uses to ensure that the use and enjoyment of residential properties is not substantially diminished by nonresidential redevelopment. The intent of this district shall be achieved by designating certain non-residential uses as conditional uses within the mixed use district and requiring future development and redevelopment to comply with established standards for compatibility and buffering as set forth in this section. The design guidelines are intended to facilitate walkable communities that are pedestrian and mass transit oriented while still insuring adequate automobile access to the site.

B. **Permitted Uses.** Uses in the MU mixed use district as specified in the Table of Permitted and Conditional Uses for Special Purpose Districts found at Section 21A.32.140, are permitted subject to the provisions set forth in Section 21A.32.010 and Section 21A.32.130.

C. **Planned Development Review:** Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections may be approved by the Planning Commission pursuant to the provisions of Section 21A.54.150 of this Title.

D. **Minimum Lot Area and Width.** The minimum lot areas and lot widths required in this district are as follows:

	<b>Land Use</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>
1.	Single-family detached dwellings	4,000 sq. ft.	40 ft.
2.	Single-family attached dwellings	3,000 sq. ft. per dwelling unit	22 ft. for interior lot 32 ft. for corner lot
3.	Two-family dwellings	6,000 sq. ft.	40 ft.
4.	Twin home dwelling unit	3,000 sq. ft. per	20 ft.
5.	Multifamily dwellings	9,000 sq. ft. + & (3 to 14 units)	50 ft.
6.	Multifamily dwellings (15 or more)	17,500 sq. ft. + &	80 ft.

7.	Nonresidential uses	No minimum	No minimum
8.	Natural open space and conservation areas, public and private	No minimum	No minimum
9.	Pedestrian pathways, trails and greenways	No minimum	No minimum
10.	Utility substations and buildings	5,000 sq. ft.	50 ft.
11.	Municipal service uses, including city utility uses and police and fire stations	5,000 sq. ft.	50 ft.
12.	Places of worship less than 4 acres in size	5,000 sq. ft.	50 ft.
13.	Public/private utility transmission wires, lines pipes, and poles	No minimum	No minimum
14.	Other permitted or conditional uses as listed in Section 21A.32.140.	5,000 sq. ft.	50 ft.

**Qualifying Provisions:**

+ 9,000 sq. ft. for 3 units; plus 800 sq. ft. for each additional dwelling unit up to and including 14 dwelling units. 17,500 sq. ft. for 15 units; plus 750 sq. ft. for each additional dwelling unit up to one acre. For developments greater than one acre 800 sq. ft. for each dwelling unit is required.

**& Density Bonus.** When the minimum open space requirement is increased to thirty percent (30%); or when eighty percent (80%) or more of the off-street parking is structured parking within the principal building or underground; or when a combined ratio of increased open space and structured parking within the principal building or underground is provided, the minimum lot area required, subject to site plan review approval, shall be as follows:

9,000 sq. ft. for 3 units; plus 800 sq. ft. for each additional dwelling unit up to and including 14 dwelling units. 17,500 sq. ft. for 15 units; plus 650 sq. ft. for each additional dwelling unit up to one acre. For developments greater than one acre, 700 sq. feet per dwelling unit is required.

**E. Minimum Yard Area Requirements.**

**1. Single-Family Detached, Single-Family Attached, Two-Family, and Twin Home Dwellings.**

- a. **Front Yard.** Ten feet (10').
- b. **Corner Side Yard:** Ten feet (10').
- c. **Interior Side Yard:**
  - i. **Corner Lots:** Four feet (4').
  - ii. **Interior Lots:**

(A) **Single-Family Attached:** No yard is required, however if one is provided it shall not be less than four feet (4').

(B) **Single-Family Detached, Two-Family And Twin Home Dwellings:** Four feet (4') on one side and ten (10) on the other.

- d. **Rear Yard:** Twenty five percent (25%) of the lot depth, but need not be more than twenty feet (20').
2. **Multi-Family Dwellings, Including Mixed Use Buildings With Less Than Twenty Five Percent Nonresidential Uses:**
  - a. **Front Yard:** Ten feet (10') minimum.
  - b. **Corner Side Yard:** Ten feet (10').
  - c. **Interior Side Yard:** Ten feet (10').
  - d. **Rear Yard:** Twenty five percent (25%) of the lot depth, but need not exceed thirty feet (30'), however, if one hundred percent (100%) of the off-street parking is provided within the principal building and/or underground, the minimum required rear yard shall be fifteen feet (15').
3. **Nonresidential Development, Including Mixed Uses With Greater Than Twenty Five Percent Nonresidential Uses:**
  - a. **Front Yard:** Ten feet (10') minimum.
  - b. **Corner Side Yard:** Ten feet (10').
  - c. **Interior Side Yard:** No setback is required.
  - d. **Rear Yard:** Twenty five percent (25%) of lot depth, but need not exceed thirty feet (30').
4. Lots legally existing on the effective date hereof, April 7, 1998, shall be considered legal conforming lots.
5. For additions to buildings legally existing on the effective date hereof, required yards shall be no greater than the established setback line.
6. **Maximum setback.** A maximum setback is required for at least seventy-five percent (75%) of the building façade. The maximum setback is twenty feet (20'). Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director, in consultation with the Transportation Director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The Planning Director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than 50% if the Planning Director finds the following:
  - a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.
  - b. The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.Appeal of Administrative Decision is to the Planning Commission.

7. **Parking setback.** Surface parking is prohibited in a front or corner side yard. Surface parking lots within an interior side yard shall maintain a twenty five foot (25') landscape setback from the front property line or be located behind the primary structure. Parking structures shall maintain a forty five foot (45') minimum setback from a front or corner side yard property line or be located behind the primary structure. There are no minimum or maximum setback restrictions on underground parking.. The Planning Director may modify or waive this requirement if the Planning Director finds the following:
- a. The parking is compatible with the architecture/design of the original structure or the surrounding architecture.
  - b. The parking is not part of a series of incremental additions intended to subvert the intent of the ordinance.
  - c. The horizontal landscaping is replaced with vertical screening in the form of berms, plant materials, architectural features, fencing and/or other forms of screening.
  - d. The landscaped setback is consistent with the surrounding neighborhood character.
  - e. The overall project is consistent with Chapter 21A.59.060.

Appeal of Administrative Decision is to the Planning Commission.

F. **Maximum Building Height:** The maximum building height shall not exceed forty five feet (45'), except that nonresidential buildings and mixed use buildings shall be limited by subsections E1 and E2 of this Section. Buildings taller than forty five feet (45'), up to a maximum of sixty feet (60'), may be authorized as conditional uses, subject to the requirements of Part V, Chapter 21A.54 of this Title, provided that the additional height is for residential uses only.

1. **Maximum Height For Nonresidential Buildings:** Nonresidential buildings shall not exceed thirty feet (30') or two (2) stories, whichever is less.

2. **Maximum Height Of Mixed Use Buildings Of Residential And Nonresidential Uses:** Mixed use buildings shall not exceed forty five feet (45'). Nonresidential uses in a mixed use building are limited to the first two (2) stories.

G. **Minimum Ground Floor Glass:** The ground floor of the building elevation fronting the street on all nonresidential buildings and uses within the MU Mixed Use District shall contain not less than forty percent (40%) and not more than seventy percent (70%) non-reflective glass surfaces. Display windows that are three-dimensional (3-D) and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director may approve a modification to this requirement if the Planning Director finds:

- (A) The requirement would negatively impact the historic character of the building,
  - (B) The requirement would negatively impact the structural stability of the building,
- or

(C) The ground level of the building is occupied by residential uses, in which case the 40% glass requirement may be reduced to 25%.

Appeal of Administrative Decision is to the Planning Commission.

H. **Minimum Open Space:** For residential uses and mixed uses containing residential use, not less than twenty percent (20%) of the lot area shall be maintained as open space. This open space may take the form of landscaped yards or plazas and courtyards, subject to site plan review approval.

I. **Required Landscape Yards:** All front and corner side yards shall be maintained as landscape yards.

J. **Landscape Buffers:** Where a nonresidential or mixed use lot abuts a residential or vacant lot within the MU Mixed Use District or any residential district, a ten foot (10') landscape buffer shall be provided subject to the improvement requirements of subsection 21A.48.080D of this Title.

K. **Nonresidential Use Of A Residential Structure:** The conversion and remodeling of a residential structure to a nonresidential use shall be allowed only if the exterior residential character is maintained.

L. **New Nonresidential Construction:** Construction of a new principal building for a nonresidential use that includes the demolition of a residential structure or located between two (2) existing residential uses on the same block face shall only be approved as a conditional use pursuant to Part V, Chapter 21A.54 of this Title, unless located on an arterial street.

M. **Entrance And Visual Access:**

1. **Facades:** Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on any street, if the facades for all streets meet the forty percent (40%) glass requirement as outlined in Section 21A.32.130.G.
2. **Maximum Length:** The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').
3. **Screening:** All building equipment and service areas, including on-grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

N. **Parking lot/structure lighting.** If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for parking lot/structure security lighting are limited to 16 feet in height and the globe must be shielded to minimize light

encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties.

SECTION 8. Section 21A.34.090 of the Salt Lake City Code shall be and hereby is amended to read as follows:

**21A.34.090 SSSC South State Street Corridor Overlay District:**

A. **Purpose:** The purpose of the SSSC South State Street Corridor Overlay District is to acknowledge and reinforce the historical land development patterns along South State Street between 900 South and 2100 South.

B. **Maximum Building Height Exemption:** Buildings located within the BP Business Park Base Zoning District within the SSSC South State Street Corridor Overlay District may exceed the height of the base zoning district to a height not to exceed, six (6) stories or ninety feet (90'), whichever is less.

C. **Maximum Floor Area Ratio Exemption:** Buildings located within the BP Business Park Zoning District within the SSSC South State Street Corridor Overlay District are exempted from the maximum floor area ratio requirements.

D. **Minimum Yard Requirement Exemption:**

1. **Front Yard:** Structures located within the CC Commercial Corridor Base Zoning District and the SSSC South State Street Corridor Overlay District are exempted from the minimum front yard setback requirement. The required fifteen foot (15') landscaped setback applies to all other uses, including open storage, parking lots and vacant land.

2. **Maximum setback.** A maximum setback is required for at least thirty five percent (35%) of the building façade. The maximum setback is twenty-five feet (25'). Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than 50% if the Planning Director finds the following:

- a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.
- b. The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.

Appeal of Administrative Decision is to the Planning Commission.

3. **Parking setback.** Surface parking is prohibited in a front or corner side yard. Surface parking lots within an interior side yard shall maintain a twenty-five foot (25') landscape setback from the front property line or be located behind the primary structure. Parking structures shall maintain a forty-five foot (45') minimum setback from a front or corner side yard property line or be located behind the primary structure. There are no minimum



or maximum setback restrictions on underground parking. The Planning Director may modify or waive this requirement if the Planning Director finds the following:

- a. The parking is compatible with the architecture/design of the original structure or the surrounding architecture.
- b. The parking is not part of a series of incremental additions intended to subvert the intent of the ordinance
- c. The horizontal landscaping is replaced with vertical screening in the form of berms, plant materials, architectural features, fencing and/or other forms of screening.
- d. The landscaped setback is consistent with the surrounding neighborhood character.
- e. The overall project is consistent with Chapter 21A.59.060.

Appeal of Administrative Decision is to the Planning Commission.

E. **District Location:** The South State Street Corridor Overlay District is the area generally aligned with the State/Main Street corridor from 900 South to 2100 South, within the following approximate boundaries referenced on the Zoning Map:

Commencing 165 feet east of the east right-of-way line at the intersection of 2100 South and State Street, thence north to a point 165 feet east of the right-of-way line at the intersection of 900 South and State Street, thence west to a point 165 feet west of the right-of-way line at the intersection of 900 South and Main Street, thence south to the right-of-way line at 1300 South, thence east to the east right-of-way line at the intersection of 1300 South and Main Street, thence south to the intersection of 2100 South and Main Street, thence east along the north right-of-way line on 2100 South to the point of beginning.

F. **Entrance And Visual Access:**

1. **Minimum First Floor Glass:** The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front façade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be non-reflective. Display windows that are three-dimensional (3-D) and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director may approve a modification to this requirement if the Planning Director finds:
  - a. The requirement would negatively impact the historic character of the building,
  - b. The requirement would negatively impact the structural stability of the building, or
  - c. The ground level of the building is occupied by residential uses, in which case the 40% glass requirement may be reduced to 25%.

Appeal of Administrative Decision is to the Planning Commission.

2. Facades: Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on any street, if the facades for all streets meet the forty percent (40%) glass requirement as outlined in section 21A.34.090.F.1.
3. Maximum Length: The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').
4. Screening: All building equipment and service areas, including on-grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

H. **Parking lot/structure lighting.** If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for the parking lot/structure security lighting are limited to 16 feet in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties.

SECTION 9. The table located at Section 21A.54.150.E.2 of the Salt Lake City Code shall be and hereby is amended to read as set forth on Exhibit "A" attached hereto.

SECTION 10. Section 21A.54.150.E.4 of the Salt Lake City Code shall be and hereby is enacted to read as follows:

21A.54.150.E.4 Planned developments within the RB, RMU, MU, CN, CB, and CSHBD zoning districts and the South State Street Overlay. Also planned developments within the CS zoning district, when the district is adjacent to more than 60% residential zoning (within 300 feet, either on the same block or across the street).

Planned developments within these zoning districts may be approved subject to consideration of the following general conceptual guidelines (a positive finding for each is not required):

- a. The development shall be primarily oriented to the street, not an interior courtyard or parking lot,
- b. The primary access shall be oriented to the pedestrian and mass transit,
- c. The 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 their impact on the neighborhood,

- f. Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods,
- g. Dumpsters and loading docks shall be appropriately screened or located within the structure, and
- h. Signage shall emphasize the pedestrian/mass transit orientation.

SECTION 11. Chapter 21A.59 of the Salt Lake City Code shall be and hereby is

enacted to read as follows:

#### 21A.59 Conditional building and site design review

##### 21A.59.010 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 while acknowledging the need for transit and automobile access.

#### 21A.59.020 Authority:

Design review shall be required pursuant to the provisions of this chapter for uses as specified within individual zoning districts before zoning certificates, building permits or certificates of occupancy may be issued.

- A. The 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.
- B. The Planning Commission may modify individual design requirements for specific projects if they find that the intent of the basic design criteria of the zoning district has been met.

#### 21A.59.030 Scope Of Application:

Design review approval shall be required for all permitted uses, conditional uses and accessory uses when specifically authorized and referenced by individual zoning districts.

#### 21A.59.040 Scope Of Modifications Authorized:

The authority of the Planning Commission through the design review process shall be limited to modification of the specific element referenced within each zoning district.

#### 21A.59.050 Application Requirements:

Each application for design review shall include the same information as required for site plan review as identified in 21A.58.060

#### 21A.59.060 Standards For Design Review:

In addition to standards provided in other sections of this title for specific types of approval, the following standards shall be applied to all applications for design review:

1. The development shall be primarily oriented to the street, not an interior courtyard or parking lot,
2. The primary access shall be oriented to the pedestrian and mass transit,
3. The 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 their 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 structure, and
8. Signage shall emphasize the pedestrian/mass transit orientation.

21A.59.070 Procedures For Design Review:

- A. Preapplication Conference: Before filing an application for design review, the applicant is encouraged to confer with the Development Review Team (DRT) regarding the general proposal. Such action does not require formal application fees, or filing of a site plan, or landscape plan and is not to be construed as an application for formal approval. No representation made by the Planning Director, the DRT or other city departments during such conference shall be binding upon the city with respect to an application subsequently submitted.
- B. Fees: Every Design Review application shall be accompanied by a fee as established in the fee schedule, Chapter 21A.64 of this title.
- C. Submission Of Final Plans - Review And Approval:
  1. Planning Commission Review: After the plans and related materials and fees have been submitted pursuant to section 21A.59.050 of this chapter, and the application has been determined by the Planning Director to be complete pursuant to section 21A.10.010 of this title, the application shall be reviewed and processed through the Planning Commission in coordination with the appropriate city departments. If the plan is approved, the Planning Director shall certify approval and state the conditions of such approval, if any. If the design is disapproved, the Planning Director shall indicate reasons for such in writing to the applicant.
  2. Appeal Of Planning Commission Decision: Any appeal of the Planning Commission decision shall be made to the Land Use Appeals Board, pursuant to Chapter 21A.16 of this title.
  3. Certification By Planning Commission: The decisions of the Planning Commission approving the application shall be noted on all copies of applicable plans to be retained in the record, including any changes or conditions required as part of the design review approval. One such copy shall be returned to the applicant, and others retained as required for records or further action by the Planning Commission or other affected agencies of the city.
  4. Building Permits: Building permits shall be issued in accordance with approved plans. A copy of the approved plan shall be retained in the records of the office of the

division of building services and licensing and all building and occupancy permits shall conform to the provisions of the approved design review.

5. Amendments Or Modifications To Approved Design review: Amendments or modifications to approved design review must be submitted to the Planning Director. Such modifications shall be submitted in accordance with the procedures and requirements of this chapter and shall be distributed to the appropriate departments for review. The Planning Director may waive this requirement if the Planning Director determines that such modification of the original design review has no significant impact upon the original proposal and still remains in conformance with design concepts approved by the Planning Commission.

6. Time Limit On Approval: Approval of design review shall be void unless a building permit has been issued or use of the land has commenced within twelve (12) months from the date of approval. Upon request, revalidation of the site plan may be granted for an additional twelve (12) months if all factors of the original design review are the same. The extension shall be considered by the applicable approval authority without additional public notice. The written notice requesting revalidation shall be received by the Planning Director prior to expiration of the original twelve (12) month period.

#### 21A.44.020 General Off-Street Parking requirements

8. Pedestrian Access: All surface parking lots in excess of 30 parking stalls shall provide a clear pedestrian pathway from the parking lot to the entry of the building or the public sidewalk.

SECTION 12. The Fee Schedule set forth in Section 21A.64.010 of the Salt Lake City Code shall be and hereby is amended to include a fee for conditional building and site design review of \$300 plus \$100 per acre in excess of one acre.

SECTION 13. Effective Date. This ordinance shall become effective four months from the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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CHAIRPERSON

ATTEST AND COUNTERSIGN:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2004.

Published: \_\_\_\_\_.

APPROVED AS TO FORM  
Salt Lake City Attorney's Office  
Date 12-30-04  
By [Signature]

SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2004

(Amending the Salt Lake City Code to require that parking lots  
be located behind buildings, rather than on street frontage,  
in all community oriented commercial and mixed use zones)

AN ORDINANCE AMENDING THE SALT LAKE CITY CODE REQUIRING  
THAT ALL PARKING LOTS BE LOCATED BEHIND BUILDINGS, RATHER THAN  
ON STREET FRONTAGE, IN ALL COMMUNITY ORIENTED COMMERCIAL AND  
MIXED USE ZONES, PURSUANT TO PETITION NO. 400-00-52.

WHEREAS, the City is anxious to encourage new development in community  
oriented commercial and mixed use zones which would focus upon and emphasize the  
buildings' relationship to pedestrians and mass transit, more than to automobiles; and

WHEREAS, the proposed changes to the Salt Lake City zoning ordinance set  
forth herein would encourage buildings to be built near the front of the property (rather  
than the rear), and would encourage a high degree of interaction with the sidewalk  
(windows and doors), and place parking in a secondary position (in the side or rear yard);  
and

WHEREAS, the proposed ordinance also allows flexibility for those unique  
situations where pedestrian and transit friendly development does not work effectively;  
and

WHEREAS, after public hearings before the Planning Commission and the City  
Council, the Salt Lake City Council has determined that the proposed changes to the Salt  
Lake City zoning code are in the best interest of the City;

WHEREAS. No building constructed prior to the adoption of this ordinance shall  
be considered non-complying or non-conforming;



NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Section 21A.10.020.B.3 of the Salt Lake City Code shall be and hereby is amended to read as follows:

**3. Notification To Recognized And Registered Organizations:** The City shall give notification a minimum of fourteen (14) calendar days in advance of the public hearing by first-class mail to any organization which is entitled to receive notice pursuant to Chapter 2.62 of this Code.

~~If the conditional use also requires design review, the Planning Commission shall give public notification of its meeting(s) to consider the application in the same manner as set forth in this Section.~~

SECTION 2. Section 21A.10.020.C of the Salt Lake City Code shall be and hereby is amended to read as follows:

~~**C. Applications Requiring Design Review Only:** The Planning Commission shall hold at least one public hearing to review, consider and approve, approve with conditions, or deny the application after the following public notification:~~

~~1. **Mailing:** Notice by first class mail shall be provided a minimum of fourteen (14) calendar days in advance of the Planning Commission's public hearing, to all owners of the land, as shown on the latest published property tax records of the County Assessor, included in the application requiring design review, as well as to all owners of land, as shown on the latest published property tax records of the County Assessor, within one hundred feet (100') (exclusive of intervening streets), of the periphery of the land subject to the application requiring design review. Notice shall be given to each individual property owner if an affected property is held in condominium ownership.~~

~~2. **Notification To Recognized And Registered Organizaitons:** The City shall give notification a minimum of fourteen (14) calendar days in advance of the Planning Commission's meeting by first class mail to any organization which is entitled to receive notice pursuant to Chapter 2.62 of this Code.~~

**C. Conditional building and site design review: The Planning Commission shall consider requests for conditional building and site review at a public hearing if there is an expression of interest after**

providing notice as follows: ~~The Planning Commission may delegate authority for approval to the Planning Director or designee. Prior to the approval of a decision for conditional building and site design review, T~~he Planning Director shall provide written notice a minimum or fourteen (14) days in advance, of the requested action to all owners of the land subject to the application, as shown on the latest published property tax records of the County Assessor, included in the application, as well as to the Planning Commission and to all owners of land as shown on the latest published property tax records of the County Assessor adjacent to and contiguous with the land subject to the application. The City shall also provide notification to any organization which is entitled to receive notice pursuant to Chapter 2.62 of this code. The land subject to the application shall be posted by the City with a sign giving notice of the pending action at least ten (10) calendar days in advance of the action. At the end of the fourteen (14) day notice period, if there are requests for a public hearing, the Planning Commission will schedule a public hearing and consider the issue; if there are no requests for a public hearing, the Planning Commission is authorized to direct the Planning Director ~~shall to either address the issue administratively or refer the application to the Planning Commission.~~

If the Planning Commission holds a public hearing, the Planning Director shall provide written notice a minimum or fourteen (14) days in advance, of the public hearing to all owners of the land subject to the application, as shown on the latest published property tax records of the County Assessor, included in the application, as well as to the Planning Commission and to all owners of land as shown on the latest published property tax records of the County Assessor adjacent to and contiguous with the land subject to the application. The City shall also provide notification to any organization which is entitled to receive notice pursuant to Chapter 2.62 of this code. The land subject to the application shall be posted by the City with a sign giving notice of the pending action at least ten (10) calendar days in advance of the public hearing.

In the event that the City and applicant are aware of advanced interest in the project. The applicant may request to forgo the time frame for determining interest and request a public hearing with the Planning Commission

SECTION 3. Section 21A.24.160 of the Salt Lake City Code shall be and hereby is amended to read as follows:

**21A.24.160 RB Residential/Business District.**

- A. **Purpose Statement.** The purpose of the RB residential/business district is to provide for limited commercial use opportunities within existing residential areas located along higher volume streets while preserving the attractiveness of the area for single-family residential use. **Such commercial areas are intended to be primarily pedestrian and transit oriented, while acknowledging the need for automobile access. Building design should be focused on compatibility with a residential setting.**
- B. **Uses.** Uses in the RB residential/business district as specified in the Table of Permitted and Conditional Uses for Residential Districts found at Section 21A.24.190, are permitted subject to the general provisions set forth in Section 21A.24.010 and this section.
- C. **Planned Development Review: Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the Planning Commission pursuant to the provisions of Section 21A.54.150 of this Title.**
- D. **Minimum Lot Area and Lot Width.** The minimum lot areas and lot widths required in this district are as follows:

Land Use	Minimum Lot Area	Minimum Lot Width
1. Single-family detached dwellings	5,000 sq. ft.	50 ft.
2. Two-family dwellings	8,000 sq. ft.	50 ft.
3. Retail goods establishments, when located within an existing building originally designed for residential use	5,000 sq. ft.	50 ft.
4. Retail service establishments, when located within an existing building originally designed for residential use	5,000 sq. ft.	50 ft.
5. Offices, when located within an existing building originally designed for residential use	5,000 sq. ft.	50 ft.
6. A single dwelling unit located above first floor retail or office uses.	Included in principle use.	Included in principle use.
7. Natural open space and conservation areas, public and private	No Minimum	No Minimum
8. Public pedestrian pathways, trails and greenways	No Minimum	No Minimum

9. Utility substations and buildings	5,000 sq. ft.	50 ft.
10. Municipal service uses, including City utility uses and police and fire stations	No Minimum	No Minimum
11. Places of worship less than 4 acres in size	5,000 sq. ft.	50 ft.
12. Public/private utility transmission wires, lines, pipes and poles	No Minimum	No Minimum
13. Other permitted or conditional uses as listed in Section 21A.24.190.	5,000 sq. ft.	50 ft.

**DE. Maximum Building Height.** The maximum building height permitted in this district is thirty feet or two and one-half stories, whichever is less.

**EE. Minimum Yard Requirements.**

1. **Front Yard.** Twenty percent of lot depth, but need not exceed twenty-five feet. For buildings legally existing on April 12, 1995, the front yard shall be no greater than the existing yard.
2. **Corner Side Yard.** Ten feet. For buildings legally existing on April 12, 1995, the corner side yard shall be no greater than the existing yard.
3. **Interior Side Yard.** Six feet; provided, that on interior lots one yard must be at least ten feet. For buildings legally existing on April 12, 1995, the required yard shall be no greater than the existing yard.
4. **Rear Yard.** Twenty-five percent of the lot depth, but the yard need not exceed thirty feet.
5. **Accessory Building and Structures in Yards.** Accessory buildings and structures may be located in a required yard subject to Part IV, Chapter 21A.36, Section 21A.36.20B, Table 21A.36.020B, Obstructions in Yards.
6. **Parking in required yard area.** No parking is allowed within the front or corner side yard.

**FG. Required Landscape Yards.** All front and corner side yards shall be maintained as landscape yards.

**GH. Maximum Building Coverage.** The surface coverage of all principal and accessory buildings shall not exceed fifty percent of the lot area.

**HI. Design Standards.** All principal buildings constructed or remodeled after April 12, 1995, shall conform to the following design standards:

1. All roofs shall be of a hip or gable design, except additions or expansions to existing buildings may be of the same roof design as the original building;
2. The remodeling of residential buildings for retail or office use shall be allowed only

if the residential character of the exterior is maintained;

3. The front building elevation shall contain not more than fifty percent glass;
4. Special sign regulations of Part IV, Chapter 21A.46, Signs;
5. Building orientation shall be to the front or corner side yard; and
6. Building additions shall consist of materials, color and exterior building design consistent with the existing structure, unless the entire structure is resurfaced.
7. **No parking is allowed within the front or corner side yard.**

**IJ. New Nonresidential Construction.** Construction of a new principal building, parking lot or addition to an existing building for a nonresidential use that includes the demolition of a residential structure shall only be approved as a conditional use pursuant to Part V, Chapter 21A.54, Conditional Uses, and subject to the design standards of subsection I of this section; provided, that in such cases the planning commission finds that the applicant has adequately demonstrated the following:

1. The location of the residential structure is impacted by surrounding nonresidential structures to the extent that it does not function as a contributing residential element to the residential-business neighborhood (RB district); and
2. The property is isolated from other residential structures and does not relate to other residential structures within the residential-business neighborhood (RB district); and the design and condition of the residential structure is such that it does not make a material contribution to the residential character of the neighborhood.

**JK. Parking lot/structure lighting. If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for parking lot/structure security lighting are limited to 16 feet in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties.**

SECTION 4. Section 21A.24.170 of the Salt Lake City Code shall be and hereby is amended to read as follows:

**21A.24.170 R-MU residential/mixed use district.**

A. **Purpose Statement.** The purpose of the R-MU residential/mixed use district is to ~~implement the objectives of the adopted East Downtown master plan through district regulations that reinforce the residential character of the area and encourage the development of areas as high density residential urban neighborhoods containing supportive retail, service commercial, and small scale office uses.~~ **The design guidelines are intended to facilitate the creation of a walkable urban neighborhood with an emphasis on pedestrian scale activity while acknowledging the need for transit and automobile access.**

B. **Uses.** Uses in the R-MU residential/mixed use district as specified in the Table of Permitted and Conditional Uses for Residential Districts found at Section 21A.24.190, are permitted subject to the general provisions set forth in Section 21A.24.010 and this section.

C. **Planned Development Review: Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the Planning Commission pursuant to the provisions of Section 21A.54.150 of this Title.**

**CD Minimum Lot Area and Lot Width.** The minimum lot areas and lot widths required in this district are as follows:

	Land Use	Minimum Lot Area	Minimum Lot Width
1.	Single-family detached dwellings	5,000 sq. ft.	50 ft.
2.	Single-family attached dwellings	3,000 sq. ft. per dwelling unit	22 ft. for interior lot 32 ft. for corner lot
3.	Two-family dwellings	8,000 sq. ft.	50 ft.
4.	Twin home dwellings	4,000 sq. ft. per dwelling unit	25 ft.
5.	Multifamily dwellings	No minimum lot area required	50 ft.
6.	Nonresidential uses	No minimum	No minimum

7.	Natural open space and conservation areas, public and private	No minimum	No minimum
8.	Public pedestrian pathways, trails and greenways	No minimum	No minimum
9.	Utility substations and buildings	5,000 sq. ft.	50 ft.
10.	Municipal service uses, including city utility uses and police and fire stations	No minimum	No minimum
11.	Places of worship less than four acres in size	5,000 sq. ft.	50 ft.
12.	Public/private utility transmission wires, lines, pipes and poles	No minimum	No minimum
13.	Other permitted or con-additional uses as listed in Section 21A.24.190	5,000 sq. ft.	50 ft.

**DE. Minimum Yard Requirements.**

**1. Single-Family Detached Dwellings.**

- a. **Front Yard.** Fifteen feet.
- b. **Corner Side Yard.** Ten feet.
- c. **Interior Side Yard.**
  - i. **Corner Lots.** Four feet.
  - ii. **Interior Lots.** Four feet on one side and ten feet on the other.
- d. **Rear Yard.** Twenty-five percent of the lot depth, but need not be more than twenty feet.

**2. Single-Family Attached, Two-Family and Twin Home Dwellings.**

- a. **Front Yard.** Fifteen feet.
- b. **Corner Side Yard.** Ten feet.
- c. **Interior Side Yard.**
  - i. **Single-Family Attached.** No yard is required, however if one is provided it shall not be less than four feet.
  - ii. **Two-Family.**
    - (A) **Interior Lot.** Four feet on one side and ten feet on the other.
    - (B) **Corner Lot.** Four feet.

- iii. **Twin Home.** No yard is required along one side lot line. A ten-foot yard is required on the other.
- d. **Rear Yard.** Twenty-five percent of lot depth or twenty-five feet, whichever is less.

**3. Multifamily Dwellings and Any Other Residential Uses.**

- a. **Front Yard.** No setback is required.
- b. **Corner Side Yard.** No setback is required.
- c. **Interior Side Yard.** No setback is required.
- d. **Rear Yard.** Twenty-five percent of lot depth, but need not exceed thirty feet.

**4. Nonresidential Development.**

- a. **Front Yard.** No setback is required.
- b. **Corner Side Yard.** No setback is required.
- c. **Interior Side Yard.** No setback is required.
- d. **Rear Yard.** Twenty-five percent of lot depth, but need not exceed thirty feet.

- 5. Lots legally existing on the effective date of the ordinance codified in this title, April 12, 1995, shall be considered legal conforming lots.
- 6. For multiple unit residential uses, nonresidential and mixed uses, no minimum lot area is required. In addition, no yards or landscaped setbacks are required; ~~provided, that no front yard or corner side yard shall exceed fifteen feet and,~~ **except** where interior side yards are provided, they shall not be less than four feet. ~~If parking is located in the front or corner side yard of the building, then a fifteen-foot landscaped setback is required.~~
- 7. For buildings legally existing on the effective date of the ordinance codified in this title, required yards shall be no greater than the established setback line.
- 8. **Maximum setback. A maximum setback is required for at least twenty five percent (25%) of the building façade. The maximum setback is 10 feet greater than the minimum setback or 15 feet if no minimum setback is required. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director, in consultation with the Transportation Director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The Planning Director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than 50% if the Planning Director finds the following:**
  - a. **The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.**



- b. The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.

Appeal of Administrative Decision is to the Planning Commission.

- 9. Parking setback. Surface parking is prohibited in a front or corner side yard. Surface parking lots within an interior side yard shall maintain a thirty foot (30') landscape setback from the front property line or be located behind the primary structure. Parking structures shall maintain a forty five foot (45') minimum setback from a front or corner side yard property line or be located behind the primary structure. There are no minimum or maximum setback restrictions on underground parking. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director may modify or waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than 50% if the Planning Director finds the following:
  - a. The parking additionparking is compatible with the architecture/design of the original structure or the surrounding architecture.
  - b. The parking additionparking is not part of a series of incremental additions intended to subvert the intent of the ordinance.
  - c. The horizontal landscaping is replaced with vertical screening in the form of berms, plant materials, architectural features, fencing and/or other forms of screening.
  - d. The landscaped setback is consistent with the surrounding neighborhood character.
  - e. The overall project is consistent with Chapter 21A.59.060.

Appeal of Administrative Decision is to the Planning Commission.

**EF. Maximum Building Height.** The maximum building height shall not exceed seventy-five feet, except that nonresidential buildings and uses shall be limited by subsections E1 and 2 of this section. Buildings taller than seventy-five feet, up to a maximum of one hundred twenty-five feet, may be authorized as conditional uses, subject to the requirements of Part V, Chapter 21A.54, Conditional Uses; and provided, that the proposed conditional use is located within the one-hundred-twenty-five-foot height zone of the height map of the East Downtown master plan.

- 1. **Maximum Height for Nonresidential Buildings.** Three stories or forty-five feet, whichever is less.
- 2. **Maximum Floor Area Coverage of Nonresidential Uses in Mixed Use Buildings of Residential and Nonresidential Uses.** Three floors.

**FG. Minimum Open Space.** For residential uses and mixed uses containing residential use, not less than twenty percent of the lot area shall be maintained as open space. This open space may take the form of landscape yards or plazas and courtyards, subject to site plan review approval.

**GH. Landscape Yards.** All front and corner side yards provided, ~~up to fifteen feet in depth,~~ shall be maintained as a landscape yard in conformance with Part IV, Chapter 21A.48, Landscaping and Buffers.

**HI. Landscape Buffers.** Where a lot in the R-MU district abuts a lot in a single-family or two-family residential district, landscape buffers shall be provided as required in Part IV, Chapter 21A.48, Landscaping and Buffers.

**IJ. Entrance And Visual Access:**

- 1. Minimum First Floor Glass:** The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front façade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be non-reflective. Display windows that are three-dimensional (3-D) and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director, in consultation with the Transportation Director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The Planning Director may approve a modification to this requirement, as a routine and uncontested special exception, pursuant to the procedures found in Part II, Chapter 21A.14 of this Title, if the Planning Director finds:
  - a. The requirement would negatively impact the historic character of the building,**
  - b. The requirement would negatively impact the structural stability of the building, or**
  - c. The ground level of the building is occupied by residential uses, in which case the 40% glass requirement may be reduced to 25%.****Appeal of Administrative decision is to the Planning Commission.**
- 2. Facades:** Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on either any street, if the facades for both all streets meet the forty percent (40%) glass requirement as outlined in section 21A.24.170.J.1.
- 3. Maximum Length:** The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').
- 4. Screening:** All building equipment and service areas, including on-grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

**JK. Parking lot/structure lighting.** If a parking lot/structure is adjacent to a

residential zoning district or land use, the poles for parking lot/structure security lighting are limited to 16 feet in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties.

SECTION 5. Section 21A.26.020 of the Salt Lake City Code shall be and hereby is amended to read as follows:

**21A.26.020 CN Neighborhood Commercial District:**

A. **Purpose Statement:** The CN Neighborhood Commercial District is intended to provide for small scale commercial uses that can be located within residential neighborhoods without having significant impact upon residential uses. The design guidelines are intended to reinforce the historical scale and ambiance of traditional neighborhood retail that is designed with the pedestrian as the primary user while ensuring adequate transit and automobile access.

B. **Uses:** Uses in the CN Neighborhood Commercial District as specified in the Table of Permitted and Conditional Uses for Commercial Districts found at Section 21A.26.080 of this Chapter, are permitted subject to the general provisions set forth in Section 21A.36.010 of this Title and this Section.

C. **Planned Development Review:** Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the Planning Commission pursuant to the provisions of Section 21A.54.150 of this Title.

**CD. Lot Size Requirements:** No minimum lot area or lot width is required. No lot shall be larger than sixteen thousand five hundred (16,500) square feet.

**DE. Maximum District Size:** The total area of a contiguously mapped CN District shall not exceed ninety thousand (90,000) square feet, excluding all land in public rights of way.

**EF. Minimum Yard Requirements:**

1. **Front Or Corner Side Yard:** A fifteen foot (15') minimum front or corner side yard shall be required. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission.  
Exceptions to this requirement may be authorized as a conditional use, subject to the requirements of Part V, Chapter 21A.54 of this title, and the review and approval of the Planning Commission.
2. **Interior Side Yard:** None required.
3. **Rear Yard:** Ten feet (10').

4. **Buffer Yards:** Any lot abutting a lot in a residential district shall conform to the buffer yard requirements of Part IV, Chapter 21A.48 of this Title.

5. **Accessory Buildings And Structures In Yards:** Accessory buildings and structures may be located in a required yard subject to Table 21A.36.020B of this Title.

6. **Maximum setback.** A maximum setback is required for at least sixty five percent (65%) of the building façade. The maximum setback is twenty five feet (25'). Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director, in consultation with the Transportation Director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The Planning Director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than 50% if the Planning Director finds the following:

- a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.
- b. The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.

Appeal of Administrative Decision is to the Planning Commission.

7. **Parking setback.** Surface parking is prohibited in a front or corner side yard. Surface parking lots within an interior side yard shall maintain a thirty foot (30') landscape setback from the front property line or be located behind the primary structure. Parking structures shall maintain a forty five foot (45') minimum setback from a front or corner side yard property line or be located behind the primary structure. There are no minimum or maximum setback restrictions on underground parking. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director may modify or waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than 50% if the Planning Director finds the following:

- a. The parking addition parking is compatible with the architecture/design of the original structure or the surrounding architecture.
- b. The parking addition parking is not part of a series of incremental additions intended to subvert the intent of the ordinance.
- c. The horizontal landscaping is replaced with vertical screening in the form of berms, plant materials, architectural features, fencing and/or other forms of screening.
- d. The landscaped setback is consistent with the surrounding neighborhood character.
- e. The overall project is consistent with Chapter 21A.59.060.

Appeal of Administrative Decision is to the Planning Commission.

**FG. Landscape Yard Requirements:** Front and corner side yards shall be maintained as landscape yards. Subject to site plan review approval, part or all of the landscape yard

may be a patio or plaza, conforming to the requirements of Section 21A.48.090 of this Title.

**GH. Maximum Height:** Twenty five feet (25') or two and one-half (2 1/2) stories, whichever is less.

**HI. Entrance And Visual Access:**

**1. Minimum First Floor Glass:** The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front façade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be non-reflective. Display windows that are three-dimensional (3-D) and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director may approve a modification to this requirement, as a routine and uncontested special exception, pursuant to the procedures found in Part II, Chapter 21A.14 of this Title, if the Planning Director finds:

- a. The requirement would negatively impact the historic character of the building, or
- b. The requirement would negatively impact the structural stability of the building.

Appeal of Administrative Decision is to the Planning Commission.

2. Facades: Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on either any street, if the facades for both all streets meet the forty percent (40%) glass requirement as outlined in Section 21A.26.020.I.1.
3. Maximum Length: The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').
4. Screening: All building equipment and service areas, including on-grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

**IJ. Parking lot/structure lighting.** If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for the parking lot/structure security lighting are limited to 16 feet in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties.

SECTION 6. Section 21A.26.030 of the Salt Lake City Code shall be and hereby is amended to read as follows:

**21A.26.030 CB Community Business District:**

A. **Purpose Statement:** The CB Community Business District is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods. The design guidelines are intended to facilitate retail that is pedestrian in its orientation and scale, while also acknowledging the importance of transit and automobile access to the site.

B. **Uses:** Uses in the CB Community Business District as specified in the Table of Permitted and Conditional Uses for Commercial Districts found at Section 21A.26.080 of this Chapter are permitted subject to the general provisions set forth in Section 21A.26.010 of this Chapter and this Section.

C. **Planned Development Review:** Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the Planning Commission pursuant to the provisions of Section 21A.54.150 of this Title.

**CD. Lot Size Requirements:** No minimum lot area or lot width is required, however any lot exceeding four (4) acres in size shall be allowed only as a conditional use.

**DE. Maximum Building Size:** Any building having a fifteen thousand (15,000) gross square foot floor area of the first floor or a total floor area of twenty thousand (20,000) gross square feet or more, shall be allowed only as a conditional use. An unfinished basement used only for storage or parking shall be allowed in addition to the total square footage.

**EF. Minimum Yard Requirements:**

1. **Front Or Corner Side Yard:** No minimum yard is required ~~unless parking is provided between the building and the front or corner side yard lot line. Where parking is provided between the building and the front or corner side yard lot line, such parking shall be set back fifteen feet (15') and the fifteen foot (15') setback shall be landscaped conforming to the requirements of Section 21A.48.090 of this Title.~~ If a front yard is provided, it shall comply with all provisions of this Title applicable to front or corner side yards, including landscaping, fencing, and obstructions.

2. **Interior Side Yard:** None required.

3. **Rear Yard:** Ten feet (10').

4. **Buffer Yards:** Any lot abutting a lot in a residential district shall conform to the buffer yard requirements of Part IV, Chapter 21A.48 of this Title.

5. **Accessory Buildings And Structures In Yards:** Accessory buildings and structures may be located in a required yard subject to Table 21A.36.020B of this Title.

6. Maximum setback. A maximum setback is required for at least seventy five percent (75%) of the building façade. The maximum setback is fifteen feet (15'). Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director, in consultation with the Transportation Director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The Planning Director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than 50% if the Planning Director finds the following:

- a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.
- b. The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.

Appeal of Administrative Decision is to the Planning Commission.

7. Parking setback. Surface parking is prohibited in a front or corner side yard. Surface parking lots within an interior side yard shall maintain a twenty foot (20') landscape setback from the front property line or be located behind the primary structure. Parking structures shall maintain a thirty five foot (35') minimum setback from a front or corner side yard property line or be located behind the primary structure. There are no minimum or maximum setback restrictions on underground parking. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director may modify or waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than 50% if the Planning Director finds the following;

- a. The parking addition parking is compatible with the architecture/design of the original structure or the surrounding architecture.
- b. The parking addition parking is not part of a series of incremental additions intended to subvert the intent of the ordinance.
- c. The horizontal landscaping is replaced with vertical screening in the form of berms, plant materials, architectural features, fencing and/or other forms of screening.
- d. The landscaped setback is consistent with the surrounding neighborhood character.
- e. The overall project is consistent with Chapter 21A.59.060.

Appeal of Administrative Decision is to the Planning Commission.

**FG. Landscape Yard Requirements:** If a front or corner side yard is provided, such yard shall be maintained as a landscape yard. The landscape yard can take the form of a patio or plaza, subject to site plan review approval.

**GH. Maximum Height:** Thirty feet (30') or two (2) stories, whichever is less.

**HI. Entrance And Visual Access:**

1. **Minimum First Floor Glass:** The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front façade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be non-reflective. Display windows that are three-dimensional (3-D) and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director may approve a modification to this requirement, as a routine and uncontested special exception, pursuant to the procedures found in Part II, Chapter 21A.14 of this Title, if the Planning Director finds:
  - a. The requirement would negatively impact the historic character of the building,
  - b. The requirement would negatively impact the structural stability of the building, or
  - c. The ground level of the building is occupied by residential uses, in which case the 40% glass requirement may be reduced to 25%.**Appeal of Administrative Decision is to the Planning Commission.**

2. **Facades:** Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on either any street, if the facades for both all streets meet the forty percent (40%) glass requirement as outlined in Section 21A.26.030.I.1.
3. **Maximum Length:** The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').
4. **Screening:** All building equipment and service areas, including on-grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

**IJ. Parking lot/structure lighting.** If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for the parking lot/structure security lighting are limited to 16 feet in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties.



SECTION 7. Section 21A.32.130 of the Salt Lake City Code shall be and hereby is amended to read as follows:

**21A.32.130 MU mixed use district.**

A. **Purpose.** The purpose of the MU mixed use district is to encourage the development of areas as a mix of compatible residential and commercial uses. The district is to provide for limited commercial use opportunities within existing mixed use areas while preserving the attractiveness of the area for residential use. The district is intended to provide a higher level of control over nonresidential uses to ensure that the use and enjoyment of residential properties is not substantially diminished by nonresidential redevelopment. The intent of this district shall be achieved by designating certain non-residential uses as conditional uses within the mixed use district and requiring future development and redevelopment to comply with established standards for compatibility and buffering as set forth in this section. **The design guidelines are intended to facilitate walkable communities that are pedestrian and mass transit oriented while still insuring adequate automobile access to the site.**

B. **Permitted Uses.** Uses in the MU mixed use district as specified in the Table of Permitted and Conditional Uses for Special Purpose Districts found at Section 21A.32.140, are permitted subject to the provisions set forth in Section 21A.32.010 and Section 21A.32.130.

C. **Planned Development Review: Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections may be approved by the Planning Commission pursuant to the provisions of Section 21A.54.150 of this Title.**

**ED.** **Minimum Lot Area and Width.** The minimum lot areas and lot widths required in this district are as follows:

	<b>Land Use</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>
1.	Single-family detached dwellings	4,000 sq. ft.	40 ft.
2.	Single-family attached dwellings	3,000 sq. ft. per dwelling unit	22 ft. for interior lot 32 ft. for corner lot
3.	Two-family dwellings	6,000 sq. ft.	40 ft.
4.	Twin home dwelling unit	3,000 sq. ft. per	20 ft.
5.	Multifamily dwellings	9,000 sq. ft. + & (3 to 14 units)	50 ft.
6.	Multifamily dwellings (15 or more)	17,500 sq. ft. + &	80 ft.
7.	Nonresidential uses	No minimum	No minimum
8.	Natural open space and	No minimum	No minimum

	conservation areas, public and private		
9.	Pedestrian pathways, trails and greenways	No minimum	No minimum
10.	Utility substations and buildings	5,000 sq. ft.	50 ft.
11.	Municipal service uses, including city utility uses and police and fire stations	5,000 sq. ft.	50 ft.
12.	Places of worship less than 4 acres in size	5,000 sq. ft.	50 ft.
13.	Public/private utility transmission wires, lines pipes, and poles	No minimum	No minimum
14.	Other permitted or conditional uses as listed in Section 21A.32.140.	5,000 sq. ft.	50 ft.

**Qualifying Provisions:**

+ 9,000 sq. ft. for 3 units; plus 800 sq. ft. for each additional dwelling unit up to and including 14 dwelling units. 17,500 sq. ft. for 15 units; plus 750 sq. ft. for each additional dwelling unit up to one acre. For developments greater than one acre 800 sq. ft. for each dwelling unit is required.

**& Density Bonus.** When the minimum open space requirement is increased to thirty percent (30%); or when eighty percent (80%) or more of the off-street parking is structured parking within the principal building or underground; or when a combined ratio of increased open space and structured parking within the principal building or underground is provided, the minimum lot area required, subject to site plan review approval, shall be as follows:

9,000 sq. ft. for 3 units; plus 800 sq. ft. for each additional dwelling unit up to and including 14 dwelling units. 17,500 sq. ft. for 15 units; plus 650 sq. ft. for each additional dwelling unit up to one acre. For developments greater than one acre, 700 sq. feet per dwelling unit is required.

**DE. Minimum Yard Area Requirements.**

1. **Single-Family Detached, Single-Family Attached, Two-Family, and Twin Home Dwellings.**
  - a. **Front Yard.** Ten feet (10').
  - b. **Corner Side Yard:** Ten feet (10').
  - c. **Interior Side Yard:**
    - i. **Corner Lots:** Four feet (4').
    - ii. **Interior Lots:**
- (A) **Single-Family Attached:** No yard is required, however if one is provided it shall not be less than four feet (4').
- (B) **Single-Family Detached, Two-Family And Twin Home Dwellings:** Four feet (4') on one side and ten (10) on the other.
- d. **Rear Yard:** Twenty five percent (25%) of the lot depth, but need not be more than twenty feet (20').

2. **Multi-Family Dwellings, Including Mixed Use Buildings With Less Than Twenty Five Percent Nonresidential Uses:**
  - a. **Front Yard:** Ten feet (10') minimum ~~with a twenty foot (20') maximum.~~
  - b. **Corner Side Yard:** Ten feet (10').
  - c. **Interior Side Yard:** Ten feet (10').
  - d. **Rear Yard:** Twenty five percent (25%) of the lot depth, but need not exceed thirty feet (30'), however, if one hundred percent (100%) of the off-street parking is provided within the principal building and/or underground, the minimum required rear yard shall be fifteen feet (15').
3. **Nonresidential Development, Including Mixed Uses With Greater Than Twenty Five Percent Nonresidential Uses:**
  - a. **Front Yard:** Ten feet (10') minimum ~~with a twenty foot (20') maximum.~~
  - b. **Corner Side Yard:** Ten feet (10').
  - c. **Interior Side Yard:** No setback is required.
  - d. **Rear Yard:** Twenty five percent (25%) of lot depth, but need not exceed thirty feet (30').
4. Lots legally existing on the effective date hereof, April 7, 1998, shall be considered legal conforming lots.
5. For additions to buildings legally existing on the effective date hereof, required yards shall be no greater than the established setback line.
6. **Maximum setback. A maximum setback is required for at least seventy-five percent (75%) of the building façade. The maximum setback is twenty feet (20'). Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director, in consultation with the Transportation Director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The Planning Director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than 50% if the Planning Director finds the following:**
  - a. **The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.**
  - b. **The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.****Appeal of Administrative Decision is to the Planning Commission.**
7. **Parking setback. Surface parking is prohibited in a front or corner side yard. Surface parking lots within an interior side yard shall maintain a twenty five foot (25') landscape setback from the front property line or be located behind the primary structure. Parking structures shall maintain**

a forty five foot (45') minimum setback from a front or corner side yard property line or be located behind the primary structure. There are no minimum or maximum setback restrictions on underground parking. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director may modify or waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than 50% if the Planning Director finds the following:

- a. The parking addition parking is compatible with the architecture/design of the original structure or the surrounding architecture.
- b. The parking addition parking is not part of a series of incremental additions intended to subvert the intent of the ordinance.
- c. The horizontal landscaping is replaced with vertical screening in the form of berms, plant materials, architectural features, fencing and/or other forms of screening.
- d. The landscaped setback is consistent with the surrounding neighborhood character.
- e. The overall project is consistent with Chapter 21A.59.060.

Appeal of Administrative Decision is to the Planning Commission.

**EF. Maximum Building Height:** The maximum building height shall not exceed forty five feet (45'), except that nonresidential buildings and mixed use buildings shall be limited by subsections E1 and E2 of this Section. Buildings taller than forty five feet (45'), up to a maximum of sixty feet (60'), may be authorized as conditional uses, subject to the requirements of Part V, Chapter 21A.54 of this Title, provided that the additional height is for residential uses only.

1. **Maximum Height For Nonresidential Buildings:** Nonresidential buildings shall not exceed thirty feet (30') or two (2) stories, whichever is less.

2. **Maximum Height Of Mixed Use Buildings Of Residential And Nonresidential Uses:** Mixed use buildings shall not exceed forty five feet (45'). Nonresidential uses in a mixed use building are limited to the first two (2) stories.

**FG. Minimum Ground Floor Glass:** The ground floor of the building elevation fronting the street on all nonresidential buildings and uses within the MU Mixed Use District shall contain not less than forty percent (40%) and not more than seventy percent (70%) non-reflective glass surfaces. Display windows that are three-dimensional (3-D) and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director may approve a modification to this requirement, as a routine and uncontested special exception, pursuant to the

procedures found in Part II, Chapter 21A.14 of this Title, if the Planning Director finds:

(A) The requirement would negatively impact the historic character of the building,

(B) The requirement would negatively impact the structural stability of the building, or

(C) The ground level of the building is occupied by residential uses, in which case the 40% glass requirement may be reduced to 25%.

Appeal of Administrative Decision is to the Planning Commission.

**GH. Minimum Open Space:** For residential uses and mixed uses containing residential use, not less than twenty percent (20%) of the lot area shall be maintained as open space. This open space may take the form of landscaped yards or plazas and courtyards, subject to site plan review approval.

**HI. Required Landscape Yards:** All front and corner side yards shall be maintained as landscape yards.

**IJ. Landscape Buffers:** Where a nonresidential or mixed use lot abuts a residential or vacant lot within the MU Mixed Use District or any residential district, a ten foot (10') landscape buffer shall be provided subject to the improvement requirements of subsection 21A.48.080D of this Title.

**JK. Nonresidential Use Of A Residential Structure:** The conversion and remodeling of a residential structure to a nonresidential use shall be allowed only if the exterior residential character is maintained.

**KL. New Nonresidential Construction:** Construction of a new principal building for a nonresidential use that includes the demolition of a residential structure or located between two (2) existing residential uses on the same block face shall only be approved as a conditional use pursuant to Part V, Chapter 21A.54 of this Title, unless located on an arterial street.

**LM. Entrance And Visual Access:**

1. **Facades: Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on either any street, if the facades for both all streets meet the forty percent (40%) glass requirement as outlined in Section 21A.32.130.G.**
2. **Maximum Length: The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').**
3. **Screening: All building equipment and service areas, including on-grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements**

shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

**MN. Parking lot/structure lighting. If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for parking lot/structure security lighting are limited to 16 feet in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties.**

SECTION 8. Section 21A.34.090 of the Salt Lake City Code shall be and hereby is amended to read as follows:

**21A.34.090 SSSC South State Street Corridor Overlay District:**

A. **Purpose:** The purpose of the SSSC South State Street Corridor Overlay District is to acknowledge and reinforce the historical land development patterns along South State Street between 900 South and 2100 South.

B. **Maximum Building Height Exemption:** Buildings located within the BP Business Park Base Zoning District within the SSSC South State Street Corridor Overlay District may exceed the height of the base zoning district to a height ~~of~~, **not to exceed**, six (6) stories or ninety feet (90'), whichever is less.

C. **Maximum Floor Area Ratio Exemption:** Buildings located within the BP Business Park Zoning District within the SSSC South State Street Corridor Overlay District are exempted from the maximum floor area ratio requirements.

D. **Minimum Yard Requirement Exemption:**

1. **Front Yard:** Structures located within the CC Commercial Corridor Base Zoning District and the SSSC South State Street Corridor Overlay District are exempted from the minimum front yard setback requirement. The required fifteen foot (15') landscaped setback applies to all other uses, including open storage, ~~parking lots~~ and vacant land.

**2. Maximum setback. A maximum setback is required for at least thirty five percent (35%) of the building façade. The maximum setback is twenty-five feet (25'). Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than 50% if the Planning Director finds the following:**

- a. **The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.**
- b. **The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.**

Appeal of Administrative Decision is to the Planning Commission.

3. Parking setback. Surface parking is prohibited in a front or corner side yard. Surface parking lots within an interior side yard shall maintain a twenty-five foot (25') landscape setback from the front property line or be located behind the primary structure. Parking structures shall maintain a forty-five foot (45') minimum setback from a front or corner side yard property line or be located behind the primary structure. There are no minimum or maximum setback restrictions on underground parking. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director may modify or waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than 50% if the Planning Director finds the following:

- a. The parking additionparking is compatible with the architecture/design of the original structure or the surrounding architecture.
- b. The parking additionparking is not part of a series of incremental additions intended to subvert the intent of the ordinance
- c. The horizontal landscaping is replaced with vertical screening in the form of berms, plant materials, architectural features, fencing and/or other forms of screening.
- d. The landscaped setback is consistent with the surrounding neighborhood character.
- e. The overall project is consistent with Chapter 21A.59.060.

Appeal of Administrative Decision is to the Planning Commission.

E. **District Location:** The South State Street Corridor Overlay District is the area generally aligned with the State/Main Street corridor from 900 South to 2100 South, within the following approximate boundaries referenced on the Zoning Map:

Commencing 165 feet east of the east right-of-way line at the intersection of 2100 South and State Street, thence north to a point 165 feet east of the right-of-way line at the intersection of 900 South and State Street, thence west to a point 165 feet west of the right-of-way line at the intersection of 900 South and Main Street, thence south to the right-of-way line at 1300 South, thence east to the east right-of-way line at the intersection of 1300 South and Main Street, thence south to the intersection of 2100 South and Main Street, thence east along the north right-of-way line on 2100 South to the point of beginning.

F. Entrance And Visual Access:

1. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front façade, shall not have less than forty percent (40%)

glass surfaces. All first floor glass shall be non-reflective. Display windows that are three-dimensional (3-D) and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director may approve a modification to this requirement, as a routine and uncontested special exception, pursuant to the procedures found in Part II, Chapter 21A.14 of this Title, if the Planning Director finds:

- a. The requirement would negatively impact the historic character of the building,
- b. The requirement would negatively impact the structural stability of the building, or
- c. The ground level of the building is occupied by residential uses, in which case the 40% glass requirement may be reduced to 25%.

Appeal of Administrative Decision is to the Planning Commission.

2. Facades: Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on either any street, if the facades for both all streets meet the forty percent (40%) glass requirement as outlined in section 21A.34.090.F.1.
3. Maximum Length: The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').
4. Screening: All building equipment and service areas, including on-grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

H. Parking lot/structure lighting. If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for the parking lot/structure security lighting are limited to 16 feet in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties.

SECTION 9. The table located at Section 21A.54.150.E.2 of the Salt Lake City Code shall be and hereby is amended to read as set forth on Exhibit "A" attached hereto.

SECTION 10. Section 21A.54.150.E.4 of the Salt Lake City Code shall be and hereby is enacted to read as follows:



**21A.54.150.E.4 Planned developments within the RB, RMU, MU, CN, CB, and CSHBD zoning districts and the South State Street Overlay. Also planned developments within the CS zoning district, when the district is adjacent to more than 60% residential zoning (within 300 feet, either on the same block or across the street).**

**Planned developments within these zoning districts may be approved subject to consideration of the following general conceptual guidelines (a positive finding for each is not required):**

- a. **The development shall be primarily oriented to the street, not an interior courtyard or parking lot,**
- b. **The primary access shall be oriented to the pedestrian and mass transit,**
- c. **The 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 their impact on the neighborhood,**
- f. **Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods,**
- g. **Dumpsters and loading docks shall be appropriately screened or located within the structure, and**
- h. **Signage shall emphasize the pedestrian/mass transit orientation.**

SECTION 11. Chapter 21A.59 of the Salt Lake City Code shall be and hereby is

enacted to read as follows:

#### **21A.59 Conditional building and site design review**

##### **21A.59.010 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 while acknowledging the need for transit and automobile access.**

**21A.59.020 Authority:**

**Design review shall be required pursuant to the provisions of this chapter for uses as specified within individual zoning districts before zoning certificates, building permits or certificates of occupancy may be issued.**

**A. The 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.**

**B. The Planning Commission may modify individual design requirements for specific projects if they find that the intent of the basic design criteria of the zoning district has been met.**

**21A.59.030 Scope Of Application:**

**Design review approval shall be required for all permitted uses, conditional uses and accessory uses when specifically authorized and referenced by individual zoning districts.**

**21A.59.040 Scope Of Modifications Authorized:**

**The authority of the Planning Commission through the design review process shall be limited to modification of the specific element referenced within each zoning district.**

**21A.59.050 Application Requirements:**

**Each application for design review shall include the same information as required for site plan review as identified in 21A.58.060**

**21A.59.060 Standards For Design Review:**

**In addition to standards provided in other sections of this title for specific types of approval, the following standards shall be applied to all applications for design review:**

- 1. The development shall be primarily oriented to the street, not an interior courtyard or parking lot,**
- 2. The primary access shall be oriented to the pedestrian and mass transit,**
- 3. The 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 their 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 structure, and
8. Signage shall emphasize the pedestrian/mass transit orientation.

**21A.59.070 Procedures For Design Review:**

**A. Preapplication Conference: Before filing an application for design review, the applicant is encouraged to confer with the Development Review Team (DRT) regarding the general proposal. Such action does not require formal application fees, or filing of a site plan, or landscape plan and is not to be construed as an application for formal approval. No representation made by the Planning Director, the DRT or other city departments during such conference shall be binding upon the city with respect to an application subsequently submitted.**

**B. Fees: Every Design Review application shall be accompanied by a fee as established in the fee schedule, Chapter 21A.64 of this title.**

**C. Submission Of Final Plans - Review And Approval:**

**1. Planning Commission Review: After the plans and related materials and fees have been submitted pursuant to section 21A.59.050 of this chapter, and the application has been determined by the Planning Director to be complete pursuant to section 21A.10.010 of this title, the application shall be reviewed and processed through the Planning Commission in coordination with the appropriate city departments. If the plan is approved, the Planning Director shall certify approval and state the conditions of such approval, if any. If the design is disapproved, the Planning Director shall indicate reasons for such in writing to the applicant.**

**2. Appeal Of Planning Commission Decision: Any appeal of the Planning Commission decision shall be made to the Land Use Appeals Board, pursuant to Chapter 21A.16 of this title.**

**3. Certification By Planning Commission: The decisions of the Planning Commission approving the application shall be noted on all copies of applicable plans to be retained in the record, including any changes or conditions required as part of the design review approval. One such copy shall be returned to the**

applicant, and others retained as required for records or further action by the Planning Commission or other affected agencies of the city.

4. Building Permits: Building permits shall be issued in accordance with approved plans. A copy of the approved plan shall be retained in the records of the office of the division of building services and licensing and all building and occupancy permits shall conform to the provisions of the approved design review.

5. Amendments Or Modifications To Approved Design review: Amendments or modifications to approved design review must be submitted to the Planning Director. Such modifications shall be submitted in accordance with the procedures and requirements of this chapter and shall be distributed to the appropriate departments for review. The Planning Director may waive this requirement if the Planning Director determines that such modification of the original design review has no significant impact upon the original proposal and still remains in conformance with design concepts approved by the Planning Commission.

6. Time Limit On Approval: Approval of design review shall be void unless a building permit has been issued or use of the land has commenced within twelve (12) months from the date of approval. Upon request, revalidation of the site plan may be granted for an additional twelve (12) months if all factors of the original design review are the same. The extension shall be considered by the applicable approval authority without additional public notice. The written notice requesting revalidation shall be received by the Planning Director prior to expiration of the original twelve (12) month period.

#### 21A.44.020 General Off-Street Parking requirements

8. Pedestrian Access: All surface parking lots in excess of 30 parking stalls shall provide a clear pedestrian pathway from the parking lot to the entry of the building or the public sidewalk.

SECTION 12. The Fee Schedule set forth in Section 21A.64.010 of the Salt Lake City Code shall be and hereby is amended to include a fee for conditional building and site design review of \$300 plus \$100 per acre in excess of one acre.

SECTION 13. Effective Date. This ordinance shall become effective ~~on~~ four months from the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_\_ day of  
\_\_\_\_\_, 2004.

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2004.

Published: \_\_\_\_\_.

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2004

(Amending the Salt Lake City Code to require that parking lots  
be located behind buildings, rather than on street frontage,  
in all community oriented commercial and mixed use zones)

AN ORDINANCE AMENDING THE SALT LAKE CITY CODE REQUIRING  
THAT ALL PARKING LOTS BE LOCATED BEHIND BUILDINGS, RATHER THAN  
ON STREET FRONTAGE, IN ALL COMMUNITY ORIENTED COMMERCIAL AND  
MIXED USE ZONES, PURSUANT TO PETITION NO. 400-00-52.

WHEREAS, the City is anxious to encourage new development in community  
oriented commercial and mixed use zones which would focus upon and emphasize the  
buildings' relationship to pedestrians and mass transit, more than to automobiles; and

WHEREAS, the proposed changes to the Salt Lake City zoning ordinance set  
forth herein would encourage buildings to be built near the front of the property (rather  
than the rear), and would encourage a high degree of interaction with the sidewalk  
(windows and doors), and place parking in a secondary position (in the side or rear yard);  
and

WHEREAS, the proposed ordinance also allows flexibility for those unique  
situations where pedestrian and transit friendly development does not work effectively;  
and

WHEREAS, after public hearings before the Planning Commission and the City  
Council, the Salt Lake City Council has determined that the proposed changes to the Salt  
Lake City zoning code are in the best interest of the City;

WHEREAS, No building constructed prior to the adoption of this ordinance shall  
be considered non-complying or non-conforming;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Section 21A.10.020.B.3 of the Salt Lake City Code shall be and hereby is amended to read as follows:

**3. Notification To Recognized And Registered Organizations:** The City shall give notification a minimum of fourteen (14) calendar days in advance of the public hearing by first-class mail to any organization which is entitled to receive notice pursuant to Chapter 2.62 of this Code.

~~If the conditional use also requires design review, the Planning Commission shall give public notification of its meeting(s) to consider the application in the same manner as set forth in this Section.~~

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SECTION 2. Section 21A.10.020.C of the Salt Lake City Code shall be and hereby is amended to read as follows:

~~**C. Applications Requiring Design Review Only:** The Planning Commission shall hold at least one public hearing to review, consider and approve, approve with conditions, or deny the application after the following public notification:~~

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~~**1. Mailing:** Notice by first class mail shall be provided a minimum of fourteen (14) calendar days in advance of the Planning Commission's public hearing, to all owners of the land, as shown on the latest published property tax records of the County Assessor, included in the application requiring design review, as well as to all owners of land, as shown on the latest published property tax records of the County Assessor, within one hundred feet (100') (exclusive of intervening streets), of the periphery of the land subject to the application requiring design review. Notice shall be given to each individual property owner if an affected property is held in condominium ownership.~~

~~**2. Notification To Recognized And Registered Organizaitons:** The City shall give notification a minimum of fourteen (14) calendar days in advance of the Planning Commission's meeting by first class mail to any organization which is entitled to receive notice pursuant to Chapter 2.62 of this Code.~~

**C. Conditional building and site design review: The Planning Commission shall consider requests for conditional building and site review at a public hearing if there is an expression of interest after**



providing notice as follows: The Planning Director shall provide written notice a minimum of fourteen (14) days in advance, of the requested action to all owners of the land subject to the application, as shown on the latest published property tax records of the County Assessor, included in the application, as well as to the Planning Commission and to all owners of land as shown on the latest published property tax records of the County Assessor adjacent to and contiguous with the land subject to the application. The City shall also provide notification to any organization which is entitled to receive notice pursuant to Chapter 2.62 of this code. The land subject to the application shall be posted by the City with a sign giving notice of the pending action at least ten (10) calendar days in advance of the action. At the end of the fourteen (14) day notice period, if there are requests for a public hearing, the Planning Commission will schedule a public hearing and consider the issue; if there are no requests for a public hearing, the Planning Commission is authorized to direct the Planning Director to address the issue administratively.

**Deleted:** The Planning Commission may delegate authority for approval to the Planning Director or designee. Prior to the approval of a decision for conditional building and site design review,

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If the Planning Commission holds a public hearing, the Planning Director shall provide written notice a minimum of fourteen (14) days in advance, of the public hearing to all owners of the land subject to the application, as shown on the latest published property tax records of the County Assessor, included in the application, as well as to the Planning Commission and to all owners of land as shown on the latest published property tax records of the County Assessor adjacent to and contiguous with the land subject to the application. The City shall also provide notification to any organization which is entitled to receive notice pursuant to Chapter 2.62 of this code. The land subject to the application shall be posted by the City with a sign giving notice of the pending action at least ten (10) calendar days in advance of the public hearing.

**Deleted:** shall

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**Deleted:** or refer the application to the Planning Commission.

In the event that the City and applicant are aware of advanced interest in the project. The applicant may request to forgo the time frame for determining interest and request a public hearing with the Planning Commission

**Deleted:** ¶

SECTION 3. Section 21A.24.160 of the Salt Lake City Code shall be and hereby is amended to read as follows:

**21A.24.160 RB Residential/Business District.**

- A. **Purpose Statement.** The purpose of the RB residential/business district is to provide for limited commercial use opportunities within existing residential areas located along higher volume streets while preserving the attractiveness of the area for single-family

residential use. **Such commercial areas are intended to be pedestrian and transit oriented, while acknowledging the need for automobile access. Building design should be focused on compatibility with a residential setting.**

Deleted: primarily

- B. Uses. Uses in the RB residential/business district as specified in the Table of Permitted and Conditional Uses for Residential Districts found at Section 21A.24.190, are permitted subject to the general provisions set forth in Section 21A.24.010 and this section.

- C. **Planned Development Review: Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the Planning Commission pursuant to the provisions of Section 21A.54.150 of this Title.**

- ~~C~~D. **Minimum Lot Area and Lot Width.** The minimum lot areas and lot widths required in this district are as follows:

Land Use	Minimum Lot Area	Minimum Lot Width
1. Single-family detached dwellings	5,000 sq. ft.	50 ft.
2. Two-family dwellings	8,000 sq. ft.	50 ft.
3. Retail goods establishments, when located within an existing building originally designed for residential use	5,000 sq. ft.	50 ft.
4. Retail service establishments, when located within an existing building originally designed for residential use	5,000 sq. ft.	50 ft.
5. Offices, when located within an existing building originally designed for residential use	5,000 sq. ft.	50 ft.
6. A single dwelling unit located above first floor retail or office uses.	Included in principle use.	Included in principle use.
7. Natural open space and conservation areas, public and private	No Minimum	No Minimum
8. Public pedestrian pathways, trails and greenways	No Minimum	No Minimum
9. Utility substations and buildings	5,000 sq. ft.	50 ft.
10. Municipal service uses, including City utility uses and police and fire stations	No Minimum	No Minimum

11.Places of worship less than 4 acres in size	5,000 sq. ft.	50 ft.
12.Public/private utility transmission wires, lines, pipes and poles	No Minimum	No Minimum
13.Other permitted or conditional uses as listed in Section 21A.24.190.	5,000 sq. ft.	50 ft.

**DE. Maximum Building Height.** The maximum building height permitted in this district is thirty feet or two and one-half stories, whichever is less.

**EF. Minimum Yard Requirements.**

1. **Front Yard.** Twenty percent of lot depth, but need not exceed twenty-five feet. For buildings legally existing on April 12, 1995, the front yard shall be no greater than the existing yard.
2. **Corner Side Yard.** Ten feet. For buildings legally existing on April 12, 1995, the corner side yard shall be no greater than the existing yard.
3. **Interior Side Yard.** Six feet; provided, that on interior lots one yard must be at least ten feet. For buildings legally existing on April 12, 1995, the required yard shall be no greater than the existing yard.
4. **Rear Yard.** Twenty-five percent of the lot depth, but the yard need not exceed thirty feet.
5. **Accessory Building and Structures in Yards.** Accessory buildings and structures may be located in a required yard subject to Part IV, Chapter 21A.36, Section 21A.36.20B, Table 21A.36.020B, Obstructions in Yards.
6. **Parking in required yard area.** No parking is allowed within the front or corner side yard.

**FG. Required Landscape Yards.** All front and corner side yards shall be maintained as landscape yards.

**GH. Maximum Building Coverage.** The surface coverage of all principal and accessory buildings shall not exceed fifty percent of the lot area.

**HI. Design Standards.** All principal buildings constructed or remodeled after April 12, 1995, shall conform to the following design standards:

1. All roofs shall be of a hip or gable design, except additions or expansions to existing buildings may be of the same roof design as the original building;
2. The remodeling of residential buildings for retail or office use shall be allowed only if the residential character of the exterior is maintained;
3. The front building elevation shall contain not more than fifty percent glass;
4. Special sign regulations of Part IV, Chapter 21A.46, Signs;
5. Building orientation shall be to the front or corner side yard; and

6. Building additions shall consist of materials, color and exterior building design consistent with the existing structure, unless the entire structure is resurfaced.

7. **No parking is allowed within the front or corner side yard.**

**H. New Nonresidential Construction.** Construction of a new principal building, parking lot or addition to an existing building for a nonresidential use that includes the demolition of a residential structure shall only be approved as a conditional use pursuant to Part V, Chapter 21A.54, Conditional Uses, and subject to the design standards of subsection I of this section; provided, that in such cases the planning commission finds that the applicant has adequately demonstrated the following:

1. The location of the residential structure is impacted by surrounding nonresidential structures to the extent that it does not function as a contributing residential element to the residential-business neighborhood (RB district); and
2. The property is isolated from other residential structures and does not relate to other residential structures within the residential-business neighborhood (RB district); and the design and condition of the residential structure is such that it does not make a material contribution to the residential character of the neighborhood.

**J. Parking lot/structure lighting. If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for parking lot/structure security lighting are limited to 16 feet in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties.**

SECTION 4. Section 21A.24.170 of the Salt Lake City Code shall be and hereby is amended to read as follows:

**21A.24.170 R-MU residential/mixed use district.**

A. **Purpose Statement.** The purpose of the R-MU residential/mixed use district is to reinforce the residential character of the area and encourage the development of areas as high density residential urban neighborhoods containing supportive retail, service commercial, and small scale office uses. The design guidelines are intended to facilitate the creation of a walkable urban neighborhood with an emphasis on pedestrian scale activity while acknowledging the need for transit and automobile access.

**Deleted:** implement the objectives of the adopted East Downtown master plan through district regulations that

B. **Uses.** Uses in the R-MU residential/mixed use district as specified in the Table of Permitted and Conditional Uses for Residential Districts found at Section 21A.24.190, are permitted subject to the general provisions set forth in Section 21A.24.010 and this section.

C. **Planned Development Review: Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the Planning Commission pursuant to the provisions of Section 21A.54.150 of this Title.**

~~CD~~ **Minimum Lot Area and Lot Width.** The minimum lot areas and lot widths required in this district are as follows:

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	Land Use	Minimum Lot Area	Minimum Lot Width
1.	Single-family detached dwellings	5,000 sq. ft.	50 ft.
2.	Single-family attached dwellings	3,000 sq. ft. per dwelling unit	22 ft. for interior lot 32 ft. for corner lot
3.	Two-family dwellings	8,000 sq. ft.	50 ft.
4.	Twin home dwellings	4,000 sq. ft. per dwelling unit	25 ft.
5.	Multifamily dwellings	No minimum lot area required	50 ft.
6.	Nonresidential uses	No minimum	No minimum
7.	Natural open space and		

	conservation areas, public and private	No minimum	No minimum
8.	Public pedestrian pathways, trails and greenways	No minimum	No minimum
9.	Utility substations and buildings	5,000 sq. ft.	50 ft.
10.	Municipal service uses, including city utility uses and police and fire stations	No minimum	No minimum
11.	Places of worship less than four acres in size	5,000 sq. ft.	50 ft.
12.	Public/private utility transmission wires, lines, pipes and poles	No minimum	No minimum
13.	Other permitted or con- ditional uses as listed in Section 21A.24.190	5,000 sq. ft.	50 ft.

**DE. Minimum Yard Requirements.**

**1. Single-Family Detached Dwellings.**

- a. **Front Yard.** Fifteen feet.
- b. **Corner Side Yard.** Ten feet.
- c. **Interior Side Yard.**
  - i. **Corner Lots.** Four feet.
  - ii. **Interior Lots.** Four feet on one side and ten feet on the other.
- d. **Rear Yard.** Twenty-five percent of the lot depth, but need not be more than twenty feet.

**2. Single-Family Attached, Two-Family and Twin Home Dwellings.**

- a. **Front Yard.** Fifteen feet.
- b. **Corner Side Yard.** Ten feet.
- c. **Interior Side Yard.**
  - i. **Single-Family Attached.** No yard is required, however if one is provided it shall not be less than four feet.
  - ii. **Two-Family.**
    - (A) **Interior Lot.** Four feet on one side and ten feet on the other.
    - (B) **Corner Lot.** Four feet.
  - iii. **Twin Home.** No yard is required along one side lot line. A ten-foot yard is required on the other.

d. **Rear Yard.** Twenty-five percent of lot depth or twenty-five feet, whichever is less.

**3. Multifamily Dwellings and Any Other Residential Uses.**

- a. **Front Yard.** No setback is required.
- b. **Corner Side Yard.** No setback is required.
- c. **Interior Side Yard.** No setback is required.
- d. **Rear Yard.** Twenty-five percent of lot depth, but need not exceed thirty feet.

**4. Nonresidential Development.**

- a. **Front Yard.** No setback is required.
- b. **Corner Side Yard.** No setback is required.
- c. **Interior Side Yard.** No setback is required.
- d. **Rear Yard.** Twenty-five percent of lot depth, but need not exceed thirty feet.

5. Lots legally existing on the effective date of the ordinance codified in this title, April 12, 1995, shall be considered legal conforming lots.

6. For multiple unit residential uses, nonresidential and mixed uses, no minimum lot area is required. In addition, no yards or landscaped setbacks are required; ~~provided, that no front yard or corner side yard shall exceed fifteen feet and,~~ **except** where interior side yards are provided, they shall not be less than four feet. ~~If parking is located in the front or corner side yard of the building, then a fifteen-foot landscaped setback is required.~~

7. For buildings legally existing on the effective date of the ordinance codified in this title, required yards shall be no greater than the established setback line.

8. **Maximum setback. A maximum setback is required for at least twenty five percent (25%) of the building façade. The maximum setback is 10 feet greater than the minimum setback or 15 feet if no minimum setback is required. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director, in consultation with the Transportation Director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The Planning Director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than 50% if the Planning Director finds the following:**

- a. **The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.**
- b. **The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.**

**Appeal of Administrative Decision is to the Planning Commission.**

9. Parking setback. Surface parking is prohibited in a front or corner side yard. Surface parking lots within an interior side yard shall maintain a thirty foot (30') landscape setback from the front property line or be located behind the primary structure. Parking structures shall maintain a forty five foot (45') minimum setback from a front or corner side yard property line or be located behind the primary structure. There are no minimum or maximum setback restrictions on underground parking. The Planning Director may modify or waive this requirement if the Planning Director finds the following:

- a. The parking addition is compatible with the architecture/design of the original structure or the surrounding architecture.
- b. The parking addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.
- c. The horizontal landscaping is replaced with vertical screening in the form of berms, plant materials, architectural features, fencing and/or other forms of screening.
- d. The landscaped setback is consistent with the surrounding neighborhood character.
- e. The overall project is consistent with Chapter 21A.59.060.

Appeal of Administrative Decision is to the Planning Commission.

**Deleted:** Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission.

**Deleted:** for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than 50%

**EF. Maximum Building Height.** The maximum building height shall not exceed seventy-five feet, except that nonresidential buildings and uses shall be limited by subsections E1 and 2 of this section. Buildings taller than seventy-five feet, up to a maximum of one hundred twenty-five feet, may be authorized as conditional uses, subject to the requirements of Part V, Chapter 21A.54, Conditional Uses; and provided, that the proposed conditional use is located within the one-hundred-twenty-five-foot height zone of the height map of the East Downtown master plan.

1. **Maximum Height for Nonresidential Buildings.** Three stories or forty-five feet, whichever is less.

2. **Maximum Floor Area Coverage of Nonresidential Uses in Mixed Use Buildings of Residential and Nonresidential Uses.** Three floors.

**FG. Minimum Open Space.** For residential uses and mixed uses containing residential use, not less than twenty percent of the lot area shall be maintained as open space. This open space may take the form of landscape yards or plazas and courtyards, subject to site plan review approval.

**GH. Landscape Yards.** All front and corner side yards provided, ~~up to fifteen feet in depth,~~ shall be maintained as a landscape yard in conformance with Part IV, Chapter 21A.48, Landscaping and Buffers.

**HI. Landscape Buffers.** Where a lot in the R-MU district abuts a lot in a single-family or two-family residential district, landscape buffers shall be provided as required in Part IV, Chapter 21A.48, Landscaping and Buffers.

**IJ. Entrance And Visual Access:**



1. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front façade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be non-reflective. Display windows that are three-dimensional (3-D) and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director, in consultation with the Transportation Director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The Planning Director may approve a modification to this requirement, if the Planning Director finds:

- a. The requirement would negatively impact the historic character of the building,
- b. The requirement would negatively impact the structural stability of the building, or
- c. The ground level of the building is occupied by residential uses, in which case the 40% glass requirement may be reduced to 25%.

Appeal of Administrative decision is to the Planning Commission.

2. Facades: Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on any street, if the facades for all streets meet the forty percent (40%) glass requirement as outlined in section 21A.24.170.J.1.
3. Maximum Length: The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').
4. Screening: All building equipment and service areas, including on-grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

Deleted: as a routine and uncontested special exception, pursuant to the procedures found in Part II, Chapter 21A.14 of this Title,

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JK. Parking lot/structure lighting. If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for parking lot/structure security lighting are limited to 16 feet in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties.

SECTION 5. Section 21A.26.020 of the Salt Lake City Code shall be and hereby is amended to read as follows:

21A.26.020 CN Neighborhood Commercial District:

A. **Purpose Statement:** The CN Neighborhood Commercial District is intended to provide for small scale commercial uses that can be located within residential neighborhoods without having significant impact upon residential uses. The design guidelines are intended to reinforce the historical scale and ambiance of traditional neighborhood retail that is designed with the pedestrian as the primary user while ensuring adequate transit and automobile access.

B. **Uses:** Uses in the CN Neighborhood Commercial District as specified in the Table of Permitted and Conditional Uses for Commercial Districts found at Section 21A.26.080 of this Chapter, are permitted subject to the general provisions set forth in Section 21A.36.010 of this Title and this Section.

C. **Planned Development Review:** Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the Planning Commission pursuant to the provisions of Section 21A.54.150 of this Title.

**CD. Lot Size Requirements:** No minimum lot area or lot width is required. No lot shall be larger than sixteen thousand five hundred (16,500) square feet.

**DE. Maximum District Size:** The total area of a contiguously mapped CN District shall not exceed ninety thousand (90,000) square feet, excluding all land in public rights of way.

**EF. Minimum Yard Requirements:**

1. **Front Or Corner Side Yard:** A fifteen foot (15') minimum front or corner side yard shall be required. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission.
2. **Interior Side Yard:** None required.
3. **Rear Yard:** Ten feet (10').
4. **Buffer Yards:** Any lot abutting a lot in a residential district shall conform to the buffer yard requirements of Part IV, Chapter 21A.48 of this Title.
5. **Accessory Buildings And Structures In Yards:** Accessory buildings and structures may be located in a required yard subject to Table 21A.36.020B of this Title.
6. **Maximum setback.** A maximum setback is required for at least sixty five percent (65%) of the building façade. The maximum setback is twenty five feet (25'). Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director, in consultation with the Transportation Director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The Planning Director may waive this requirement for any addition, expansion, or intensification, which

**Deleted:** Exceptions to this requirement may be authorized as a conditional use, subject to the requirements of Part V, Chapter 21A.54 of this title, and the review and approval of the Planning Commission.

increases the floor area or parking requirement by less than 50% if the Planning Director finds the following:

- a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.
- b. The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.

Appeal of Administrative Decision is to the Planning Commission.

7. Parking setback. Surface parking is prohibited in a front or corner side yard. Surface parking lots within an interior side yard shall maintain a thirty foot (30') landscape setback from the front property line or be located behind the primary structure. Parking structures shall maintain a forty five foot (45') minimum setback from a front or corner side yard property line or be located behind the primary structure. There are no minimum or maximum setback restrictions on underground parking. The Planning Director may modify or waive this requirement if the Planning Director finds the following:

- a. The parking addition is compatible with the architecture/design of the original structure or the surrounding architecture.
- b. The parking addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.
- c. The horizontal landscaping is replaced with vertical screening in the form of berms, plant materials, architectural features, fencing and/or other forms of screening.
- d. The landscaped setback is consistent with the surrounding neighborhood character.
- e. The overall project is consistent with Chapter 21A.59.060.

Appeal of Administrative Decision is to the Planning Commission.

FG. Landscape Yard Requirements: Front and corner side yards shall be maintained as landscape yards. Subject to site plan review approval, part or all of the landscape yard may be a patio or plaza, conforming to the requirements of Section 21A.48.090 of this Title.

GH. Maximum Height: Twenty five feet (25') or two and one-half (2 1/2) stories, whichever is less.

HI. Entrance And Visual Access:

1. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front façade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be non-reflective. Display windows that are three-dimensional (3-D) and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director may approve a modification to this requirement if the Planning Director finds:

**Deleted:** Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission.

**Deleted:** for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than 50%

**Deleted:** , as a routine and uncontested special exception, pursuant to the procedures found in Part II, Chapter 21A.14 of this Title,

- a. The requirement would negatively impact the historic character of the building, or
- b. The requirement would negatively impact the structural stability of the building.

Appeal of Administrative Decision is to the Planning Commission.

2. Facades: Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on any street, if the facades for all streets meet the forty percent (40%) glass requirement as outlined in Section 21A.26.020.I.1.
3. Maximum Length: The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').
4. Screening: All building equipment and service areas, including on-grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

Deleted: either

Deleted: both

IJ. Parking lot/structure lighting. If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for the parking lot/structure security lighting are limited to 16 feet in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties.

SECTION 6. Section 21A.26.030 of the Salt Lake City Code shall be and hereby is amended to read as follows:

**21A.26.030 CB Community Business District:**

A. **Purpose Statement:** The CB Community Business District is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods. The design guidelines are intended to facilitate retail that is pedestrian in its orientation and scale, while also acknowledging the importance of transit and automobile access to the site.

B. **Uses:** Uses in the CB Community Business District as specified in the Table of Permitted and Conditional Uses for Commercial Districts found at Section 21A.26.080 of this Chapter are permitted subject to the general provisions set forth in Section 21A.26.010 of this Chapter and this Section.

C. **Planned Development Review:** Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the Planning Commission pursuant to the provisions of Section 21A.54.150 of this Title.

**CD. Lot Size Requirements:** No minimum lot area or lot width is required, however any lot exceeding four (4) acres in size shall be allowed only as a conditional use.

**DE. Maximum Building Size:** Any building having a fifteen thousand (15,000) gross square foot floor area of the first floor or a total floor area of twenty thousand (20,000) gross square feet or more, shall be allowed only as a conditional use. An unfinished basement used only for storage or parking shall be allowed in addition to the total square footage.

**EE. Minimum Yard Requirements:**

**1. Front Or Corner Side Yard:** No minimum yard is required ~~unless parking is provided between the building and the front or corner side yard lot line. Where parking is provided between the building and the front or corner side yard lot line, such parking shall be set back fifteen feet (15') and the fifteen foot (15') setback shall be landscaped conforming to the requirements of Section 21A.48.090 of this Title.~~ If a front yard is provided, it shall comply with all provisions of this Title applicable to front or corner side yards, including landscaping, fencing, and obstructions.

**2. Interior Side Yard:** None required.

**3. Rear Yard:** Ten feet (10').

**4. Buffer Yards:** Any lot abutting a lot in a residential district shall conform to the buffer yard requirements of Part IV, Chapter 21A.48 of this Title.

**5. Accessory Buildings And Structures In Yards:** Accessory buildings and structures may be located in a required yard subject to Table 21A.36.020B of this Title.

**6. Maximum setback.** A maximum setback is required for at least seventy five percent (75%) of the building façade. The maximum setback is fifteen feet (15'). Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director, in consultation with the Transportation Director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The Planning Director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than 50% if the Planning Director finds the following:

- a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.
- b. The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.

Appeal of Administrative Decision is to the Planning Commission.

**7. Parking setback.** Surface parking is prohibited in a front or corner side yard. Surface parking lots within an interior side yard shall maintain a twenty foot (20') landscape setback from the front property line or be located behind the primary structure. Parking structures shall maintain a thirty five foot (35') minimum setback from a front or corner side yard property line or be located behind the

primary structure. There are no minimum or maximum setback restrictions on underground parking. The Planning Director may modify or waive this requirement if the Planning Director finds the following:

- a. The parking addition is compatible with the architecture/design of the original structure or the surrounding architecture.
- b. The parking addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.
- c. The horizontal landscaping is replaced with vertical screening in the form of berms, plant materials, architectural features, fencing and/or other forms of screening.
- d. The landscaped setback is consistent with the surrounding neighborhood character.
- e. The overall project is consistent with Chapter 21A.59.060.

Appeal of Administrative Decision is to the Planning Commission.

**Deleted:** Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission.

**Deleted:** for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than 50%

**FG. Landscape Yard Requirements:** If a front or corner side yard is provided, such yard shall be maintained as a landscape yard. The landscape yard can take the form of a patio or plaza, subject to site plan review approval.

**GH. Maximum Height:** Thirty feet (30') or two (2) stories, whichever is less.

**HI. Entrance And Visual Access:**

1. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front façade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be non-reflective. Display windows that are three-dimensional (3-D) and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director may approve a modification to this requirement if the Planning Director finds:

- a. The requirement would negatively impact the historic character of the building,
- b. The requirement would negatively impact the structural stability of the building, or
- c. The ground level of the building is occupied by residential uses, in which case the 40% glass requirement may be reduced to 25%.

Appeal of Administrative Decision is to the Planning Commission.

**Deleted:** , as a routine and uncontested special exception, pursuant to the procedures found in Part II, Chapter 21A.14 of this Title.

2. Facades: Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on any street, if the facades for all streets meet the forty percent (40%) glass requirement as outlined in Section 21A.26.030.I.1.

**Deleted:** either

**Deleted:** both

3. Maximum Length: The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').
4. Screening: All building equipment and service areas, including on-grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

IJ. Parking lot/structure lighting. If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for the parking lot/structure security lighting are limited to 16 feet in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties.

SECTION 7. Section 21A.32.130 of the Salt Lake City Code shall be and hereby is amended to read as follows:

**21A.32.130 MU mixed use district.**

A. **Purpose.** The purpose of the MU mixed use district is to encourage the development of areas as a mix of compatible residential and commercial uses. The district is to provide for limited commercial use opportunities within existing mixed use areas while preserving the attractiveness of the area for residential use. The district is intended to provide a higher level of control over nonresidential uses to ensure that the use and enjoyment of residential properties is not substantially diminished by nonresidential redevelopment. The intent of this district shall be achieved by designating certain non-residential uses as conditional uses within the mixed use district and requiring future development and redevelopment to comply with established standards for compatibility and buffering as set forth in this section. The design guidelines are intended to facilitate walkable communities that are pedestrian and mass transit oriented while still insuring adequate automobile access to the site.

B. **Permitted Uses.** Uses in the MU mixed use district as specified in the Table of Permitted and Conditional Uses for Special Purpose Districts found at Section 21A.32.140, are permitted subject to the provisions set forth in Section 21A.32.010 and Section 21A.32.130.

C. **Planned Development Review: Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections may be approved by the Planning Commission pursuant to the provisions of Section 21A.54.150 of this Title.**

**CD. Minimum Lot Area and Width.** The minimum lot areas and lot widths required in this district are as follows:

	<b>Land Use</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>
1.	Single-family detached dwellings	4,000 sq. ft.	40 ft.
2.	Single-family attached dwellings	3,000 sq. ft. per dwelling unit	22 ft. for interior lot 32 ft. for corner lot
3.	Two-family dwellings	6,000 sq. ft.	40 ft.
4.	Twin home dwelling unit	3,000 sq. ft. per	20 ft.
5.	Multifamily dwellings	9,000 sq. ft. + & (3 to 14 units)	50 ft.
6.	Multifamily dwellings (15 or more)	17,500 sq. ft. + &	80 ft.
7.	Nonresidential uses	No minimum	No minimum
8.	Natural open space and conservation areas, public and private	No minimum	No minimum
9.	Pedestrian pathways, trails and greenways	No minimum	No minimum
10.	Utility substations and buildings	5,000 sq. ft.	50 ft.
11.	Municipal service uses, including city utility uses and police and fire stations	5,000 sq. ft.	50 ft.
12.	Places of worship less than 4 acres in size	5,000 sq. ft.	50 ft.
13.	Public/private utility transmission wires, lines pipes, and poles	No minimum	No minimum
14.	Other permitted or conditional uses as listed in Section 21A.32.140.	5,000 sq. ft.	50 ft.

**Qualifying Provisions:**

+ 9,000 sq. ft. for 3 units; plus 800 sq. ft. for each additional dwelling unit up to and including 14 dwelling units. 17,500 sq. ft. for 15 units; plus 750 sq. ft. for each additional dwelling unit up to one acre. For developments greater than one acre 800 sq. ft. for each dwelling unit is required.

**& Density Bonus.** When the minimum open space requirement is increased to thirty percent (30%); or when eighty percent (80%) or more of the off-street parking is structured parking within the principal building or underground; or when a combined ratio of increased open space and structured parking within the principal building or underground is provided, the minimum lot area required, subject to site plan review approval, shall be as follows:

9,000 sq. ft. for 3 units; plus 800 sq. ft. for each additional dwelling unit up to and including 14 dwelling units. 17,500 sq. ft. for 15 units; plus 650 sq. ft. for each additional



dwelling unit up to one acre. For developments greater than one acre, 700 sq. feet per dwelling unit is required.

**DE. Minimum Yard Area Requirements.**

1. **Single-Family Detached, Single-Family Attached, Two-Family, and Twin Home Dwellings.**
  - a. **Front Yard:** Ten feet (10').
  - b. **Corner Side Yard:** Ten feet (10').
  - c. **Interior Side Yard:**
    - i. **Corner Lots:** Four feet (4').
    - ii. **Interior Lots:**
  - (A) **Single-Family Attached:** No yard is required, however if one is provided it shall not be less than four feet (4').
  - (B) **Single-Family Detached, Two-Family And Twin Home Dwellings:** Four feet (4') on one side and ten (10) on the other.
  - d. **Rear Yard:** Twenty five percent (25%) of the lot depth, but need not be more than twenty feet (20').
2. **Multi-Family Dwellings, Including Mixed Use Buildings With Less Than Twenty Five Percent Nonresidential Uses:**
  - a. **Front Yard:** Ten feet (10') minimum ~~with a twenty foot (20') maximum.~~
  - b. **Corner Side Yard:** Ten feet (10').
  - c. **Interior Side Yard:** Ten feet (10').
  - d. **Rear Yard:** Twenty five percent (25%) of the lot depth, but need not exceed thirty feet (30'), however, if one hundred percent (100%) of the off-street parking is provided within the principal building and/or underground, the minimum required rear yard shall be fifteen feet (15').
3. **Nonresidential Development, Including Mixed Uses With Greater Than Twenty Five Percent Nonresidential Uses:**
  - a. **Front Yard:** Ten feet (10') minimum ~~with a twenty foot (20') maximum.~~
  - b. **Corner Side Yard:** Ten feet (10').
  - c. **Interior Side Yard:** No setback is required.
  - d. **Rear Yard:** Twenty five percent (25%) of lot depth, but need not exceed thirty feet (30').
4. Lots legally existing on the effective date hereof, April 7, 1998, shall be considered legal conforming lots.
5. For additions to buildings legally existing on the effective date hereof, required yards shall be no greater than the established setback line.
6. **Maximum setback. A maximum setback is required for at least seventy-five percent (75%) of the building façade. The maximum setback is twenty feet (20'). Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of**

Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director, in consultation with the Transportation Director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The Planning Director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than 50% if the Planning Director finds the following:

- a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.
- b. The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.

Appeal of Administrative Decision is to the Planning Commission.

7. Parking setback. Surface parking is prohibited in a front or corner side yard. Surface parking lots within an interior side yard shall maintain a twenty five foot (25') landscape setback from the front property line or be located behind the primary structure. Parking structures shall maintain a forty five foot (45') minimum setback from a front or corner side yard property line or be located behind the primary structure. There are no minimum or maximum setback restrictions on underground parking. The Planning Director may modify or waive this requirement if the Planning Director finds the following:

- a. The parking addition is compatible with the architecture/design of the original structure or the surrounding architecture.
- b. The parking addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.
- c. The horizontal landscaping is replaced with vertical screening in the form of berms, plant materials, architectural features, fencing and/or other forms of screening.
- d. The landscaped setback is consistent with the surrounding neighborhood character.
- e. The overall project is consistent with Chapter 21A.59.060.

Appeal of Administrative Decision is to the Planning Commission.

**Deleted:** Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission

**Deleted:** for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than 50%

**FF. Maximum Building Height:** The maximum building height shall not exceed forty five feet (45'), except that nonresidential buildings and mixed use buildings shall be limited by subsections E1 and E2 of this Section. Buildings taller than forty five feet (45'), up to a maximum of sixty feet (60'), may be authorized as conditional uses, subject to the requirements of Part V, Chapter 21A.54 of this Title, provided that the additional height is for residential uses only.

1. **Maximum Height For Nonresidential Buildings:** Nonresidential buildings shall not exceed thirty feet (30') or two (2) stories, whichever is less.

**2. Maximum Height Of Mixed Use Buildings Of Residential And Nonresidential Uses:** Mixed use buildings shall not exceed forty five feet (45'). Nonresidential uses in a mixed use building are limited to the first two (2) stories.

**FG. Minimum Ground Floor Glass:** The ground floor of the building elevation fronting the street on all nonresidential buildings and uses within the MU Mixed Use District shall contain not less than forty percent (40%) and not more than seventy percent (70%) non-reflective glass surfaces. **Display windows that are three-dimensional (3-D) and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director may approve a modification to this requirement if the Planning Director finds:**

**(A) The requirement would negatively impact the historic character of the building.**

**(B) The requirement would negatively impact the structural stability of the building, or**

**(C) The ground level of the building is occupied by residential uses, in which case the 40% glass requirement may be reduced to 25%.**

**Appeal of Administrative Decision is to the Planning Commission.**

**Deleted: , as a routine and uncontested special exception, pursuant to the procedures found in Part II, Chapter 21A.14 of this Title,**

**GH. Minimum Open Space:** For residential uses and mixed uses containing residential use, not less than twenty percent (20%) of the lot area shall be maintained as open space. This open space may take the form of landscaped yards or plazas and courtyards, subject to site plan review approval.

**HI. Required Landscape Yards:** All front and corner side yards shall be maintained as landscape yards.

**IJ. Landscape Buffers:** Where a nonresidential or mixed use lot abuts a residential or vacant lot within the MU Mixed Use District or any residential district, a ten foot (10') landscape buffer shall be provided subject to the improvement requirements of subsection 21A.48.080D of this Title.

**JK. Nonresidential Use Of A Residential Structure:** The conversion and remodeling of a residential structure to a nonresidential use shall be allowed only if the exterior residential character is maintained.

**KL. New Nonresidential Construction:** Construction of a new principal building for a nonresidential use that includes the demolition of a residential structure or located between two (2) existing residential uses on the same block face shall only be approved as a conditional use pursuant to Part V, Chapter 21A.54 of this Title, unless located on an arterial street.

**L.M. Entrance And Visual Access:**

1. **Facades:** Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on any street, if the facades for all streets meet the forty percent (40%) glass requirement as outlined in Section 21A.32.130.G.
2. **Maximum Length:** The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').
3. **Screening:** All building equipment and service areas, including on-grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

Deleted: either

Deleted: both

**M.N. Parking lot/structure lighting.** If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for parking lot/structure security lighting are limited to 16 feet in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties.

SECTION 8. Section 21A.34.090 of the Salt Lake City Code shall be and hereby is amended to read as follows:

**21A.34.090 SSSC South State Street Corridor Overlay District:**

A. **Purpose:** The purpose of the SSSC South State Street Corridor Overlay District is to acknowledge and reinforce the historical land development patterns along South State Street between 900 South and 2100 South.

B. **Maximum Building Height Exemption:** Buildings located within the BP Business Park Base Zoning District within the SSSC South State Street Corridor Overlay District may exceed the height of the base zoning district to a height ~~of~~, **not to exceed**, six (6) stories or ninety feet (90'), whichever is less.

C. **Maximum Floor Area Ratio Exemption:** Buildings located within the BP Business Park Zoning District within the SSSC South State Street Corridor Overlay District are exempted from the maximum floor area ratio requirements.

**D. Minimum Yard Requirement Exemption:**

1. **Front Yard:** Structures located within the CC Commercial Corridor Base Zoning District and the SSSC South State Street Corridor Overlay District are exempted from the minimum front yard setback requirement. The required fifteen foot (15') landscaped setback applies to all other uses, including open storage, ~~parking lots~~ and vacant land.

**2. Maximum setback. A maximum setback is required for at least thirty five percent (35%) of the building façade. The maximum setback is twenty-five feet (25'). Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than 50% if the Planning Director finds the following:**

- a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.**
- b. The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.**

**Appeal of Administrative Decision is to the Planning Commission.**

**3. Parking setback. Surface parking is prohibited in a front or corner side yard. Surface parking lots within an interior side yard shall maintain a twenty-five foot (25') landscape setback from the front property line or be located behind the primary structure. Parking structures shall maintain a forty-five foot (45') minimum setback from a front or corner side yard property line or be located behind the primary structure. There are no minimum or maximum setback restrictions on underground parking. The Planning Director may modify or waive this requirement if the Planning Director finds the following:**

- a. The parking addition is compatible with the architecture/design of the original structure or the surrounding architecture.**
- b. The parking addition is not part of a series of incremental additions intended to subvert the intent of the ordinance**
- c. The horizontal landscaping is replaced with vertical screening in the form of berms, plant materials, architectural features, fencing and/or other forms of screening.**
- d. The landscaped setback is consistent with the surrounding neighborhood character.**
- e. The overall project is consistent with Chapter 21A.59.060.**

**Appeal of Administrative Decision is to the Planning Commission.**

**Deleted: Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission.**

**Deleted: for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than 50%**

**E. District Location:** The South State Street Corridor Overlay District is the area generally aligned with the State/Main Street corridor from 900 South to 2100 South, within the following approximate boundaries referenced on the Zoning Map:

Commencing 165 feet east of the east right-of-way line at the intersection of 2100 South and State Street, thence north to a point 165 feet east of the right-of-way line at the intersection of 900 South and State Street, thence west to a point 165 feet west of the right-of-way line at the intersection of 900 South and Main Street, thence south to the right-of-way line at 1300 South, thence east to the east right-of-way line at the intersection of 1300 South and Main Street, thence south to the intersection of 2100 South and

Main Street, thence east along the north right-of-way line on 2100 South to the point of beginning.

**F. Entrance And Visual Access:**

1. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front facade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be non-reflective. Display windows that are three-dimensional (3-D) and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The Planning Director may approve a modification to this requirement if the Planning Director finds:

- a. The requirement would negatively impact the historic character of the building,
- b. The requirement would negatively impact the structural stability of the building, or
- c. The ground level of the building is occupied by residential uses, in which case the 40% glass requirement may be reduced to 25%.

Appeal of Administrative Decision is to the Planning Commission.

Deleted: , as a routine and uncontested special exception, pursuant to the procedures found in Part II, Chapter 21A.14 of this Title,

2. Facades: Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on any street, if the facades for all streets meet the forty percent (40%) glass requirement as outlined in section 21A.34.090.F.1.
3. Maximum Length: The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').
4. Screening: All building equipment and service areas, including on-grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

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**H. Parking lot/structure lighting. If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for the parking lot/structure security lighting are limited to 16 feet in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties.**

SECTION 9. The table located at Section 21A.54.150.E.2 of the Salt Lake City

Code shall be and hereby is amended to read as set forth on Exhibit "A" attached hereto.

SECTION 10. Section 21A.54.150.E.4 of the Salt Lake City Code shall be and hereby is enacted to read as follows:

**21A.54.150.E.4 Planned developments within the RB, RMU, MU, CN, CB, and CSHBD zoning districts and the South State Street Overlay. Also planned developments within the CS zoning district, when the district is adjacent to more than 60% residential zoning (within 300 feet, either on the same block or across the street).**

**Planned developments within these zoning districts may be approved subject to consideration of the following general conceptual guidelines (a positive finding for each is not required):**

- a. **The development shall be primarily oriented to the street, not an interior courtyard or parking lot,**
- b. **The primary access shall be oriented to the pedestrian and mass transit,**
- c. **The facade shall maintain detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction,**
- d. **Architectural detailing shall emphasize the pedestrian level of the building,**
- e. **Parking lots shall be appropriately screened and landscaped to minimize their impact on the neighborhood,**
- f. **Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods,**
- g. **Dumpsters and loading docks shall be appropriately screened or located within the structure, and**
- h. **Signage shall emphasize the pedestrian/mass transit orientation.**

SECTION 11. Chapter 21A.59 of the Salt Lake City Code shall be and hereby is enacted to read as follows:

**21A.59 Conditional building and site design review**

**21A.59.010 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 while acknowledging the need for transit and automobile access.**

**21A.59.020 Authority:**

**Design review shall be required pursuant to the provisions of this chapter for uses as specified within individual zoning districts before zoning certificates, building permits or certificates of occupancy may be issued.**

**A. The 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.**

**B. The Planning Commission may modify individual design requirements for specific projects if they find that the intent of the basic design criteria of the zoning district has been met.**

**21A.59.030 Scope Of Application:**

**Design review approval shall be required for all permitted uses, conditional uses and accessory uses when specifically authorized and referenced by individual zoning districts.**

**21A.59.040 Scope Of Modifications Authorized:**

**The authority of the Planning Commission through the design review process shall be limited to modification of the specific element referenced within each zoning district.**

**21A.59.050 Application Requirements:**

**Each application for design review shall include the same information as required for site plan review as identified in 21A.58.060**

**21A.59.060 Standards For Design Review:**

**In addition to standards provided in other sections of this title for specific types of approval, the following standards shall be applied to all applications for design review:**

- 1. The development shall be primarily oriented to the street, not an interior courtyard or parking lot,**
- 2. The primary access shall be oriented to the pedestrian and mass transit,**
- 3. The 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 their 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 structure, and
8. Signage shall emphasize the pedestrian/mass transit orientation.

**21A.59.070 Procedures For Design Review:**

**A. Preapplication Conference:** Before filing an application for design review, the applicant is encouraged to confer with the Development Review Team (DRT) regarding the general proposal. Such action does not require formal application fees, or filing of a site plan, or landscape plan and is not to be construed as an application for formal approval. No representation made by the Planning Director, the DRT or other city departments during such conference shall be binding upon the city with respect to an application subsequently submitted.

**B. Fees:** Every Design Review application shall be accompanied by a fee as established in the fee schedule, Chapter 21A.64 of this title.

**C. Submission Of Final Plans - Review And Approval:**

**1. Planning Commission Review:** After the plans and related materials and fees have been submitted pursuant to section 21A.59.050 of this chapter, and the application has been determined by the Planning Director to be complete pursuant to section 21A.10.010 of this title, the application shall be reviewed and processed through the Planning Commission in coordination with the appropriate city departments. If the plan is approved, the Planning Director shall certify approval and state the conditions of such approval, if any. If the design is disapproved, the Planning Director shall indicate reasons for such in writing to the applicant.

**2. Appeal Of Planning Commission Decision:** Any appeal of the Planning Commission decision shall be made to the Land Use Appeals Board, pursuant to Chapter 21A.16 of this title.

**3. Certification By Planning Commission:** The decisions of the Planning Commission approving the application shall be noted on all copies of applicable plans to be retained in the record, including any changes or conditions required as part of the design review approval. One such copy shall be returned to the

applicant, and others retained as required for records or further action by the Planning Commission or other affected agencies of the city.

4. Building Permits: Building permits shall be issued in accordance with approved plans. A copy of the approved plan shall be retained in the records of the office of the division of building services and licensing and all building and occupancy permits shall conform to the provisions of the approved design review.

5. Amendments Or Modifications To Approved Design review: Amendments or modifications to approved design review must be submitted to the Planning Director. Such modifications shall be submitted in accordance with the procedures and requirements of this chapter and shall be distributed to the appropriate departments for review. The Planning Director may waive this requirement if the Planning Director determines that such modification of the original design review has no significant impact upon the original proposal and still remains in conformance with design concepts approved by the Planning Commission.

6. Time Limit On Approval: Approval of design review shall be void unless a building permit has been issued or use of the land has commenced within twelve (12) months from the date of approval. Upon request, revalidation of the site plan may be granted for an additional twelve (12) months if all factors of the original design review are the same. The extension shall be considered by the applicable approval authority without additional public notice. The written notice requesting revalidation shall be received by the Planning Director prior to expiration of the original twelve (12) month period.

#### 21A.44.020 General Off-Street Parking requirements

8. Pedestrian Access: All surface parking lots in excess of 30 parking stalls shall provide a clear pedestrian pathway from the parking lot to the entry of the building or the public sidewalk.

SECTION 12. The Fee Schedule set forth in Section 21A.64.010 of the Salt Lake City Code shall be and hereby is amended to include a fee for conditional building and site design review of \$300 plus \$100 per acre in excess of one acre.

SECTION 13. Effective Date. This ordinance shall become effective four months from the date of its first publication.

Deleted: on

Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_\_ day of  
\_\_\_\_\_, 2004.

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2004.

Published: \_\_\_\_\_.

## **Public Information Brochure**

### **What is Walkable Communities?**

The Walkable communities ordinance outlines a series of design guidelines that are intended to encourage buildings, or portions of buildings, to be located close to the sidewalk and orient their doors and windows to the sidewalk in order to make commercial areas more pedestrian friendly while still accommodating automobile access. The purpose statements of each zoning district indicate the intent to make pedestrian and transit access as important as automobile access when designing new buildings.

### **Why was it adopted?**

The new zoning amendments legitimize many of our historical neighborhood core areas (in terms of design) while encouraging new commercial projects to incorporate pedestrian features and less like a traditional strip mall which is primarily automobile oriented.

Many of the concepts of walkable communities already exist in the zoning code. For example: maximum setback requirements and percentage of glass requirement already existed in the Downtown and Gateway zoning districts. This new ordinance extends many of these design concepts into neighborhood commercial areas. Some neighborhood commercial areas, such as 15<sup>th</sup> and 15<sup>th</sup>, could not have been rebuilt under the former code. The City wishes to encourage historical methods of development that placed greater emphasis on the pedestrian and transit access, rather than being entirely focused on the automobile.

### **What areas will this ordinance apply to?**

The new ordinance applies these concepts to the Residential Business **RB**, Residential Mixed-Use **RMU**, Neighborhood commercial **CN**, Commercial Business **CB**, Mixed-use **MU** and South State Street Corridor Overlay **SSSC**. Many of the concepts already exist in the Downtown **D-1**, **D-2**, **D-3** and **D-4** and Gateway **GMU** zoning districts.

### **Who does it apply to?**

New construction and major additions that increase the floor area or parking requirements by more than 50 %.

### **What are the permitting processes and the design guidelines?**

- If a project meets the zoning ordinance, a building permit will be issued over the counter without any special review process.
- If there is a need for waiver for some of the design criteria, many of the waivers can occur administratively through approvals by the Planning Director. This does not require a public hearing. The developer is required to illustrate how the intent of the ordinance is being met by responding to the standard outlined in the ordinance.
- Major diversions from the ordinance are reviewed by the Planning Commission through a simplified process requiring notification to adjacent property owners and community groups: No community council presentation is required. If there are no comments, the Planning Commission may direct the Planning Director to approve it administratively. If there are comments, the Planning Commission will hold a public hearing.

### **What are the appeal processes?**

- Administrative decisions are appealed to the Planning Commission.
- Planning Commission decisions are appealed to the Land Use Appeals Board.

A. LOUIS ZUNGUZE  
PLANNING DIRECTOR

BRENT B. WILDE  
DEPUTY PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP  
DEPUTY PLANNING DIRECTOR

## SALT LAKE CITY CORPORATION

COMMUNITY DEVELOPMENT  
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON  
MAYOR

December 22, 2004

Ms. Kinde Nebeker, President  
Vest Pocket Business Coalition  
P. O. Box 521357  
Salt Lake City, Utah 84152-1357

Dear Ms. Nebeker,

Thank you for your letter of December 13, 2004 regarding the Walkable Communities and Nonconforming Use ordinances. As you are probably aware, these proposals have been in the public review phase for quite some time. Before I respond to the specific issues that you have raised, I would like to briefly explain the purpose of these proposed ordinances. There has been ongoing discussion during the last few years as to how the City should discourage the typical "strip mall" type development wherein buildings are set back from the street with parking lots being the dominant visual and functional feature of neighborhood businesses. The proposed Walkable Communities Ordinance is intended to encourage locating the buildings adjacent to the street to facilitate, not only an improved visual appearance but improved access for all modes of transportation.

The proposed amendments to the Nonconforming Use Section of the Zoning Ordinance are intended to facilitate the reconstruction of a nonconforming use that is destroyed by a natural disaster, and thus help business owners with financing, insurance and other aspects of managing their businesses.

The following is a brief response to each of the issues you raise regarding the Walkable Communities Ordinance:

- Optional rather than mandatory decreases in building setbacks and increases in parking setback. Use of vertical buffers as an alternative to parking lot setbacks. Response: *The proposed ordinance does include an option for locating both the buildings and parking lots at differing locations on the property. If an applicant does not want to locate the building or parking lot as prescribed in the ordinance, the proposed ordinance includes a provision for applying to the Planning Commission for a "Conditional Site Design Review" hearing. The ordinance is also being modified to allow the Planning Director to modify or waive parking lot setbacks under certain conditions.*

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111

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- Refining purpose statements to acknowledge the auto as integral to the economic viability of non-CBD business viability and the need for compatible coexistence of various travel modalities. Response: *The purpose statements are being modified in response to this request to acknowledge the auto as an important element in the continued success of local businesses.*
- Timing of the effective onset of the ordinance, and potential vesting in the current ordinance property owners already in the preconstruction phases of projects. Response: *The Planning Division is recommending that the ordinance take effect 4 months after the approval date. The intent of this 4 month period is two fold: First, to allow a property owner that is already in process to complete plans and obtain a permit as the means of gaining "vesting" status. Second, to provide an education and awareness period for property and business owners to become familiar with the new ordinance. It is not the intent, however, to provide time for someone who has not started a project, to start from the beginning and design under the old ordinance.*
- Pedestrian walkways within parking lots. Response: *Planning Staff is incorporating a provision for requiring pedestrian walkways in large parking lots (lots consisting of over 30 parking stalls) to help facilitate pedestrian access from the parking stall to the business building.*
- Process for varying from prescribed component of the ordinance. Response: *The Walkable Communities Ordinance includes a process for requesting modification from most standards in the ordinance. The process is either an approval by the Planning Director, or the Planning Commission, (depending on the scope of the requested modifications) as outlined in the ordinance, and is based upon standards for modifications, as outlined in the ordinance. This process has been designed to be much simpler than the existing conditional use process and will focus on design elements only (not the use).*

The following is a response to the issues associated with the proposed nonconforming/noncomplying ordinance revisions.

- Inclusion of certain commercial properties in the tiered reconstruction classification. Response: *In the proposed ordinance, any noncomplying commercial use can be reconstructed on the original building footprint (same site design), through an administrative review process. Nonconforming commercial uses totally destroyed by a natural cause can be rebuilt subject to approval through a special exception process. The proposed ordinance is a substantial liberalization of the City's current nonconforming use regulations. The intent of the proposed ordinance is to provide additional flexibility for businesses while maintaining sufficient oversight to assure that neighborhood compatibility is maintained.*
- Consideration to formal rezoning of the most appropriate nonconforming uses. Response: *A major issue associated with rezoning nonconforming neighborhood business uses has been the redevelopment potential if an existing use is lost. For example, if a small nonconforming neighborhood retail or office business is zoned Neighborhood Commercial "C-N" or a similar neighborhood business zone,*

*there is typically nothing stopping the property owner from redeveloping the site into a new major convenience store/gas station once the commercial zoning is in place. Therefore, rezoning nonconforming businesses has the potential of introducing incompatible elements into the neighborhood setting. Most business owners, indicate however, that their biggest concerns are associated with financing, insurance and other aspects of managing their business and this proposal to allow the reconstruction of a nonconforming business that is lost to a natural cause, is a direct response to those and related concerns associated with "nonconforming use" status. City Planning Staff are also considering the creation of other zoning options that may offer a solution to zoning small neighborhood oriented businesses.*

In response to your concerns regarding equitable notice for large scale zoning changes, please note that the City's noticing requirements are clearly spelled out in the Zoning Ordinance. In the Case of a major text amendment such as the "Walkable Communities" ordinance, the Zoning Ordinance requires that notice be given to Recognized and Registered organizations and a notice in a newspaper of general publication for the City Council hearing. Consistent with that requirement, all identifiable business organizations were contacted, regarding this petition and there have been briefings before many business organizations. There have also been open houses, as well as hearings before the Planning Commission over the past several months. City Staff are mindful of the need for adequate noticing and we will continue to strive to keep your organization informed of issues affecting your members.

In summary, I appreciate the time that you have taken to raise these important issues and I hope that I have adequately addressed your concerns. Please call me if you have additional questions. I look forward to working with you as we continue to seek ways to improve the livability and business environment of the City.

Sincerely,



Louis Lunguze  
Planning Director

cc: Ross C. Anderson, Mayor  
Jill Remington Love, City Council Chair  
David Dobbins, Community Development Director  
Brent Wilde, Deputy Planning Director  
Alison McFarlane, Senior Advisor to the Mayor  
Tim Chambliss, Planning Commission Chair  
Planning Director's Correspondence file





December 13, 2004

Rocky Anderson, Mayor Salt Lake City  
Jill Remington-Love, City Council Chair  
Louis Zunguze, Planning Director  
David Dobbins, Community Development Director

**Re: Walkable Communities Ordinance; Nonconforming Uses and Noncomplying Structures Ordinance**

Dear Lady & Gentlemen,

As an advocate for Salt Lake City's local independent businesses, the Vest Pocket Business Coalition respectfully submits the following thoughts regarding the two proposed ordinances above.

Walkable Communities topics we seek to address include:

- Optional rather, than mandatory, decreases in building setback and increases in parking setback. Use of vertical buffers as an alternative to parking lot setbacks.
- Refining of purposes statements to acknowledge the auto as integral to the economic viability of non-CBD business viability and the need for compatible coexistence of various travel modalities
- Timing of the effective onset of the ordinance, and potential vesting in the current ordinance property owners already in preconstruction phases of projects.
- Pedestrian walkways within parking lots
- Process for varying from prescribed component of the ordinance

Nonconforming/Non-Complying topics we seek to address include:

- Inclusion of certain commercial properties in the tiered reconstruction classification
- Consideration to formal rezoning of the most appropriate nonconforming properties.

A general noticing topic we seek to address is:

- An equitable way to provide reasonable, advanced warning to all property owners when large scale changes to zoning text are proposed.

Please consider these thoughts with the recognition that, as local business and commercial property owners, we are the parties most affected by changes in the manner and scope of permissible use of our locations. Often times, seemingly small increases in project costs or impediments to project execution can be the difference between success and failure, or deciding to retreat from an entrepreneurial endeavor rather than proceed. As such, to the extent that change imposed on the use of property takes the form of a requirement, rather than an option, further limitation is placed on the local business person, rather than additional incentive. And with all due respect, local business, the community's economic engine, still needs incentive rather than limitation. Similarly, Uncertainty is an impediment to risk taking by property owners and local business people.

In our view, the central themes of the Walkable Communities Ordinance have significant merit - buildings of appropriate scale which more effectively engage the street, and improved pedestrian friendliness. Prudent business and property owners clearly would prefer that their properties present a favorable face and easy access to consumers, irrespective of the consumers' means of transportation. The devil lies in how to accomplish this while still offering property owners the flexibility to affordably make the most use of their properties, without allowing excessively adverse impact on the surrounding areas:

**Front Building Setbacks:** We suggest that front building setbacks simply be changed to be optionally zero (or optionally as far forward as makes sense for a given zone). Simply allowing, rather than requiring, buildings to shift toward the street, will result in a gradual shift in that direction. Because, where feasible, it allows better engagement and creates additional property utility by making the former front setback available (effectively increasing the total utilizable square footage of the property). Undoubtedly, some property owners will find it difficult or prohibitive to do so. Although, this might result in some lack of uniformity in a given block, lack of uniformity has merits of its own. Unique character in local business nodes is, in part, about variability and texture.

**Parking Lot Setbacks:** Similarly, with regard to minimum setback distance of parking lots, we suggest that the setback requirements remain unchanged, or be changed to optionally zero, if a vertical buffer is employed (or optionally as far toward a road as makes sense for a given zone). This mechanism seems to have been employed in other cities pedestrian-friendly zoning codes. Because, although expanding setbacks by 5 linear feet may seem like an inconsequential loss to a property owner, in fact, as it becomes 200 – 500 square feet or more when actual areas are considered, it literally represents a two-fold loss, i.e. loss of usable space (a working asset) and a loss \$15-25/square feet for the property rendered unusable. These are not trivial numbers to the average local business owner. While it may be desirable to have consistency between adjacent commercial and residential setbacks, we question whether that is truly more compelling than the inherent unfairness of dozens of commercial property owners' being handed reductions in their functional property sizes. Again, is the minor reduction in visibility of autos offered by increased setbacks more compelling than preservation of

property owners' property function and rights of use? Certainly, adjoining residential property owners and pedestrian patrons expect to see cars in virtually any Salt Lake City business district. We question whether an additional 5 foot of setback will make a meaningful difference to consumers and residences. Yet we are certain that it will represent an adverse condition to numerous businesses. It certainly can't be viewed as an incentive to reuse, renovation or redevelopment.

**Purpose Statements:** Recognizing that zoning purpose statements typically become an interpreter's guide when zoning text provides less than complete clarity and seeing 'The purpose statement of each zoning district represents the philosophical approach....' (pg 23 of proposed ordinance), we believe it is imperative that the purpose statements reflect the economic reality of the zones. Current and foreseeable economic reality of the zones is that they depend on patrons arriving by various means, primarily autos, in order to survive. In the absence of considerably more robust mass transit deployment and utilization, none of the zones are viable as pedestrian only or mass transit and pedestrian only districts. It is, therefore, crucial that the purpose statements reflect a desire to be more hospitable to the pedestrian, while also acknowledging the auto and a desire for safe, compatible coexistence of patrons arriving by a variety of means.

**Effective date and vesting:** The proposed changes affect an extraordinary number of Salt Lake City's commercial properties in a materially impacting way. And, because property rehabilitation and redevelopment projects often have combined due diligence, planning and design periods of 12-24 months, we suggest that the ordinance become effective 9-12 months following its adoption. This will allow groups who are midstream in their preconstruction efforts to avoid the hardship of starting over in order to comply with the new ordinance. Similarly, allowing groups to have 12 months from their first Design Review Team meeting to submit plans consistent with the existing ordinance or comply with the new ordinance may also have merit.

**Pedestrian walkways within parking lots:** We suggest that in order to avoid small parking lots being further being reduced in utility for little, if any, improvement in pedestrian safety or length of pedestrian parking lot travel, that interior walkways be required for lots with three or more aisles. If required in smaller lots, we suggest they be contained within perimeter setbacks or landscape buffers, in order to avoid further loss of property available for commercial use.

**Planning Direction or Planning Commission review of desired variance form prescriptive element of the ordinance:** Obviously, some uncertainty is inherent to business dealings. So, to the extent that the city's ordinances which affect small business can minimize uncertainty, the more it is, in effect, helping to foster healthy local business. To create the least uncertainty, we suggest that wherever possible, the ordinance allow the property owner pre-determined options for varying from prescriptive elements, rather than being subject to the uncertainty of administrative, Planning Commission or BOA functions. Where options are not employed, we suggest that the least cumbersome and most expeditious solution be employed, presumably Planning Director judgment.

With regard to the Nonforming/Noncomplying ordinance revisions, we support the City's initiative to address this longstanding issue. In order to minimize the challenges to those

businesses which are most compatible, complementary or longest standing and without significant adverse impact, we suggest that the tiered classification for reconstruction of nonconforming properties be revised to include a category of commercial properties that could meet criteria to allow for reconstruction as an administrative function, rather than a special exception. We further suggest that there be consideration given to whether the city, property owners and community would be well served by some of these properties being rezoned to commercial status. We would suggest that if the intent is retention of desired uses and to facilitate reuse of certain properties, legitimate commercial zoning achieves these ends to a greater degree.

In regard to noticing, these ordinances affect literally hundreds of city's commercial properties. We suggest that, while the legal requirements of notice may have been met, there remains a significant question as to whether it is fair and reasonable for changes as broad and impacting as these to not be provided as written notice to every affected property owner, with sufficient lead time to gain a reasonable understanding and formulate a reasonable response, if desired. Two weeks is the blink of an eye to a small business person, particularly with regard to issues as complex and arcane as zoning. There seems to be legitimate reason to review the notification ordinance, and to consider the use of local business focus groups or other business inclusive tool when significant zoning changes are under consideration.

Thank you for your time and consideration.

Sincerely,  
*Kinde Nebeker*

Kind Nebeker  
President  
Vest Pocket Coalition

cc: Chair – Planning Commission  
Doug Dansie, Principal Planner  
Alison McFarlane, Senior Advisor for Economic Development  
Tom Chambless, Chair Salt Lake City Planning Commission