
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: November 15, 2005

SUBJECT: Petition No. 400-05-12 - A request by the Salt Lake City Planning Commission requesting a revision to the Zoning Ordinance definition of “automobile” so that sales of motor scooters and motorized bicycles will be allowed in zoning districts that otherwise prohibit the sales of automobiles.

STAFF REPORT BY: Jennifer Bruno, Policy Analyst

AFFECTED COUNCIL DISTRICTS: City-wide

ADMINISTRATIVE DEPT: Community and Economic Development
AND CONTACT PERSON: Kevin LoPiccolo, Zoning Administrator

NOTICE REQUIREMENTS: Newspaper advertisement and written notification to surrounding property owners 14 days prior to the Public Hearing

POTENTIAL MOTIONS:

1. **["I move that the Council"]** Adopt an ordinance to amend the zoning text definition of “automobile,” eliminating “motor scooters” and “motorized bicycles” from the definition, and to amend the Table of Permitted and Conditional Uses for Commercial and Downtown Districts as set forth in exhibits A and B.
2. **["I move that the Council"]** Not adopt an ordinance to amend the zoning text definition of “automobile,” eliminating “motor scooters” and “motorized bicycles” from the definition, and to amend the Table of Permitted and Conditional Uses for Commercial and Downtown Districts as set forth in exhibits A and B.

Work Session Follow-up

In the Council Work Session on October 11th, the Council asked the Administration to investigate further definitions of “motor scooters” and “motorized bicycles” to ensure that retail establishments selling “heavier” motorcycles and equipment would not be able to “get through a loophole” and locate in zoning districts where they are not currently allowed.

The Administration has proposed to include a category for “motor scooter” and “motorized bicycle” for the commercial and downtown districts table of permitted and conditional uses and included a footnote under the qualifying provisions for both districts defining each use classification. The qualifying provisions (in footnote) state the following:

- **Motor Scooter** is defined as a two-wheeled vehicle that has wheels between 8 and 16 inches in diameter, a step-thru frame and engines that are typically low and close to the rear wheel. A motor scooter incorporates full bodywork, including leg shields and typically range from 50 to 500 cubic centimeters.

- **Motorized Bicycle** is defined as a two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power, or having no pedals or powered solely by electrical energy, and an automatic transmission and a motor which produces less than 2 gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground.

Further, the Administration has provided a new ordinance, amending the definition of “automobile,” which removes “motor scooters” and “motorized bicycles” from the definition, as previously presented to the Council. Per Council Members’ request at the October 11th briefing, the new ordinance also removes “and the like” from the definition as further clarification of the intent.

Attached is an updated transmittal from the Administration which includes all of this information.

The following information was provided previously for the Council Work Session on October 11, 2005. It is provided again for your reference.

KEY ELEMENTS:

- A. An ordinance has been prepared for council consideration to amend the definition of “automobile” in the Salt Lake City Code. The proposed ordinance amends the existing ordinance by taking out “motor scooters” and “motorized bicycles” from the current definition of “automobile”.
 1. The amended ordinance would allow the sale of motor scooters and motorized bicycles in zoning districts that currently restrict the sale of “automobiles.” Motor scooters and motorized bicycles would be classified instead as “retail goods.”
 2. The amended ordinance would define “automobiles” as: “...any vehicle propelled by its own motor operating on ordinary roads. As used herein, the term includes passenger cars, light trucks (one ton or less), motorcycles, recreation vehicles and the like.”
 - i. This would continue the current practice of not allowing the sale of any of the above listed vehicles in zoning districts that currently prohibit them.
- B. The Administration’s transmittal notes the following:
 1. The intention to restrict automobile sales in specific zoning districts is due to the compatibility issues stemming from intensity of the use and the space required for display lots and outdoor storage.
 2. The Administration determined that because the sale of motor scooters and motorized bicycles is a less intensive use and does not necessitate outdoor storage, such sales do not need to be similarly restricted. The Administration views this retail activity as a compatible use in the retail zones.
 3. This action was initiated by the Planning Commission, at the request of the Mayor’s Office.
 4. The Transportation Division reviewed the petition and had no negative comments. The Permits Office reviewed the petition and recommended that some distinction be

- made, with industry standards, between “motor scooters” and “motorcycles,” so as to abate future arguments. Otherwise, the Permits Office had no problem with the petition.
5. The Public Process included the following:
 - i. The Planning Division held an open house on June 16, 2005. No comments were received.
 - ii. The Planning Commission held a hearing on August 24, 2005. No comments were received from the Community Councils or the general public.
 6. The Planning Commission voted unanimously to forward a positive recommendation to the City Council, based on the facts provided by the Administration, listed above.

MATTERS AT ISSUE:

- A. The Council may wish to ask the Administration to further define “propelled by it’s own motor,” possibly by some industry standard of motor classifications, so that no confusion could exist between “motorized bicycles,” “motor scooters,” and “motorcycles.” This issue was mentioned in the Permits Office comment on the petition.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The zoning districts which currently restrict the sales of automobiles, that currently allow retail sales (therefore would allow the sale of motor scooters and motorized bicycles should the Council approve the text change) are the following:
 1. **CN – Neighborhood Commercial**
 - i. 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.
 2. **CB – Community Business**
 - i. Purpose Statement: The CB Community Business District is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods.
 3. **CS – Community Shopping**
 - i. Purpose Statement: The CS Community Shopping District is intended to provide an environment for efficient and attractive shopping center development at a community level scale.
 4. **CSHBD – Sugar House Business District**
 - i. Purpose Statement: The purpose of the CSHBD – Sugar House Business District is to provide for commercial, office and high density residential use opportunities in a manner compatible with the existing form and function of the sugar house master plan and the sugar house business district.
 - a) *Council Staff Note*: There is currently a retail operation selling motor scooters located in the Sugar House Business District. The Administration has initiated this petition in part, to allow this use to continue.
 5. **D-1 – Central Business District** (automobile sales allowed as a conditional use)
 - i. Purpose Statement: The purpose of the D-1 – Central Business District is to foster an environment consistent with the area’s function as the business, retail and cultural center of the community and the region. Inherent in this purpose is the need for careful review of proposed development in order to

achieve established objectives for urban design, pedestrian amenities and land use control, particularly in relation to retail commercial uses.

6. D-2 – Downtown Support District (automobile sales allowed as a conditional use)

- i. Purpose Statement: The purpose of the D-2 – Downtown Support Commercial District is to accommodate commercial uses and associated activities that relate to and support the Central Business District but do not require a location within the Central Business District. Development within the D-2 district is also less intensive than that of the Central Business District.

7. D-3 – Downtown Warehouse/Residential District

- i. Purpose Statement: The purpose of the D-3 – Downtown Warehouse/Residential District is to provide for the reuse of existing warehouse buildings for multi-family residential use while also allowing for continued warehouse use within the District. The reuse of existing buildings and the construction of new buildings are to be done as mixed use developments containing retail uses on the lower floors and multi-family dwellings on the upper floors.

8. D-4 – Downtown Secondary Business District

- i. Purpose Statement: The purpose of the D-4 – Downtown Secondary Business District is to foster an environment consistent with the area's function as a housing, entertainment, cultural, business, and retail section of the City. Inherent in this purpose is the need for careful review of proposed development in order to achieve established objectives for urban design, pedestrian amenities and land use control, particularly in relation to retail commercial uses.

9. MU – Mixed Use District

- i. Purpose Statement: 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 section 21A.32.130 of the Salt Lake City Zoning Ordinance.

10. R-B – Residential/Business District

- i. Purpose Statement: The purpose of the R-B 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.

11. R-MU – Residential/Mixed Use District

- i. 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 office uses.

CHRONOLOGY:

Please refer to the Administration's transmittal for a complete chronology of events relating to the proposed text amendment.

- June 16, 2005 Petition assigned to Planning
- August 24, 2005 Planning Commission hearing
- September 2, 2005 Ordinance requested from the City Attorney's Office
- September 14, 2005 Ordinance received from City Attorney's Office
- October 5, 2005 Transmittal received by Council Office

cc: Rocky Fluhart, Sam Guevara, DJ Baxter, Tim Harpst, Louis Zunguze, Alexander Ikefuna, Brent Wilde, Doug Wheelwright, Cheri Coffey, Kevin LoPiccolo, Larry Butcher, Barry Walsh, Kurt Larson, Barry Esham, Janice Jardine, Russell Weeks, Dave Oka

File Location: Community Development Dept., Planning Division, Zoning Text Amendment, Definition of "Automobile"

NOV 10 2005



**Communication to
The City Council**


Community Development Department
Office of the Director

To: Rocky Fluhart, Chief Administrative Officer

From: Louis Zunguze, Community Development Director

Date: November 9, 2005

CC: Brent Wilde, Community Development Deputy Director

Re: Petition 400-05-12, a request to revise the definition of automobile and amend the commercial and downtown zoning districts to allow the sales of motor scooters and motorized bicycles as retail goods.

Background

On October 11, 2005, the City Council reviewed Petition 400-05-12, and directed Staff to make a distinction between the use classifications for motor scooters and motorized bicycles. Staff has included a category for "motor scooter" and "motorized bicycle" for the commercial and downtown districts table of permitted and conditional uses and included a footnote under the qualifying provisions for both districts defining each use classification.

The qualifying provisions state the following:

Motor Scooter is defined as a two-wheeled vehicle that has wheels between 8 and 16 inches in diameter, a step-thru frame and engines that are typically low and close to the rear wheel. A motor scooter incorporates full bodywork, including leg shields and typically range from 50 to 500 cubic centimeters.

Motorized Bicycle is defined as a two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power, or having no pedals or powered solely by electrical energy, and an automatic transmission and a motor which produces less than 2 gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground.

Attached is an ordinance revision to the Zoning Ordinance, Section 21A.62.040, definition of "automobile", and the tables in Section 21A.26.080 and 21A.30.050, pertaining to permitted and conditional uses for the commercial districts and downtown districts, to allow the sales of motor scooters and motorized bicycles as retail goods. These tables also include definitions of motor scooters and motorized bicycles.

SALT LAKE CITY ORDINANCE

No. _____ of 2005

(Amending Definition of "Automobile" in Section 21A.62.040 and Amending Tables in Sections 21A.26.080 and 21A.30.050)

AN ORDINANCE AMENDING SECTION 21A.62.040, *SALT LAKE CITY CODE*, PERTAINING TO ZONING CODE DEFINITIONS, AND AMENDING TABLES IN SECTION 21A.26.080, PERTAINING TO PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS, AND SECTION 21A.30.080, PERTAINING TO PERMITTED AND CONDITIONAL USES FOR THE DOWNTOWN DISTRICTS, PURSUANT TO PETITION NO. 400-05-12.

WHEREAS, the Salt Lake City Code contains certain definitions, including a definition for "automobile" in Section 21A.62.040; and

WHEREAS, the City Council now desires to amend said definition; and

WHEREAS, the proposed amendment will allow motor scooters and motorized bicycles as retail goods in the zoning districts that prohibit the sale of automobiles; and

WHEREAS, the proposed amendment is consistent with the purposes, goals, objectives, and policies of Salt Lake City's general plan; and

WHEREAS, the Salt Lake City Code contains certain provisions pertaining to permitted and conditional uses for commercial districts; and

WHEREAS, the Salt Lake City Code contains certain provisions pertaining to permitted and conditional uses for the downtown districts; and

WHEREAS, the City Council finds that the proposed amendments are in the best interest of the City.

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

SECTION 1. That Section 21A.62.040 of the Salt Lake City Code, pertaining to zoning code definitions be, and hereby is, amended, in part, to read as follows:

**“Automobile” means any vehicle propelled by its own motor
and operating on ordinary roads. As used herein, the term
includes passenger cars, light trucks (one ton or less),
motorcycles and recreation vehicles.**

SECTION 2. That the table, entitled Table of Permitted and Conditional Uses for Commercial Districts, which is located at Section 21A.26.080 of the *Salt Lake City Code*, shall be and hereby is, amended, in part, as set forth in the attached Exhibit A.

SECTION 3. That the table, entitle Table of Permitted and Conditional Uses for the Downtown Districts, which is located at Section 21A.30.050 of the *Salt Lake City Code*, shall be and hereby is, amended, in part, as set forth in the attached Exhibit B.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____,
2005.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2005.

Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date November 9, 2005
By Melanie Reif

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EXHIBIT A

21A.26.080 Table of Permitted and Conditional Uses for Commercial Districts:

LEGEND	PERMITTED AND CONDITIONAL USES BY DISTRICT COMMERCIAL DISTRICTS					
Use	CN	CB	CC	CS ¹	CSHBD ¹	CG
Retail Sales And Services						
Auction sales			P			P
Automobile repair, major			P	C		P
Automobile repair, minor	C	P	P	P	P	P
Automobile sales/rental and service			P			P
Boat/recreational vehicle sales and service			P			P
Car wash as accessory use to gas station or convenience store that sells gas		P	P	P	P	P
Car wash, with or without gasoline sales			P	P		P
Department stores				P	P	
Equipment rental, indoor and outdoor			P			P
Furniture repair shop		P	P	P	P	P
Gas station (may include accessory convenience retail and/or "minor repairs" as defined in part VI, chapter 21A.62 of this title)	P	P	P	P	P	P
Health and fitness facility		P	P	P	P	C
Liquor store		C	C	C	C	C
Manufactured/mobile home sales and service						P
Motor scooters/motorized bicycles⁶	P	P	P	P	P	P
Pawnshop						P
Restaurants, with drive-through facilities	C	P	P	P	P	P
Restaurants, without drive-through facilities	P	P	P	P	P	P
Retail goods establishments with drive-through facilities	C	P	P	P	P	P
Retail goods establishments without drive-through facilities	P	P	P	P	P	P
Retail services establishments with drive-through facilities	C	P	P	P	P	P
Retail services establishments without drive-through facilities	P	P	P	P	P	P
Truck repair, large						P

Truck sales and rental, large			P			P
Upholstery Shop		P	P	P	P	P
Value retail/membership wholesale						P

⁶ Motor scooter is defined as a two-wheeled vehicle that has wheels between 8 and 16 inches in diameter, a step-thru frame and engines that are typically low and close to the rear wheel. A motor scooter incorporates full bodywork, including leg shields and typically range from 50cc to 500cc.

Motorized bicycle is defined as a two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power, or having no pedals or powered solely by electric energy, and an automatic transmission and a motor which produces less than 2 gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground.

EXHIBIT B

21A.30.050 Table of Permitted and Conditional Uses for the Downtown Districts:

Legend	PERMITTED AND CONDITIONAL USES BY DISTRICT DOWNTOWN DISTRICTS			
C= Conditional Use P= Permitted Use				
Use	D-1	D-2	D-3	D-4
Retail Sales and Services				
Automobile sales/rental and service	C	C		
Conventional department store	P ³			
Fashion Oriented department store	P ³			
Furniture repair shop	P	P	P	P
Gas station, may include accessory retail sales and/or minor repair as defined in part VI, Chapter 21A.62 of this title.	C	P	C	C
Health and fitness facility	P	P	P	P
Liquor store	C	C	C	C
Mass merchandising store	P ³			
Merchandise display rooms	P	P	P	P
Motor scooters/motorized bicycles⁵	P	P	P	P
Pawnshop	C	P		
Restaurants, with drive-through facilities	P	P	P	P
Restaurants, without drive-through facilities	P	P	P	P
Retail goods establishments	C	P	P	P
Retail laundries, linen service and dry cleaning	P	P	P	P
Specialty fashion department store	P ³			
Specialty store	P ³			
Upholstery shop		P	P	
⁵ Motor scooter is defined as a two-wheeled vehicle that has wheels between 8 and 16 inches in diameter, a step-thru frame and engines that are typically low and close to the rear wheel. A motor scooter incorporates full bodywork, including leg shields and typically range from 50cc to 500cc.				
Motorized bicycle is defined as a two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power, or having no pedals or powered solely by electric energy, and an automatic transmission and a motor which produces less than 2 gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground.				

