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**MEMORANDUM**

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**DATE:** December 8, 2006

**TO:** Council Members

**FROM:** Janice Jardine  
Land Use Policy Analyst

**SUBJECT:** **Public hearing - Transit Corridor-75 zoning district  
adding a building height step-back provision to the  
current standards  
Petitions 400-01-12 and 400-01-48**

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Because several issues have been raised recently regarding application and interpretation of the proposed text, the Council may wish to consider receiving public comment at the public hearing Tuesday and referring action to a future Council meeting.

This would allow Council and Administrative staff an opportunity to adequately address and consider the implications of the issues and schedule a briefing with the Council.

The Council may also wish to schedule a meeting of the Council's subcommittee to review the issues and consider options that can be forwarded to the Council.

**OPTIONS:**

- A. Accept public comment, close the public hearing and refer action to a future Council briefing.
- B. Accept public comment and refer action to a future Council briefing.
- C. Adopt the ordinance
- D. Not adopt the ordinance

A. LOUIS ZUNGUZE  
DIRECTOR

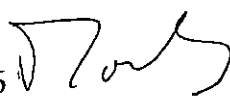
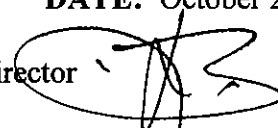
BRENT B. WILDE  
DEPUTY DIRECTOR

# SALT LAKE CITY CORPORATION

DEPT. OF COMMUNITY DEVELOPMENT  
OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON  
MAYOR

## CITY COUNCIL TRANSMITTAL

**TO:** Rocky Fluhart, Chief Administrative Officer      **DATE:** October 24, 2006   
**FROM:** Louis Zunguze, Community Development Director   
**RE:** Petition to correct an error in Petition 400-01-48: Transit Corridor-75 Zoning District to include a step-back provision which was inadvertently omitted in the final adopted ordinance

**STAFF CONTACTS:** Cheri Coffey, Deputy Planning Director, at 535-6188 or cheri.coffey@slcgov.com

**RECOMMENDATION:** That the City Council hold a briefing and schedule a Public Hearing

**DOCUMENT TYPE:** Ordinance

**BUDGET IMPACT:** None

### DISCUSSION:

**Issue Origin:** This request is to rectify an error in the adopted Transit Corridor (TC-75) zoning district. The City Council's request for a step-back provision was inadvertently omitted from the ordinance adopted in 2005.

On December 6, 2005, the City Council adopted the TC-75 zoning district and rezoned properties along 400 South between 200 East and 700 East that were zoned Commercial Corridor (CC) to the new TC-75 designation. A step-back provision was inadvertently left out of the final adopted ordinance. This petition is to rectify that error.

**Analysis:** Between September and December of 2005, Planning Staff had several discussions with the City Council subcommittee and Council Staff on various issues relating to the TC zones. One of the issues raised was how to address the impacts that height in the TC zoning districts would have on abutting lower-density residential development. In various documents, including notes from subcommittee meetings, City Council briefings, and Council Staff Reports, there are references to the Council's request to include a step-back provision to address the shadowing and visual impact issue. However, the step-back provision was not included in the final adopted version of the TC-75 Zoning District Ordinance. Therefore, the Planning Division is requesting that the City Council take action to adopt a new ordinance that includes the step-back provision.

The actual text of the proposed ordinance includes the same language for step backs as that included in the amendment to the Sugar House Business District zoning text, which was also adopted in December 2005. The specific language in the TC-75 ordinance reads:

*“In the TC-75 zoning district, floors rising above thirty feet (30’) in height shall be stepped back fifteen horizontal feet (15’) from the building foundation at grade, along property lines abutting low-density, single-family or two family residential developments that are located in a zoning district with a lower maximum height limit.”*

The step-back provision will address issues of shadowing and visual impact to those lower-density residential developments which are zoned in such a manner that they will not be able to redevelop to a higher height. This situation occurs in the area east of 700 East along the 400 South corridor, as well as in various areas of the City where the TC-75 Zoning District may be applied in the future. In reviewing the informal notes taken in the subcommittee meetings, it is clear that the intent of the City Council was to include a step-back provision in both of the TC-75 and TC-50 zones where the property abuts a low-density residential development in a zoning district with a lower maximum height.

Attachments 2a, 2b, and 2c document the City Council’s intent to include the step-back provision in the TC-75 Zoning District.

**Master Plan Considerations:** Analysis of Master Plan policies was completed in the original transmittal for the adoption of the ordinance. Since this transmittal identifies the need to correct an oversight in a previously adopted ordinance for which a thorough Master Plan analysis was completed; therefore, additional analysis is not necessary at this time.

#### **PUBLIC PROCESS:**

The omitted provision was addressed as part of the public process conducted during the processing of the originally adopted ordinance; therefore, additional public process is not required for the correction of the oversight.

#### **RELEVANT ORDINANCES:**

Salt Lake City Zoning Ordinance Section 21A.50 – Amendments

Amendments to the Zoning Ordinance and Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 21A.50.050: “A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard.” It does, however, list five standards which should be analyzed prior to rezoning property (Section 21A.50.050 A-E). The five standards for amendment were satisfied as part of the original ordinance adoption; no additional analysis is required at this time.

## **1. ORDINANCE**

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2006  
Alternative B  
(Amending the Salt Lake City Zoning Code to  
create transit oriented zoning districts, rezoning property  
along the east-west light rail corridor, and making  
other related changes)

AN ORDINANCE AMENDING THE SALT LAKE CITY ZONING CODE TO  
CREATE TRANSIT ORIENTED ZONING DISTRICTS, CHANGING THE ZONING  
ALONG THE EAST-WEST LIGHT RAIL CORRIDOR, AND MAKING OTHER  
RELATED CHANGES, PURSUANT TO PETITION NOS. 400-01-48 and 400-01-12.

WHEREAS, the East-West Light Rail corridor from the downtown business  
district to the University of Utah Campus has recently been established; and

WHEREAS, in order to maximize the potential of that light rail system, the City  
is anxious to encourage new development which would focus on mass transit and  
pedestrian traffic, rather than automobile traffic; and

WHEREAS, after hearings before the Planning Commission and the Salt Lake  
City Council, the City Council has determined that the following ordinance is in the best  
interest of the City;

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

SECTION 1. Section 21A.26.077 TC-75 of the Salt Lake City Code entitled

“Transit Corridor District,” shall be and hereby is enacted to read as follows:

21A.26.077 TC-75 Transit Corridor District:

- A. Purpose Statement: The purpose of the TC-75 Transit Corridor District is to provide an environment for efficient and attractive transit and pedestrian oriented commercial, residential and mixed-use development along major transit corridors. The design guidelines are intended to create a pedestrian friendly environment and to emphasize that pedestrian and mass-transit access is the primary focus of development.

- B. Uses: Uses in the TC-75 Transit Corridor 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. Minimum Lot Size:
1. Minimum Lot Area: Ten thousand (10,000) square feet.
  2. Minimum Lot Width: Fifty feet (50').
- E. Minimum Yard Requirements:
1. Front And Corner Side Yards: Fifteen feet (15'), Exceptions to this requirement may be authorized through the conditional building and site design review process, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. Exceptions to the minimum setback are limited to the two lower levels of the building only; the main tower of the building must maintain the minimum setback. Exceptions are limited to structural elements that enhance the pedestrian experience of the space such as, but not limited to, patio covers, building entry canopies, etc.
  2. Interior Side Yards: None required.
  3. Rear Yards: None required.
  4. Buffer Yards: All lots abutting property in a residential district shall conform to the buffer yard requirement 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 building setback: 25 feet. Exceptions to this requirement may be authorized through the conditional building and site design review process, subject to the requirements of Part V, Chapter 21A.59 of this Title, and the review and approval of the Planning Commission. The majority of the ground level facade of a building shall be placed parallel, and not at an angle, to the street. Where an arcade facing the street is provided, the maximum setback for the building shall be measured to the supporting beams for the arcade or the facade of the upper floors, not the facade of the arcade level. 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.

Any appeal of an Administrative Decision made pursuant to subsection E.6 may be made to the Planning Commission.

- F. Landscape Yard Requirements: A landscape yard of fifteen feet (15') shall be required on all front and corner side yards, conforming to the requirements of Section 21A.48.090 and subsection 21A.48.100C of this Title, except as authorized as a conditional use, subject to conformance with the standards and procedures of Part V, Chapter 21A.54 of this Title.
- G. Maximum Non-residential Building Height: The maximum building height in the TC-75 zoning district shall not exceed thirty feet (30') for those buildings used exclusively for non-residential purposes.
  1. Additional building square footage may be allowed up to a maximum building height of seventy-five feet (75') [or to a building height of one-hundred and twenty-five feet (125') through the conditional building and site design review process, subject to conformance with the standards and procedures of Part V, Chapter 21A.59 of this Title and conformity with applicable Master Plan policy] provided that for each additional floor of non-residential use above thirty feet (30'), the equivalent amount of square footage, inclusive of the first thirty feet (30') is required to be built as residential square footage.
  2. The residential component may be transferred off-site to another property in the TC-75 zoning district along the 400 South Street frontage generally located between 200 East and 700 East. For such off-site residential configuration, the amount of residential development required is equal to the square footage of the total amount of square footage obtained for the non-residential floors rising in the total project.
  3. For those developments where the required residential component is transferred off-site, prior to the issuance of a building permit for the non-residential structure, the applicant must identify specifically where the residential structure will be located in the area zoned TC-75 along to 400 South Street corridor generally located between 200 East and 700 East and enter into a development agreement with the City to ensure the construction of the residential structure in a timely manner. In such cases where the residential use is built off-site, one of the following shall apply:
    - a. Construction of the off-site residential use must be progressing beyond the footings and foundation stage, prior to the non-residential portion of the development obtaining a certificate of occupancy, or
    - b. A financial assurance that construction of the off-site residential use will commence within two (2) years of receiving a certificate of occupancy for the non-residential component of the development. The financial assurance shall be in an amount equal to fifty percent (50%) of the construction valuation for the residential component of the

development as determined by the Building Official. The City shall call the financial assurance and deposit the proceeds in the City's Housing Trust Fund if construction has not commenced within two (2) years of the issuance of the certificate of occupancy for the non-residential component of the development.

4. Maximum building height may be obtained to one hundred and twenty-five feet (125') for any building subject to at least ninety percent (90%) of all parking for said building being provided as structured parking.

5. In the TC-75 zoning district, floors rising above thirty feet (30') in height shall be stepped back fifteen horizontal feet (15') from the building foundation at grade, along property lines abutting low-density, single-family or two family residential developments that are located in a zoning district with a lower maximum height limit.

- H. Maximum Residential Building Height: No residential building, or mixed use building shall exceed seventy five feet (75') in height. Building heights in excess of seventy-five (75) feet, but not more than one hundred and twenty-five feet (125 feet) may be approved through the conditional building and site design review process, subject to conformance with the standards and procedures of Part V, Chapter 21A.59 of this Title and conformity with applicable Master Plan policy.

In the TC-75 zoning district, floors rising above thirty feet (30') in height shall be stepped back fifteen horizontal feet (15') from the building foundation at grade, along property lines abutting low-density, single-family or two family residential developments that are located in a zoning district with a lower maximum height limit.

1. Maximum building height may be obtained to one hundred and twenty-five feet (125') where at least ninety percent (90%) of all parking for said building is provided as structured parking.

2. The ground floor shall include either non-residential uses or public service portions of residential buildings.

- I. Restrictions On Parking Lots And Structures: The following regulations shall apply to surface or above ground parking facilities.
  1. Block Corner Areas: Within block corner areas, surface parking lots and structures shall be located behind principal buildings, or at least sixty feet (60') from front and corner side lot lines.
  2. Mid-Block Areas: Within the mid-block areas, parking structures shall be located behind principal buildings, or above the first level, or at least thirty feet (30') from front and corner side lot lines. A modification to this requirement may be granted as a conditional use, subject to conformance with the standards and procedures of Part V, Chapter 21A.54 of this Title. Parking



structures located above the first level and less than 30 feet from a front or corner side yard shall meet the following:

- a. Retail goods/service establishments, offices and/or restaurants shall be provided on the first floor adjacent to the front or corner side lot line.
- b. Levels of parking above the first level facing the front or corner side lot line shall have floors and/or facades that are horizontal, not sloped.

Mid-block surface parking lots shall have a twenty-five foot (25') landscaped setback.

3. Accessory and Commercial Parking Structures: Accessory parking structures, built prior to the principal use, and commercial parking structures, shall be permitted as conditional uses with the approval of the Planning Commission pursuant to the provisions of Part V, Chapter 21A.54 of this Title.
4. Below ground Parking Facilities: No special design and setback restrictions shall apply to below ground parking facilities.
5. Landscape Requirements: Surface parking lots shall meet interior landscaped requirements as outlined in Chapter 21A.48 of this Title.
6. 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.Any appeal of an Administrative Decision made pursuant to subsection I.6 may be made to the Planning Commission.
7. Conditional building and site design review: A modification to the restrictions on parking lots and structures provisions of this Section 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

J. 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. There must be visual clearance behind the glass for a minimum of two feet (2'). All first floor glass shall be non-reflective. The reflectivity in glass shall be limited to eighteen percent (18%) as defined by ASTA Standards. 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.
- c. The ground level of the building is occupied by residential uses, in which case the forty percent (40%) glass requirement may be reduced to twenty-five percent (25%).

Any appeal of an Administrative Decision made pursuant to subsection J may be made to the Planning Commission.

- K. **Doors and 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 street, if the facades for both streets meet the forty percent (40%) glass requirement as outlined in Section 21A.26.077.J.
- L. **Maximum Length of blank walls:** 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').
- M. **Density:** There is no maximum residential density.

SECTION 2. Sections 21A.44.040.C.7 and 8 of the Salt Lake City Code shall be and hereby are enacted to read as follows:

21A.44.040.C.8 TC-75 District

- a. For non-residential uses in the TC-75 district, no off-street parking shall be required for the first five thousand (5,000) square feet of floor area. For all non-residential uses with more than five thousand (5,000) square feet, the parking requirement shall be one space per one thousand (1,000) square feet of gross floor area, including the initial five thousand (5,000) square feet.
- b. All residential parking requirements listed in Table 21A.44.060F are reduced by fifty percent (50%) within the TC-75 Zoning District.

SECTION 3. Section 21A.48.080.C.12 of the Salt Lake City Code shall be and hereby is enacted to read as follows:

21A.48.080.C.12 TC-75 District.

Lots in the TC-75 District which abut a lot in a residential district, shall provide a ten (10) foot landscaped buffer.

SECTION 4. 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, TC-75, 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 5. 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 6. Section 21A.46.095 of the Salt Lake City Code shall be and hereby

is enacted to read as follows:

21A.46.095 Sign Regulations for Transit Corridor Districts:

The following regulations shall apply to signs permitted in transit corridor districts. Any sign not expressly permitted by these district regulations is prohibited.

- a. Sign regulations for the TC-75 transit corridor district:
  1. Purpose: Sign regulations for the TC-75 district are intended to provide for appropriate signage oriented primarily to pedestrian and mass transit traffic.

2. Applicability: Regulations on Table 21A.46.095.A.3 of this section shall apply to all lots within the TC-75 district.

SECTION 7. The table located at Section 21A.46.095.A.3 of the Salt Lake City Code shall be and hereby is enacted as set forth on Exhibit "B" attached hereto.

SECTION 8. The table located at Section 21A.26.080 of the Salt Lake City Code entitled "Table of Permitted and Conditional Uses for Commercial Districts," shall be and hereby is amended to read as set forth on Exhibit "C" attached hereto.

SECTION 9. The table located at Section 21A.26.090 of the Salt Lake City Code entitled "Summary Table of Yard and Bulk requirements - Commercial Districts," shall be and hereby is amended to read as set forth on Exhibit "D" attached hereto.

SECTION 10. Section 21A.62.040 of the Salt Lake City Code shall be and hereby is amended to include the following definitions in alphabetical order:

"Block corner" means the ninety degree (90°) intersection of private property adjacent to the intersection of two public street rights of way both of which are at least 132 feet wide. When applied to corner buildings, the provisions of this ordinance shall extend to 165 feet from the block corner on the street face and 165 feet in depth.

"Corner building" means a building, the structure of which rises above the ground within 100 feet of a block corner on the street face and 100 feet in depth.

"Mid-block area" means an area of development not deemed to be a block corner.

SECTION 11. The properties located along the East-West light rail corridor on 400 South, which are more particularly identified on Exhibit "E" attached hereto, shall be and hereby are rezoned from commercial corridor (CC) to transit oriented district (TC-75).

SECTION 12. Amending of zoning map. The Salt Lake City zoning map, as adopted by the Salt Lake City Code, relating to the fixing of boundaries and zoning districts, shall be and hereby is amended consistent with the rezoning identified above.

SECTION 13. Amendment of Master Plan. To the extent necessary, the Central Community Master Plan shall be and hereby is amended consistent with the rezoning identified above.

SECTION 14. 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 \_\_\_\_\_, 2006.

\_\_\_\_\_  
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 2006.

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

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**2. NOTES/REPORTS  
INDICATING DESIRE  
FOR STEPBACK  
PROVISION**

**2a. October 13, 2005  
Subcommittee Notes**



**City Council Subcommittee meeting on TC zoning.  
October 13, 2005**

Attendees: Council members Jergensen, Saxton and Christensen. Cindy Gust-Jensen, Janice Jardine, Brent Wilde, Doug Dansie and Cheri Coffey.

Issues:

Saxton: Can you put something in the Central Community master Plan that addresses sidewalk widths since the plan has not yet been adopted?

*The master plan is not the best place to put regulations because it is not enforceable. The best mechanism to accomplish this desire is to put it in the Update of the Transportation Master Plan. Then when a project is reviewed by the DRT, the Transportation Division member knows to review that and determine whether it is appropriate for any specific project (without it becoming a takings).*

It was agreed that the Council Staff would request the Attorney's office to comment on that issue. It was agreed that that issue did not need to be a part of the TC Zoning analysis.

Jergensen: The issue for the TC zoning district is density, height and the mixture of uses and what impacts it would create (such as shadowing). It is ok to go higher in some areas, especially the south side of the street where impacts would be minimal.

Christensen: If you only allowed four stories, new development won't be build. We won't encourage Transit Oriented Development. There is not enough incentive.

Jardine: There weren't questions on height west of 700 East or even west of 800 East.

Both Councilmembers Christensen and Jergensen were comfortable will allowing TC-75 east of 700 East.

Dansie: Could put a conditional use provision requiring a step-back provision when additional height is requested or when the project abuts a low-density residential use. Make that one of the criteria for additional height.

Council members Christensen and Saxton stated that perhaps we don't have any TC-50 zoning along the corridor, but make it all TC-75.

Clarify- Put a step back provision in as a criteria when abutting a low-density residential development.

Councilmember Christensen raised the issue of mixed use vs. allowing buildings will all separate uses going up higher.

Councilmember Saxton stated that if allow the full height of a building for non-residential buildings, that is all that will be built. There won't be any residential development. She stated that she doesn't want a whole block of non-residential uses.

Councilmember Christensen stated that perhaps staff could look at a percentage of the block face; perhaps 40% of the block face has to be residential. He said that the regulation should require that the residential development be required to be built within the corridor.

There was discussion to ensure that the active uses are put at grade.

There was discussion about where the different TC zones should be mapped:

TC-75 should be located west of 700 East

The south side of 400 South up to 900 East should also be TC-75

The area on the north side of 400 South between 700 and 900 East should be TC-50.

**2b. November 15, 2005  
Council Staff Report  
indicating a desire  
for a stepback  
provision**

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# SALT LAKE CITY COUNCIL STAFF REPORT

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**DATE:** November 15, 2005

**SUBJECT:** Proposed Transit Corridor zoning, rezoning properties along 400 South and amending the Central Community Master Plan (Petition Nos. 400-01-12 and 400-01-48)

**AFFECTED COUNCIL DISTRICTS:** If the ordinance is adopted the Transit Corridor zoning districts, rezoning and master plan amendment will affect Council District 4

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

**ADMINISTRATIVE DEPT. AND CONTACT PERSON:** Community Development Department, Planning Division  
Cheri Coffey, Deputy Planning Director

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## WORK SESSION SUMMARY AND NEW INFORMATION:

### Work Session Summary

On September 6, 2005, the Council received a briefing from the Administration regarding revisions to the proposed Transit Corridor zoning. Key discussion items included:

- A. Provide for expanded opportunities and options for non-residential uses (rather than the 30 ft. building height limit) that would provide maximum flexibility for a broad range mix of uses such as:
  1. Side by side development of non-residential/residential – vertical as well as horizontal.
  2. A split in the percentage of development on a block - non-residential/residential (40/60 split).
  3. A linear measurement for the split between non-residential/residential developments on a block.
  4. Accommodating research/laboratory type facilities.
  
- B. Building height and the 10 ft. rear yard buffer requirement and ways to maximize buffering of residential neighborhoods and address pedestrian scale/shadowing of abutting properties. For example, requiring building elevation to be “stepped back” as the building height increases in order to mitigate potential negative impacts on surrounding lower-density neighborhoods.
  
- C. Establish a minimum sidewalk width or options to maximize a pedestrian-friendly corridor. Planning Staff committed to work with the Attorney’s office to discuss the issue of requiring public sidewalk on private property or exacting private property to expand the sidewalk. (Please see Matters at Issue, item B, pg. 4 for more information.)
  - *Planning staff provided to Council staff the following information regarding a conversation between Planning staff and Lynn Pace in the City Attorney’s office.*
    - *The City can widen the sidewalk to the property line and it can individually approach property owners and buy extra property to widen the sidewalk.*
    - *The City generally cannot exact extra property from individual owners unless there is a relationship to the development and the exaction is proportional. For example: if it can be proved that a large apartment building creates impacts that require increasing the size of the sidewalk, an exaction from that property can be negotiated, however it is for that property only, not adjacent properties (the exaction cannot be to accommodate impacts of the property next door), and the exaction must be proportional; i.e. the City cannot demand the same exaction for a single family home as it does for a 100 unit apartment building because the impacts are not the same.*

- *Requiring extra sidewalk as part of the zoning was problematic for these reasons.*
- *The City may choose to place the policy of widening the sidewalk in the master plan (i.e. Central Community, Transportation Master Plan or Major Street Plan), which sets up the general policy. This establishes the general intent to widen the sidewalk and then the City may reserve right-of-way and/or negotiate for wider sidewalks based on the policy as each property comes up for site plan review.*
- *Planning staff has noted that the proposed TC zoning does require a 15-foot setback for new buildings, which assists in maintaining room for extra sidewalk.*
- *Council staff has noted that the proposed TC zoning allows the Planning Director in consultation with the Transportation Director the option to modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk.*

- D. Evaluate allowing gas stations to accommodate convenient services in the area. (no consensus)
- E. Council subcommittee (Council Members Christensen, Jergensen and Saxton) work with staff to develop options to address issues relating to mix of uses and height. Include consideration of future applications of the proposed zoning to other areas of the City i.e. North Temple.
- F. Schedule future Council discussion prior to scheduling a public hearing – (return sooner rather than later).

### **New Information**

- A. On October 13, 2005, the Council subcommittee met to discuss with Planning staff issues raised by the Council.
1. Items identified by subcommittee members to be included in the proposed zoning included:
    - a. Allow the same building height for stand-alone buildings with non-residential uses.
    - b. Allow an option to provide the required residential component in stand-alone buildings within the block or corridor.
    - \* c. Require building elevation to be “stepped back” as the building height increases when a building abuts residentially zoned properties.
    - d. Apply the Transit Corridor TC-75 zoning classification to properties along the 400 South corridor except for the north side of 400 South between 800 and 900 East.
    - e. Apply the Transit Corridor TC-50 zoning classification to properties along the north side of 400 South between 800 and 900 East.
    - f. Proposed changes should be made available for public review.
  2. Council staff was assigned to work with the City Attorney’s office to address establishing a minimum sidewalk width or options to maximize a pedestrian-friendly corridor. Planning staff noted that it may be appropriate to address this issue through amendments to adopted master plans or an ordinance applied on a citywide basis.
- B. The Administration has provided the Planning Commission recommended ordinance and 2 alternative new ordinances in response to discussions with the full Council and the Council subcommittee. (Please see attached ordinances for details - **Alternative A = Residential Emphasis, Alternative B = Office Emphasis and the Planning Commission recommended ordinance.**) Key elements are summarized below.
1. **Alternative A – Residential Emphasis and Alternative B – Office Emphasis** both include the following provisions:
    - a. Buildings with non-residential uses may be built to the maximum building height with a requirement to provide a residential component either on-site or transferred to another site within the Transit Corridor zoning along 400 South.
      - TC-50 = maximum of 50 feet or 75 feet through conditional use
      - TC-75 = maximum of 75 feet or 125 feet through conditional use

**2c. December 2, 2005  
Council Staff Report  
indicating a desire  
for a stepback  
provision**

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# SALT LAKE CITY COUNCIL STAFF REPORT

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**DATE:** December 2, 2005

**SUBJECT:** Proposed Transit Corridor zoning, rezoning properties along 400 South and amending the Central Community Master Plan (Petition Nos. 400-01-12 and 400-01-48)

**AFFECTED COUNCIL DISTRICTS:** If the ordinance is adopted the Transit Corridor zoning districts, rezoning and master plan amendment will affect Council District 4

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

**ADMINISTRATIVE DEPT. AND CONTACT PERSON:** Community Development Department, Planning Division  
Cheri Coffey, Deputy Planning Director

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## POTENTIAL MOTIONS:

1. ["I move that the Council"] Close the public hearing and adopt an ordinance:

- a. Creating a new Transit Corridor zoning district, TC-75.
- b. Amending the Central Community Master Plan.
- c. Rezoning properties along 400 South from 200 East to approximately 925 East
  - Excluding properties on the north side of 400 South from 800 to 900 East
  - Or, excluding properties on the north side of 400 South from 700 to 900 East

*(Subsequent to the Work Session, one Council Members requested that a motion option be prepared to exclude the north side of 400 South from 700 East to 900 East (rather than 800 East to 900 East). Both options are listed.)*

**I further move that the Council** refer action regarding rezoning properties on the north side of 400 South from 800 to 900 East to Tuesday, December 13, 2005 and schedule an additional follow-up discussion for Thursday, December 8, 2005.

2. ["I move that the Council"] Not adopt an ordinance creating new Transit Corridor zoning, rezoning properties along 400 South from 200 East to approximately 925 East, and amending the Central Community Master Plan.

## WORK SESSION SUMMARY AND NEW INFORMATION:

### New Information

- A. On December 1, 2005, the Council subcommittee met with Planning staff to further refine the proposed transit corridor zoning regulations. The subcommittee is recommending the following:
  1. Buildings with non-residential uses may be built to the maximum building height with a requirement to provide a residential component either on-site or transferred to another site within the Transit Corridor zoning along 400 South. For every floor of non-residential development 1 floor of residential development would be required to be built on or off-site.
  2. Include university-related or research types of uses
  3. Apply the Transit Corridor TC-75 zoning classification to properties along the 400 South corridor except for the north side of 400 South between 800 and 900 East.

4. Exclude application of the Transit Corridor TC-50 zoning classification to properties along the north side of 400 South between 800 and 900 East to allow an opportunity to address in greater detail issues relating height impacts on the existing low-density residential properties to the north.

### **Other Information**

At the Subcommittee meeting on December 1, 2005 the Members briefly discussed the trend to move away from the Conditional Use approach toward the new Conditional Building and Site Design Review process. This process provides a narrower scope of review criteria for the Planning Director and the Planning Commission and is intended to be less time consuming than the conditional use process. The focus is on the design of the site, not the use. This process is included in the revised ordinance.

### **Work Session Summary**

- A. On November 17, 2005, the Council received a briefing from the Administration regarding revisions to the proposed Transit Corridor zoning. Discussion items included:
    1. The appropriate height of structures and the variety of land uses needed to encourage a successful Transit Corridor.
    2. Whether the proposal would compete with the Central Business District CBD for office space.
    3. The limited amount of land available for development in the corridor.
    4. How to ensure residential development is built in a timely manner.
    5. Options to ensure shadowing and other potential negative impacts on low-density residential developments to the north are addressed.
  - B. Planning staff provided clarification on the proposed alternative ordinances prepared in response to previous discussions with the full Council and the Council subcommittee.
  - C. The Council decided to move the item to the public hearing. The Council subcommittee (Council Members Christensen, Jergensen and Saxton) would work with staff to further refine the proposed zoning and present their option to the full Council for their deliberation.
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The following information was provided previously for the Council Work Session on November 17, 2005. It is provided again for your reference.

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## **WORK SESSION SUMMARY AND NEW INFORMATION:**

### **Work Session Summary**

On September 6, 2005, the Council received a briefing from the Administration regarding revisions to the proposed Transit Corridor zoning. Key discussion items included:

- A. Provide for expanded opportunities and options for non-residential uses (rather than the 30 ft. building height limit) that would provide maximum flexibility for a broad range mix of uses such as:
  1. Side by side development of non-residential/residential – vertical as well as horizontal.
  2. A split in the percentage of development on a block - non-residential/residential (40/60 split).
  3. A linear measurement for the split between non-residential/residential developments on a block.
  4. Accommodating research/laboratory type facilities.
- B. Building height and the 10 ft. rear yard buffer requirement and ways to maximize buffering of residential neighborhoods and address pedestrian scale/shadowing of abutting properties. For example, requiring building elevation to be “stepped back” as the building height increases in order to mitigate potential negative impacts on surrounding lower-density neighborhoods.



- C. Establish a minimum sidewalk width or options to maximize a pedestrian-friendly corridor. Planning Staff committed to work with the Attorney's office to discuss the issue of requiring public sidewalk on private property or exacting private property to expand the sidewalk. (Please see Matters at Issue, item B, pg. 4 for more information.)
- *Planning staff provided to Council staff the following information regarding a conversation between Planning staff and Lynn Pace in the City Attorney's office.*
    - *The City can widen the sidewalk to the property line and it can individually approach property owners and buy extra property to widen the sidewalk.*
    - *The City generally cannot exact extra property from individual owners unless there is a relationship to the development and the exaction is proportional. For example: if it can be proved that a large apartment building creates impacts that require increasing the size of the sidewalk, an exaction from that property can be negotiated, however it is for that property only, not adjacent properties (the exaction cannot be to accommodate impacts of the property next door), and the exaction must be proportional; i.e. the City cannot demand the same exaction for a single family home as it does for a 100 unit apartment building because the impacts are not the same.*
    - *Requiring extra sidewalk as part of the zoning was problematic for these reasons.*
    - *The City may choose to place the policy of widening the sidewalk in the master plan (i.e. Central Community, Transportation Master Plan or Major Street Plan), which sets up the general policy. This establishes the general intent to widen the sidewalk and then the City may reserve right-of-way and/or negotiate for wider sidewalks based on the policy as each property comes up for site plan review.*
    - *Planning staff has noted that the proposed TC zoning does require a 15-foot setback for new buildings, which assists in maintaining room for extra sidewalk.*
    - *Council staff has noted that the proposed TC zoning allows the Planning Director in consultation with the Transportation Director the option to modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk.*
- D. Evaluate allowing gas stations to accommodate convenient services in the area. (no consensus)
- E. Council subcommittee (Council Members Christensen, Jergensen and Saxton) work with staff to develop options to address issues relating to mix of uses and height. Include consideration of future applications of the proposed zoning to other areas of the City i.e. North Temple.
- F. Schedule future Council discussion prior to scheduling a public hearing – (return sooner rather than later).

### **New Information**

- B. On October 13, 2005, the Council subcommittee met to discuss with Planning staff issues raised by the Council.
1. Items identified by subcommittee members to be included in the proposed zoning included:
    - a. Allow the same building height for stand-alone buildings with non-residential uses.
    - b. Allow an option to provide the required residential component in stand-alone buildings within the block or corridor.
    - c. Require building elevation to be "stepped back" as the building height increases when a building abuts residentially zoned properties.
    - d. Apply the Transit Corridor TC-75 zoning classification to properties along the 400 South corridor except for the north side of 400 South between 800 and 900 East.
    - e. Apply the Transit Corridor TC-50 zoning classification to properties along the north side of 400 South between 800 and 900 East.
    - f. Proposed changes should be made available for public review.

