
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: February 7, 2006

SUBJECT: Petition 400-05-32 – Planning Commission – request to amend the Zoning Ordinance relating to the permitted and conditional use tables in Downtown and Commercial zoning districts and the definition of multi-family dwelling

AFFECTED COUNCIL DISTRICTS: If the ordinance is adopted the new zoning classifications will affect Council Districts citywide

STAFF REPORT BY: Janice Jardine, Land Use Policy Analyst

ADMINISTRATIVE DEPT. AND CONTACT PERSON: Community Development Department, Planning Division
Sarah Carroll, Associate Planner

KEY ELEMENTS:

- A. An ordinance has been prepared for Council consideration. This action is intended to expand residential development opportunities by allowing stand alone multi-family residential developments as a permitted use in the Downtown and Commercial zoning districts.
- B. The Administration's transmittal notes:
 - 1. The purpose of existing mixed use regulations is to assure that uses fronting on a public street had windows and a relationship to the street.
 - 2. Because the Zoning Ordinance has design criteria in the Downtown and Commercial zoning districts that address the streetscape and pedestrian orientation, Planning staff determined that the limitations on residential development are unnecessary.
 - 3. The current restrictions are impeding the ability to attract housing in areas where housing is desirable.
 - 4. Generally, developers will work with the city to achieve an appropriate front building façade design.
- C. Currently, multi-family dwellings are restricted to above or below first-story office, retail and commercial uses or on the first story where the unit is not located adjacent to the street frontage.
- D. This ordinance would make stand alone multi-family uses as permitted uses in all Downtown districts. Currently, stand alone multi-family uses are a permitted use in the Downtown D-3 district and a conditional use in the D-1, D-2 and D-4 districts.
- E. Stand alone multi-family uses are currently not permitted in the Commercial districts except for the Commercial Sugar House Business district.
- F. The intent of the Downtown zoning districts is to provide use, bulk, urban design and other controls and regulations appropriate to the commercial core of the City and adjacent areas in order to enhance employment opportunities; to encourage the efficient use of land; to enhance property values; to improve the design quality of downtown areas; to create a unique downtown center which fosters the arts, entertainment, financial, office, retail and governmental activities; to provide safety and security; to encourage permitted residential uses within the downtown area; and to help implement adopted plans. (Sec. 21A.30.010.A Statement of Intent)

- G. The intent of the Commercial zoning districts is to provide controlled and compatible settings for office and business/commerce developments, to enhance employment opportunities, to encourage the efficient use of land, to enhance property values and the tax base, to ensure high quality of design, and to help implement officially adopted master plans. (Sec. 21A.27.010.A Statement of Intent)
- H. The public process included an open house to obtain public input. The Administration notes only one person attended the open house and indicated support for the proposed amendment and that mixed use development opportunities should remain an option.
- I. The City’s Redevelopment Agency, Economic Development, Fire, Police, and Public Utilities Departments and Transportation, Engineering, Building Services and Zoning Divisions have reviewed the proposed text amendment and expressed support or no objections to the proposal. Any new development proposal will be required to comply with City standards and regulations and demonstrate that there are adequate services to meet the needs of the project.
- J. On November 9, 2005, the Planning Commission voted to forward a positive recommendation to the City Council to adopt the proposed text amendment. Comments received at the Planning Commission hearing from a member of the City Transportation Advisory Board noted support for mixed use in all areas of the City and encouraged the Commission to address the need for schools in the downtown area where residential uses are being encouraged.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:

- A. The Council may wish to consider including the proposed text amendment for other mixed use zoning classifications. This would provide consistency throughout the various zoning districts and increase opportunities to attract housing development throughout the City.
 - 1. Currently, the language that is being changed by this text amendment is included in the Permitted and Conditional Use Table for the residential zones and allowed in the following zoning districts:
 - Residential Mixed Use RMU
 - Residential Mixed Use RMU-35
 - Residential Mixed Use RMU-45
 - Residential Business RB (limited to a single apartment above retail/office)
 - Residential Office RB
 - 2. The current permitted and conditional use table that includes the Mixed Use MU zoning classification refers to “dwelling units above first floor commercial or office” but does not reference housing on the first floor.
 - 3. The Residential Mixed Use and Residential Office zoning classifications are applied to properties surrounding the downtown. The Mixed Use MU zoning classification is applied to properties in the West Capitol Hill area.
 - 4. The Residential Business zoning classification is applied to small areas throughout the city such as 900 South and 900 East and 1100 East between 900 South and approximately 1750 South. As noted above, dwelling units are further limited to a single apartment above retail/office in the RB zone.
 - *Planning staff has indicated that it may not be appropriate to allow expansion of multi-family in this zone because the intent 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.*
 - *Planning staff has previously indicated that if the Council chooses to amend the language in the residential districts listed above, this should be referred back to the Planning Commission. The Planning Commission only considered the Downtown and Commercial zoning districts and not the Residential districts.*

- B. In light of the discussion above regarding the residential mixed use zones, the Council may wish to discuss the following questions with Planning staff:
1. Is it correct to understand that it will be no problem for a developer to build a facility in RMU, RMU-35, RMU-45, RO and MU that has housing on the ground floor abutting the street?
 2. Is it correct to say that there will be no requirement for the building to be mixed use, since “multi-family residential” is allowed?
- C. In light of the Council’s discussion relating to the recently adopted Transit Corridor and Commercial Sugar House Business District zoning regulations, the Council may wish to discuss with the Administration whether the proposed text amendment would accommodate expanded opportunities and options that would provide maximum flexibility for a broad mix of uses such as side by side development of non-residential/residential uses – vertical as well as horizontal.
- *Planning staff has indicated that the Council could amend the Planning Commission recommendation and this language could be adjusted so that residential and non-residential can be side by side.*
 - **Amended tables were provided to the Council office Tuesday afternoon. It appears that non/residential/residential developments – vertical as well as horizontal – would be allowed given the amended language “mixed use developments, including residential and other uses allowed in the zoning district”. Council staff will follow-up with Planning staff regarding this issue.**

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. Policies in the City’s community master plans express support for providing a wide variety of housing choices for all income-levels, providing flexibility in meeting individual community housing needs, housing preservation, rehabilitation and replacement and accommodating mixed-use, low, medium and high density residential development.
- B. The City’s Comprehensive Housing Plan policy statements address a variety of housing issues including quality design, architectural designs compatible with neighborhoods, public and neighborhood participation and interaction, accommodating different types and intensities of residential developments, transit-oriented development, encouraging mixed-use developments, housing preservation, rehabilitation and replacement, zoning policies and programs that preserve housing opportunities as well as business opportunities.
- C. The City’s Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The Plans emphasize placing a high priority on maintaining and developing new affordable residential housing in attractive, friendly, safe environments.
- D. The City’s 1990 Urban Design Element includes statements that emphasize preserving the City’s image, neighborhood character and maintaining livability while being sensitive to social and economic realities.
- E. The Council’s growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
1. Is aesthetically pleasing;
 2. Contributes to a livable community environment;
 3. Yields no negative net fiscal impact unless an overriding public purpose is served; and
 4. Forestalls negative impacts associated with inactivity.

CHRONOLOGY:

The Administration's transmittal provides a chronology of events relating to the proposed rezoning. Key dates are listed below. Please refer to the Administration's chronology for details.

- August 24, 2005 Petition initiated by Planning Commission
- September 6, 2005 Petition received by Planning Division
- October 13, 2005 Planning Open House
- November 9, 2005 Planning Commission hearing
- November 10, 2005 Ordinance requested from City Attorney's office
- November 28, 2005 Ordinance received from City Attorney's office

cc: Sam Guevara, Rocky Fluhart, DJ Baxter, Ed Rutan, Lynn Pace, Louis Zunguze, Brent Wilde, Alex Ikefuna, Doug Wheelwright, Cheri Coffey, Sarah Carroll, Jan Aramaki, Marge Harvey, Sylvia Jones, Lehua Weaver, Jennifer Bruno, Barry Esham, Annette Daley, Gwen Springmeyer, Dave Oka, Valda Tarbet

File Location: Community Development Dept., Planning Division, Zoning Ordinance text change, amending Downtown and Commercial districts to expand multi-family dwelling opportunities

EXHIBIT A
AMENDED TABLE (partial table)

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21A.26.080 Table Of Permitted And Conditional Uses For Commercial Districts:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT					
C = Conditional Use P = Permitted Use	COMMERCIAL DISTRICTS					
Use	CN	CB	CC	CS1	CSHBD1	CG
Residential						
Assisted living center, large		P	P			P
Assisted living center, small		P	P			P
Mixed use developments, including residential and other uses allowed in the zoning district	P	P	P	P	P	P
Group home, large (see section 21A.36.070 of this title)			C			C
Group home, small (see section 21A.36.070 of this title) above or below first story office, retail and commercial uses or on the first story, as defined in the adopted building code where the unit is not located adjacent to the street frontage	P	P	P	P	P	P
Halfway homes (see section 21A.36.110 of this title)						C
Living quarters for caretaker or security guard	P	P	P	P	P	P
Multi-family residential	P	P	P	P	P	P
Nursing home		P	P			P
Residential substance abuse treatment home, large (see section 21A.36.100 of this title)			C			C
Residential substance abuse treatment home, small (see section 21A.36.100 of this title)			C			C
Transitional treatment home, large (see section 21A.36.090 of this title)			C			C
Transitional treatment home, small (see section 21A.36.090 of this title)			C			C
Transitional victim home, large (see section 21A.36.080 of this title)			C			C
Transitional victim home, small (see section 21A.36.080 of this title)			C			C

EXHIBIT B
AMENDED TABLE (partial table)

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21A.30.050 Table Of Permitted And Conditional Uses For The Downtown Districts:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT			
C = Conditional Use	D-1	D-2	D-3	D-4
USE				
Residential				
Mixed use developments, including residential and other uses allowed in the zoning district	P	P	P	P
Group home, large (see section 21A.36.070 of this title)		C	C	
Group home, small (see section 21A.36.070 of this title) above or below first story office, retail and commercial use or on the first story, as defined in the adopted building code where the unit is not located adjacent to the street frontage	P	P	P	P
Homeless shelter			C	
Multiple-family dwellings	P	P	P	P
Residential substance abuse treatment home, large (see section 21A.36.100 of this title)		C	C	
Residential substance abuse treatment home, small (see section 21A.36.100 of this title)		C	C	
Transitional treatment home, large (see section 21A.36.090 of this title)		C	C	
Transitional treatment home, small (see section 21A.36.090 of this title)		C	C	
Transitional victim home, large (see section 21A.36.080 of this title)		C	C	
Transitional victim home, small (see section 21A.36.080 of this title)		C	C	

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

COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer  **DATE:** December 16, 2005

FROM: Louis Zunguze, Community Development Director

RE: **Petition No. 400-05-32** initiated by the Planning Commission to amend the Zoning Ordinance pertaining to permitted and conditional uses in Downtown and Commercial districts, Tables 21A.26.080 and 21A.30.050. It is also necessary to amend the definition of "multi-family dwelling," Section 21A.62.040.

STAFF CONTACT: Sarah Carroll, Associate Planner, at 535-6260 or sarah.carroll@slcgov.com

RECOMMENDATION: That the City Council hold a briefing and schedule a public hearing

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: Petition 400-05-32 was initiated by the Planning Commission on August 24, 2005, to amend the zoning ordinance to expand multiple family dwelling opportunities in the Downtown and Commercial zoning districts. This request would amend Tables 21A.26.080 and 21A.30.050 of the Salt Lake City Zoning Ordinance to allow multiple family dwellings as permitted uses in all Downtown and Commercial zones. The ordinance currently restricts multi-family dwellings to above or below first-story office, retail, and commercial uses, prohibiting them from being adjacent to the street. It is also necessary to amend the definition of "multi-family dwelling," Section 21A.62.040, because the current definition excludes multi-family dwellings that are attached via a common wall.

Analysis: The purpose of the existing mixed use regulations that were included in the 1995 Zoning Ordinance was to assure that uses fronting a public street in Commercial and Downtown districts had windows and a relationship to the street. Because the ordinance already has requirements for percentage of glass and other design criteria in these zoning districts which address the streetscape and pedestrian orientation, Staff determined that the limitations on residential development are unnecessary, that the current restrictions are impeding the ability to

attract housing in these areas where housing is desirable, and that generally, developers will work with the City to achieve an appropriate front building façade design.

The definition of “multi-family dwelling” currently excludes dwellings that are attached “via a common party wall.” An example of a dwelling that is attached via a common party wall is a townhouse or row house. This type of structure should not be excluded in the Downtown and Commercial zoning districts.

Master Plan Considerations: The proposed Zoning Ordinance text amendments will not require any Master Plans to be amended.

PUBLIC PROCESS:

This petition was presented at an Open House held on October 13, 2005. Only one member of the public attended. The attendee agreed that multi-family dwellings should be allowed and requested that the option for mixed use development, with retail or commercial on the ground floor and residential on other floors remain an option.

The Planning Commission heard this petition on November 9, 2005, and voted to transmit a favorable recommendation to the City Council to approve the proposed zoning ordinance text amendments.

RELEVANT ORDINANCES:

City Code Section 21A.50.050, Standards for General Amendments.

A decision to amend the text of the zoning ordinance or the zoning map is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the Planning Commission and the City Council must consider the following five factors:

- A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.
- C. The extent to which the proposed amendment will adversely affect adjacent properties.
- D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.
- E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire

protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

These standards were evaluated in the Planning Commission staff report and considered by the Planning Commission. Discussion and findings for these standards are found on pages 4-6 of the staff report in Exhibit 5B.

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 - Proposed Ordinance
 - Department Comments
 - Public Comments
 - C. Planning Commission agenda and minutes for November 9, 2005
6. Original Petition

1. CHRONOLOGY

PROJECT CHRONOLOGY

- August 24, 2005 The Planning Commission initiated the request.
- September 6, 2005 The Planning Division received the petition request.
- September 14, 2005 Requested appropriate City Departments review and comment on the proposed amendments; routed to Transportation, Engineering, the Fire Department, Public Utilities, Police, and Building and Licensing Services.
- October 13, 2005 Open house held for Petition request.
- October 25, 2005 Planning Commission public hearing notice mailed.
- November 9, 2005 Planning Commission public hearing held. A motion for a positive recommendation was passed.
- November 10, 2005 Ordinance request sent to City Attorney.
- November 30, 2005 Planning Commission ratified minutes of November 9, 2005 meeting.
- November 28, 2005 Received ordinance from the City attorney.

2. PROPOSED ORDINANCE

SALT LAKE CITY ORDINANCE

No. _____ of 2005

(Amending Definition of "Multi-Family Dwelling" and Making Other Amendments to Tables 21A.26.080 and 21A.30.050)

AMENDING SECTION 21A.62.040, *SALT LAKE CITY CODE*, PERTAINING TO DEFINITIONS, AND AMENDING TABLE 21A.26.080, *SALT LAKE CITY CODE*, PERTAINING TO PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS, AND TABLE 21A.30.050, *SALT LAKE CITY CODE*, PERTAINING TO PERMITTED AND CONDITIONAL USES FOR THE DOWNTOWN DISTRICTS, PURSUANT TO PETITION NO. 400-05-32.

WHEREAS, the Planning Commission and the City Council of Salt Lake City, Utah, have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and the local master plan as part of their deliberation. Pursuant to these deliberations, the City Council has concluded 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. AMENDMENT TO DEFINITIONS. That Section 21A.62.040 of the *Salt Lake City Code*, entitled Definitions, shall be and hereby is, amended, in part, as follows:

21A.62.040 Definitions:

Dwelling, Multi-Family: "Multi-family dwelling" means a building containing three (3) or more dwellings on a single lot. For purposes of determining whether a lot is in multiple-family dwelling use, the following considerations shall apply:

A. Multiple-family dwelling uses may involve dwelling units intended to be rented and maintained under central ownership or management, or cooperative apartments, condominiums and the like.

B. Any multiple-family dwelling in which dwelling units are available for rental or lease for periods of less than one month shall be considered a hotel/ motel.

SECTION 2. AMENDMENT TO TABLE OF PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS. 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 as set forth in the attached Exhibit A.

SECTION 3. AMENDMENT TO TABLE OF PERMITTED AND CONDITIONAL USES FOR THE DOWNTOWN DISTRICTS. That the table, entitled 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 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 Melanie Peif
By November 28, 2005

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	COMMERCIAL DISTRICTS					
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Use	CN	CB	CC	CS1	CSHBD1	CG
Residential						
Assisted living center, large		P	P			P
Assisted living center, small		P	P			P
Mixed-use development, including dwelling units or multi-family dwellings, above or below first story office, retail and commercial uses or on the first story, as defined in the adopted building code where the units are not located adjacent to the street frontage	P	P	P	P	P	P
Group home, large (see section 21A.36.070 of this title)			C			C
Group home, small (see section 21A.36.070 of this title) above or below first story office, retail and commercial uses or on the first story, as defined in the adopted building code where the unit is not located adjacent to the street frontage	P	P	P	P	P	P
Halfway homes (see section 21A.36.110 of this title)						C
Living quarters for caretaker or security guard	P	P	P	P	P	P
Multi-family residential	P	P	P	P	P	P
Nursing home		P	P			P
Residential substance abuse treatment home, large (see section 21A.36.100 of this title)			C			C
Residential substance abuse treatment home, small (see section 21A.36.100 of this title)			C			C
Transitional treatment home, large (see section 21A.36.090 of this title)			C			C
Transitional treatment home, small (see section 21A.36.090 of this title)			C			C
Transitional victim home, large (see section 21A.36.080 of this title)			C			C
Transitional victim home, small (see section 21A.36.080 of this title)			C			C

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	COMMERCIAL DISTRICTS					
C = Conditional Use P = Permitted Use						
Use	CN	CB	CC	CS1	CSHBD1	CG
Residential						
Assisted living center, large		P	P			P
Assisted living center, small		P	P			P
Mixed-use development, including dwellings and other uses in buildings with dwellings, above or below first story office, retail and commercial uses or on the first story, as defined in the adopted building code where the unit is not located adjacent to the street frontage	P		P	P	P	P
Group home, large (see section 21A.36.070 of this title)			C			C
Group home, small (see section 21A.36.070 of this title) above or below first story office, retail and commercial uses or on the first story, as defined in the adopted building code where the unit is not located adjacent to the street frontage	P	P	P	P	P	P
Halfway homes (see section 21A.36.110 of this title)						C
Living quarters for caretaker or security guard	P	P	P	P	P	P
Multi-family residential	P	P	P	P	P	P
Nursing home		P	P			P
Residential substance abuse treatment home, large (see section 21A.36.100 of this title)			C			C
Residential substance abuse treatment home, small (see section 21A.36.100 of this title)			C			C
Transitional treatment home, large (see section 21A.36.090 of this title)			C			C
Transitional treatment home, small (see section 21A.36.090 of this title)			C			C
Transitional victim home, large (see section 21A.36.080 of this title)			C			C
Transitional victim home, small (see section 21A.36.080 of this title)			C			

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AMENDED TABLE (partial table)

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LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT			
C = Conditional Use	D-1	D-2	D-3	D-4
USE				
Residential				
Mixed use development, including dwelling units or multiple family dwellings (two or more) below first story office, retail and/or commercial uses on the first story, as defined in the adopted building code, where the units are not located adjacent to the street frontage	P	P	P	P
Group home, large (see section 21A.36.070 of this title)		C	C	
Group home, small (see section 21A.36.070 of this title) above or below first story office, retail and commercial use or on the first story, as defined in the adopted building code where the unit is not located adjacent to the street frontage	P	P	P	P
Homeless shelter			C	
Multiple family dwellings	P	P	P	P
Residential substance abuse treatment home, large (see section 21A.36.100 of this title)		C	C	
Residential substance abuse treatment home, small (see section 21A.36.100 of this title)		C	C	
Transitional treatment home, large (see section 21A.36.090 of this title)		C	C	
Transitional treatment home, small (see section 21A.36.090 of this title)		C	C	
Transitional victim home, large (see section 21A.36.080 of this title)		C	C	
Transitional victim home, small (see section 21A.36.080 of this title)		C	C	

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LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT			
C = Conditional Use	D-1	D-2	D-3	D-4
USE	D-1	D-2	D-3	D-4
Residential				
Mixed use development, including dwelling units or buildings, multiple family dwellings above or below first story office, retail and commercial uses on the first story, as defined in the adopted building code where the unit is not located adjacent to the street frontage	P	P	P	P
Group home, large (see section 21A.36.070 of this title)		C	C	
Group home, small (see section 21A.36.070 of this title) above or below first story office, retail and commercial use or on the first story, as defined in the adopted building code where the unit is not located adjacent to the street frontage	P	P	P	P
Homeless shelter			C	
Multiple family dwellings	C/P	C/P	P	C/P
Residential substance abuse treatment home, large (see section 21A.36.100 of this title)		C	C	
Residential substance abuse treatment home, small (see section 21A.36.100 of this title)		C	C	
Transitional treatment home, large (see section 21A.36.090 of this title)		C	C	
Transitional treatment home, small (see section 21A.36.090 of this title)		C	C	
Transitional victim home, large (see section 21A.36.080 of this title)		C	C	
Transitional victim home, small (see section 21A.36.080 of this title)		C	C	

Amendment to Zoning Definitions, Section 21A.62.040

Dwelling, Multi-Family: "Multi-family dwelling" means a building containing three (3) or more dwellings, ~~other than single-family attached dwellings~~, on a single lot. For purposes of determining whether a lot is in multiple-family dwelling use, the following considerations shall apply:

- A. Multiple-family dwelling uses may involve dwelling units intended to be rented and maintained under central ownership or management, or cooperative apartments, condominiums and the like.
- B. Any multiple-family dwelling in which dwelling units are available for rental or lease for periods of less than one month shall be considered a hotel/ motel.

Dwelling, Single-Family Attached: "Single-family attached dwelling" means a dwelling unit that is attached via a common party side wall to at least one other such dwelling and where at least three (3) such dwellings are connected together.

3. CITY COUNCIL HEARING NOTICE

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is currently reviewing Petition No. 400-05-32 initiated by the Planning Commission, requesting an amendment to the zoning ordinance to expand multiple family dwelling opportunities in the downtown and commercial zoning districts and to amend the definition of “multi-family dwellings.” This petition was initiated because the planning staff determined that the current restrictions and definition are impeding the ability to attract housing in these areas where housing is desirable.

As part of the zoning amendment process the City Council is holding an advertised public hearing to receive comments regarding this petition request. During this hearing, the Planning staff may present information on the petition and anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME: 7:00 p.m.

PLACE: City Council Chambers
City and County Building
451 South State Street, Room 315
Salt Lake City, Utah

If you have any questions relating to this proposal, please attend the meeting or call Sarah Carroll at 535-6260 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Salt Lake City complies with ADA guidelines. Assistive listening devices and interpretive services will be provided upon a 24-hour advance request.

4. MAILING LABELS

COMMUNITY COUNCIL CHAIRS:

Updated: 7/19/2005 sj

KEN FUTZ, CHAIR
WEST POINTE COMM. COUNCIL
1217 NO. BRIGADIER CIRCLE
SALT LAKE CITY, UT 84116

KENNETH L. NEAL, CHAIR
ROSE PARK COMMUNITY COUNCIL
1071 NO. TOPAZ DR.
SALT LAKE CITY, UT 84116

ANGIE VORHER, CHAIR
JORDAN MEADOWS COMM. COUNCIL
1988 SIR JAMES DRIVE
SALT LAKE CITY, UT 84116

VICKY ORME, CHAIR
FAIRPARK COMM. COUNCIL
159 NORTH 1320 WEST
SALT LAKE CITY, UT 84116

MIKE HARMAN, CHAIR
POPLAR GROVE COMM. COUNCIL
1044 WEST 300 SOUTH
SALT LAKE CITY, UT 84104

RANDY SORENSON, CHAIR
GLENDALE COMMUNITY COUNCIL
1184 SO. REDWOOD DRIVE
SALT LAKE CITY, UT 84104-3325

PETER VON SIVERS, CHAIR
CAPITOL HILL COMMUNITY COUNCIL
223 WEST 400 NORTH
SALT LAKE CITY, UT 84103

JILL VAN LANGEVELD, CHAIR
GRTR. AVENUES COMM. COUNCIL
807 E. NORTHCLIFFE DRIVE
SALT LAKE CITY, UT 84103

BILL DAVIS, CHAIR
RIO GRANDE COMMUNITY COUNCIL
329 E. HARRISON AVENUE
SALT LAKE CITY, UT 84115

BILL PLASTOW, CHAIR
PEOPLES FREEWAY COMM. COUNCIL
1625 SOUTH WEST TEMPLE
SALT LAKE CITY, UT 84115

THOMAS MUTTER, CHAIR
CENTRAL CITY COMMUNITY COUNCIL
228 EAST 500 SOUTH, #100
SALT LAKE CITY, UT 84111

DENNIS GUY-SELL, CHAIR
EAST CENTRAL COMMUNITY
COUNCIL
P.O. BOX 520473
SALT LAKE CITY, UT 84152-0473

BRIAN WATKINS, CHAIR
LIBERTY WELLS COMM. COUNCIL
1744 SOUTH 600 EAST
SALT LAKE CITY, UT 84106

JIM WEBSTER, CHAIR
YALECREST COMMUNITY COUNCIL
938 MILITARY DRIVE
SALT LAKE CITY, UT 84108-1326

MARYDELLE GUNN, CHAIR
WASATCH HOLLOW
COMMUNITY COUNCIL
1595 SOUTH 1300 EAST
SALT LAKE CITY, UT 84105

LARRY SPENDLOVE, CHAIR
SUNNYSIDE EAST ASSOCIATION
2114 E. HUBBARD AVENUE
SALT LAKE CITY, UT 84108

ELLEN REDDICK, CHAIR
BONNEVILLE HILLS
COMMUNITY COUNCIL
2177 ROOSEVELT AVE.
SALT LAKE CITY, UT 84108

DAVE MORTENSEN, CHAIR
ARCADIA HEIGHTS/BENCHMARK
COMMUNITY COUNCIL
2278 SIGNAL POINT CIRCLE
SALT LAKE CITY, UT 84109

MARK HOLLAND, CHAIR
SUGAR HOUSE COMM. COUNCIL
1942 BERKELEY STREET
SALT LAKE CITY, UT 84105

PAM PEDERSEN, CHAIR
EAST LIBERTY PARK
(e-mail)

MICHAEL AKERLOW
FOOTHILL/SUNNYSIDE
COMMUNITY COUNCIL
1940 E. HUBBARD AVENUE
SALT LAKE CITY, UT 84108

PAUL TAYLER, CHAIR
OAK HILLS COMMUNITY COUNCIL
1165 SO. OAKHILLS WAY
SALT LAKE CITY, UT 84108

MIKE ZUHL, CHAIR
INDIAN HILLS COMMUNITY COUNCIL
2676 E. COMANCHE DRIVE
SALT LAKE CITY, UT 84108

DOUG FOXLEY, CHAIR
ST. MARY'S COMMUNITY COUNCIL
1449 DEVONSHIRE DRIVE
SALT LAKE CITY, UT 84108

TIM DEE, CHAIR
SUNSET OAKS COMMUNITY COUNCIL
1575 DEVONSHIRE DRIVE
SALT LAKE CITY, UT 84108

SHAWN McMILLEN, CHAIR
H ROCK COMMUNITY COUNCIL
1855 SOUTH 2600 EAST
SALT LAKE CITY, UT 84108

Sarah Carroll
3917 S. River Trail #1025
SLC, UT 84123



Downtown Alliance
Bob Farrington, Director
175 East 400 South #600
Salt Lake City, Utah 84111

Salt Lake Chamber of Commerce
175 East 400 South, Suite #600
Salt Lake City, Utah 84111

Attn: Carol Dibble
Downtown Merchants Association
238 South Main Street
Salt Lake City, UT 84101

Hispanic Chamber of Commerce
PO Box 1805
Salt Lake City, UT 84110

Vest Pocket Business Coalition
PO Box 521357
Salt Lake City, Utah 84152-1357

Sugar House Merchants Association
C/O Barbara Green
Smith-Crown
2000 South 1100 East
Salt Lake City, Utah 84106

Westside Alliance
C/O Neighborhood Housing Services
Maria Garcia
622 West 500 North
Salt Lake City, Utah 84116

Updated 10/05/04
KDC



COMMUNITY COUNCIL CHAIRS:

Updated: 7/19/2005 sj

KEN FUTZ, CHAIR
WEST POINTE COMM. COUNCIL
1217 NO. BRIGADIER CIRCLE
SALT LAKE CITY, UT 84116

KENNETH L. NEAL, CHAIR
ROSE PARK COMMUNITY COUNCIL
1071 NO. TOPAZ DR.
SALT LAKE CITY, UT 84116

ANGIE VORHER, CHAIR
JORDAN MEADOWS COMM. COUNCIL
1988 SIR JAMES DRIVE
SALT LAKE CITY, UT 84116

VICKY ORME, CHAIR
FAIRPARK COMM. COUNCIL
159 NORTH 1320 WEST
SALT LAKE CITY, UT 84116

MIKE HARMAN, CHAIR
POPLAR GROVE COMM. COUNCIL
1044 WEST 300 SOUTH
SALT LAKE CITY, UT 84104

RANDY SORENSON, CHAIR
GLENDALE COMMUNITY COUNCIL
1184 SO. REDWOOD DRIVE
SALT LAKE CITY, UT 84104-3325

PETER VON SIVERS, CHAIR
CAPITOL HILL COMMUNITY COUNCIL
223 WEST 400 NORTH
SALT LAKE CITY, UT 84103

JILL VAN LANGEVELD, CHAIR
GRTR. AVENUES COMM. COUNCIL
807 E. NORTHCLIFFE DRIVE
SALT LAKE CITY, UT 84103

BILL DAVIS, CHAIR
RIO GRANDE COMMUNITY COUNCIL
329 E. HARRISON AVENUE
SALT LAKE CITY, UT 84115

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Attn: Carol Dibble
Downtown Merchants Association
238 South Main Street
Salt Lake City, UT 84101

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C/O Neighborhood Housing Services
Maria Garcia
622 West 500 North
Salt Lake City, Utah 84116



5A. PLANNING COMMISSION
Original Notice and Postmark

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING**
In Room 326 of the City & County Building at 451 South State Street
Wednesday, November 09, 2005, at 5:45 p.m.

The Planning Commission will be having dinner at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting will be open to the public.

1. APPROVAL OF MINUTES FROM WEDNESDAY, OCTOBER 26, 2005.

2. REPORT OF THE CHAIR AND VICE CHAIR

3. REPORT OF THE DIRECTOR

4. PUBLIC NOTICE AGENDA

None

5. PUBLIC HEARINGS

> a) **Petition No. 400-05-32**, a request initiated by the Planning Commission to amend the zoning ordinance to expand multiple family dwelling opportunities in the downtown and commercial zoning districts. This request would amend Tables 21A.26.080 and 21A.30.050 of the Salt Lake City Zoning Ordinance to allow multiple family dwellings, as permitted uses, in all downtown and commercial zones and remove the restriction that these units must be above or below first story office, retail and commercial uses or not adjacent to the street. (Staff: Sarah Carroll at 535-6260 or sarah.carroll@slcgov.com)

b) **Petition 400-05-25**, initiated by the City Council requesting to amend provisions of the Salt Lake City Code that may contribute to residential infill development that is not compatible with the surrounding development within various single and two-family residential zoning districts. The Planning Commission will consider recommending amendments to provisions of the City Code dealing with in-line additions, building height, yard requirements, garage placement and accessory building standards, lot size building coverage, definition of the term "demolition" and fines assessed for construction activity undertaken in violation of the proposed standards. (Staff: Joel Paterson, 535-6141 or joel.paterson@slcgov.com)

6. UNFINISHED BUSINESS

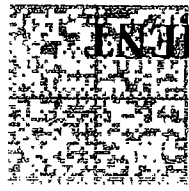
NOTICE



NOTICE OF A HEARING AMENDMENT

SALT LAKE CITY PLANNING DIVISION
451 SOUTH STATE STREET, ROOM 406
SALT LAKE CITY, UT 84111

JF



Master

US POSTAGE
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10 28 2008

1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing.
3. In order to be considerate of everyone attending the meeting, public comments are limited to 3 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting. Written comments should be sent to:
Salt Lake City Planning Director
451 South State Street, Room 406
Salt Lake City, UT 84111
4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Simultaneous and repetitive comments should be avoided. Prior speakers may be allowed to re-open the hearing for clarification.
8. After the hearing is closed, the discussion will be limited to Planning Commissioners and Staff. Under no circumstances should the hearing be re-opened for clarification.
9. If you are planning to attend the public meeting or participating in the meeting, please notify the Planning Division in advance of the meeting and we will try to provide you with the necessary assistance. If you need assistance, please call 535-7757 for assistance.

1 84054

5B. PLANNING COMMISSION
Staff Report with Attachments

DATE: November 9, 2005

TO: Salt Lake City Planning Commission

FROM: Sarah Carroll, Associate Planner

RE: Petition No. 400-05-32, request to amend Tables 21A.26.080 and 21A.30.050 to expand multiple family dwelling opportunities in commercial and downtown zoning districts.

PETITION NUMBER: 400-05-32

APPLICANT: Salt Lake City Planning Commission

STATUS OF APPLICANT: Petition Initiator

PROJECT LOCATION:
Commercial and Downtown Zoning Districts. This proposal is for a zoning ordinance text change that would revise the ordinance in relation to multiple family dwellings in the downtown and commercial zoning districts. The specific districts that will be affected include: D-1, D-2, D-3, D-4, CN, CB, CC, CS, CSHBD, and CG, city wide.

PROJECT DESCRIPTION: The proposed text change is intended to allow for greater flexibility regarding the development of multi-family dwellings in downtown and commercial zoning districts.

COUNCIL DISTRICT: All Council Districts

REQUESTED ACTION:
A request to revise Tables 21A.26.080 and 21A.30.050 of the Salt Lake City Zoning Ordinance in order to expand opportunities for multiple family dwellings in the downtown and commercial zoning districts.

PROPOSED USE(S):
In commercial and downtown zones the ordinance currently allows, as a permitted use, multiple-family dwelling units above or below first story office, retail and commercial uses or where the unit is not located adjacent to the street. In several of the zones, multiple family dwellings are only allowed as conditional uses.

This request would amend the tables to allow multiple-family dwellings, as permitted uses, in all downtown and commercial zones, without the restrictions stated above. The ordinance would be modified to allow pure multiple family residential structures, as a permitted use, in any of the Downtown or Commercial Zoning Districts.

PROPOSED ZONING TEXT AMENDMENT:

The proposed text amendments are shown below:

21A.26.080 Table Of Permitted And Conditional Uses For Commercial Districts:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS					
C = Conditional Use P = Permitted Use						
Use	CN	CB	CC	CS¹	CSHBD¹	CG
Residential						
Mixed use development, including dwelling units or including multiple-family dwellings above or below first story office, retail and commercial uses or on first story, as defined in the adopted building code, where the unit is not located adjacent to the street frontage	P	P	P	P	P	P
Multi-family residential	P	P	P	P	P	P

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
Residential				
Mixed use development, including dwelling units or including multiple-family dwellings above or below first story office, retail and commercial uses or on first story, as defined in the adopted building code, where the unit is not located adjacent to the street frontage	P	P	P	P
Multiple-family dwellings	CP	CP	P	CP

**APPLICABLE LAND
USE REGULATIONS:**

The proposed change modifies the text associated with the Salt Lake City Zoning Ordinance, Tables 21A.26.080 and 21A30.050.

MASTER PLAN SPECIFICATIONS:

The Salt Lake City Community Housing Plan (adopted in 2000), the Futures Report and the Vision and Strategic Plan (drafted in 1993) applies to this proposed text amendment as discussed below:

Housing Plan:

The goal of Salt Lake City is to enhance, maintain and sustain a livable community that includes a vibrant downtown integrated with surrounding neighborhoods that offer a wide range of housing choices, mixed uses, and transit oriented design. The City Council supports housing densities and mixed uses that support use of alternative public transportation, depending on the characteristics of the area, and supports appropriate housing densities in areas where public transit and local services are conveniently available or can be provided and are accessible on foot.

Futures Report:

The City must continue to be aggressively committed to integrated housing solutions within downtown and other neighborhoods (p.21).

Vision and Strategic Plan:

Neighborhoods, Objective E: The City will include a wide variety of affordable housing opportunities in attractive, friendly neighborhoods that provide a safe environment for families.

Economic Vitality, 16.0: Strengthen the attractiveness of downtown as the regional center for cultural activity, tourism, entertainment, retail, finance, professional and corporate offices.

SUBJECT PROPERTY HISTORY: Not applicable.

ACCESS: Not applicable.

COMMENTS, ANALYSIS AND FINDINGS

COMMENTS

Comments from City Departments (Exhibit 3) and Community Council(s):

- **Transportation Divisions** recommends approval of the proposed changes.
- **Public Utilities** has no objections to the proposed zoning changes.
- **Building Services** did not object to the proposed changes. All lot areas, setbacks, building height, parking requirements, etc. will remain the same.
- **Police** expressed no opposition to the proposed text change.
- **Engineering** did not respond to the requests for comments.
- **Fire** did not object to this proposal.

- **Economic Development** stated that they are highly supportive of this change as it will attract more housing units to the downtown core and will expand housing options in these zones.
- **Redevelopment Agency:** This proposal is fine with the RDA staff.
- **Community Council(s):** The Planning Division held an Open House for Community Councils and interested parties on October 12, 2005. Only City staff and one member of the public attended. Planning Division Staff did not receive any comments from any of the respective Community Councils on the proposed text change. Two comments in favor of the proposal were received, and are attached (Exhibit 4).

ANALYSIS

The purpose of this amendment is to revise the table of permitted and conditional uses for the downtown and commercial districts in order to increase multi-family dwelling development possibilities. The proposed text amendments would allow pure multiple-family structures, without the requirement of first story office, retail or commercial uses.

The intent of the Zoning Ordinance is to classify appropriate land uses, and to consider if a specified land use promotes the health, safety, and general welfare of the public. The proposed text amendment meets the general intent of the zones that it would affect, and does not materially harm the associated zoning districts.

FINDINGS

Issues that are being generated by this proposal.

Since the request is a modification of the zoning text, the Planning Commission shall review the proposed text change and forward a recommendation to the City Council. The Planning Commission shall use the following standards:

CODE CRITERIA / DISCUSSION / FINDINGS OF FACT

21A.50.050 Standards for general amendments.

- A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.**

Discussion: The proposed text amendment will increase the variety of housing opportunities within the City and will strengthen the attractiveness of downtown as the regional center for cultural activity, tourism, entertainment, retail, finance, professional and corporate offices and will create increased housing density in areas that are easily accessible by alternative public transportation.

Findings: The proposed text amendment is consistent with standards in the Salt Lake City Community Housing Plan, the Futures Report and the Vision and Strategic Plan.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.

Discussion: The intent of downtown districts is to create a unique downtown which fosters services such as: the arts, entertainment, financial, office, retail and governmental activities. Expanding residential dwelling opportunities in these districts and more readily allowing the creation of high density residential structures will allow people to live near the services that are provided. This will increase the vitality of downtown districts and the use of public transportation.

The intent of commercial districts is to provide controlled and compatible settings for office and business/commerce developments, to enhance employment opportunities, to encourage the efficient use of land, to enhance property values and the tax base, and to ensure high quality design. A more intense residential base in these areas will meet the intent of the zone because an increased residential population will demand more services, create more jobs, enhance property values and increase the tax base.

Findings: High density residential dwellings will be an efficient use of the land in the Downtown and Commercial Zoning Districts. The proposed text amendment will be an efficient use of the land and meets this standard.

C. The extent to which the proposed amendment will adversely affect adjacent properties.

Discussion: The proposed text amendment is intended to allow more flexibility in the development of multi-family dwellings in commercial and downtown districts. This amendment will attract more residents to the areas of the City that provide vital retail, professional and office services and will increase the livelihood of these areas. The size of each developable lot will dictate the size of possible apartment or condo buildings. Each lot where these dwellings are constructed will have to meet buffering and off-street parking requirements in order to minimize the impacts on abutting low density residential areas. The downtown and more intense commercial zones are often surrounded by similar intensive zones and land uses.

Findings: The proposed text amendment will not adversely impact adjacent properties.

D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.

Discussion: The proposed text amendment is not site specific, and is not associated with any overlay zoning districts.

Findings: Any new development will have to comply with applicable overlay districts. The proposed text amendment meets this standard.

- E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.**

Discussion: The proposal is not site specific. All new development projects will be reviewed by the departments that regulate the city services and facilities, prior to approval. Applicable departments reviewed this request and did not oppose.

Findings: All pertinent City Departments will review any request through the permit process to ensure adequacy of public facilities and services.

RECOMMENDATION:

The Planning Division recommends that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed zoning text amendment.

Sarah Carroll
Associate Planner

Attachments:

- Exhibit 1 – Proposed Ordinance
- Exhibit 2 – Department Comments
- Exhibit 3 – Public Comments

Exhibit 1
Proposed Ordinance

AMENDED TABLE (partial table)

21A.26.080 Table Of Permitted And Conditional Uses For Commercial Districts:

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT					
	COMMERCIAL DISTRICTS					
C = Conditional Use P = Permitted Use						
Use	CN	CB	CC	CS1	CSHBD1	CG
Residential						
Assisted living center, large		P	P			P
Assisted living center, small		P	P			P
Mixed-use development, including dwelling units or dwelling multifamily dwellings, above or below first story office, retail and commercial uses or on the first story, as defined in the adopted building code, where the unit is not located adjacent to the street frontage	P	P	P	P	P	P
Group home, large (see section 21A.36.070 of this title)			C			C
Group home, small (see section 21A.36.070 of this title) above or below first story office, retail and commercial uses or on the first story, as defined in the adopted building code where the unit is not located adjacent to the street frontage	P	P	P	P	P	P
Halfway homes (see section 21A.36.110 of this title)						C
Living quarters for caretaker or security guard	P	P	P	P	P	P
Multifamily residential	P	P	P	P	P	P
Nursing home		P	P			P
Residential substance abuse treatment home, large (see section 21A.36.100 of this title)			C			C
Residential substance abuse treatment home, small (see section 21A.36.100 of this title)			C			C
Transitional treatment home, large (see section 21A.36.090 of this title)			C			C
Transitional treatment home, small (see section 21A.36.090 of this title)			C			C
Transitional victim home, large (see section 21A.36.080 of this title)			C			C
Transitional victim home, small (see section 21A.36.080 of this title)			C			C

AMENDED TABLE (partial table)

21A.30.050 Table Of Permitted And Conditional Uses For The Downtown Districts:

LEGEND	PERMITTED AND CONDITIONAL USES,			
C = Conditional Use	BY DISTRICT			
USE	D-1	D-2	D-3	D-4
Residential				
Mixed-use development, including dwelling units on the first floor, multiple family dwellings above or below first story office, retail and commercial uses or on first story, as defined in the adopted building code where the unit is not located adjacent to the street frontage	P	P		
Group home, large (see section 21A.36.070 of this title)		C	C	
Group home, small (see section 21A.36.070 of this title) above or below first story office, retail and commercial use or on the first story, as defined in the adopted building code where the unit is not located adjacent to the street frontage	P	P	P	P
Homeless shelter			C	
Multiple family dwellings	EP	EP	P	EP
Residential substance abuse treatment home, large (see section 21A.36.100 of this title)		C	C	
Residential substance abuse treatment home, small (see section 21A.36.100 of this title)		C	C	
Transitional treatment home, large (see section 21A.36.090 of this title)		C	C	
Transitional treatment home, small (see section 21A.36.090 of this title)		C	C	
Transitional victim home, large (see section 21A.36.080 of this title)		C	C	
Transitional victim home, small (see section 21A.36.080 of this title)		C	C	

Amendment to Zoning Definitions, Section 21A.62.040

Dwelling, Multi-Family: "Multi-family dwelling" means a building containing three (3) or more dwellings, ~~other than single-family attached dwellings~~, on a single lot. For purposes of determining whether a lot is in multiple-family dwelling use, the following considerations shall apply:

- A. Multiple-family dwelling uses may involve dwelling units intended to be rented and maintained under central ownership or management, or cooperative apartments, condominiums and the like.
- B. Any multiple-family dwelling in which dwelling units are available for rental or lease for periods of less than one month shall be considered a hotel/ motel.

Dwelling, Single-Family Attached: "Single-family attached dwelling" means a dwelling unit that is attached via a common party side wall to at least one other such dwelling and where at least three (3) such dwellings are connected together.

Exhibit 2
Department Comments

FIRE

Carroll, Sarah

From: Larson, Bradley
Sent: Friday, October 14, 2005 1:50 PM
To: Carroll, Sarah
Subject: Petition 400-05-32

Sarah,

The Fire Department has no objections to the above named petition. Please feel free to contact me should you have any questions.

Thank you.

Brad Larson
Deputy Fire Marshal
Salt Lake City Fire Department
801-799-4162 office
801-550-0147 cell
bradley.larson@slcgov.com

10/17/2005

TRANSPORTATION

Carroll, Sarah

From: Walsh, Barry
Sent: Monday, October 03, 2005 10:33 AM
To: Carroll, Sarah
Subject: RE: Routing for Petition 400-05-32; text amendment
Categories: Program/Policy

October 3, 2005

Sarah Carroll, Planning

Re: Petition 400-05-32, Text Amendment to expand multiple family dwelling in the downtown and commercial zones Tables 21A.26.080 and 21A.30.050.

The transportation division review comments and recommendations are for approval of the proposed change in that it presents no notable impact to the public transportation corridor system.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Craig Smith, Engineering
Brad Stewart, Utilities
Larry Butcher, Permits
Brad Larson, Fire
File

From: Carroll, Sarah
Sent: Thursday, September 29, 2005 2:25 PM
To: Butcher, Larry; Smith, Craig; Larson, Bradley; Smith, JR; Stewart, Brad; Walsh, Barry; Spangenberg, Craig
Cc: Boskoff, Nancy; Campbell, Tim; Clark, Luann; Dinse, Rick; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Oka, Dave; Querry, Chuck; Rutan, Ed; Zunguze, Louis
Subject: Routing for Petition 400-05-32; text amendment

Dear Respective Departments:

Please find attached a Memorandum regarding a text amendment request:
Petition No. 400-05-32, a request to expand multiple family dwelling opportunities in the downtown and commercial zoning districts.

Sincerely,

Sarah Carroll
Associate Planner

10/3/2005

PUBLIC UTILITIES

Carroll, Sarah

From: Stewart, Brad
Sent: Tuesday, October 04, 2005 10:22 AM
To: Carroll, Sarah
Cc: Garcia, Peggy; Butcher, Larry; Larson, Bradley; Weiler, Scott
Subject: RE: Routing for Petition 400-05-32; text amendment
Categories: Program/Policy

Sarah,

Salt Lake City Public Utilities has no objection to the proposed zoning change. It should be noted, as with any new development or intensification of the use of a property, that the question of adequate water and sewer capacity cannot be answered until details of the project are known. It is likely that some developments will be required to address capacity issues both adjacent to the property and in some cases off-site. Ordinance and long standing policy require developers to pay for the cost of system improvements required to support new development.

Brad

From: Carroll, Sarah
Sent: Thursday, September 29, 2005 2:25 PM
To: Butcher, Larry; Smith, Craig; Larson, Bradley; Smith, JR; Stewart, Brad; Walsh, Barry; Spangenberg, Craig
Cc: Boskoff, Nancy; Campbell, Tim; Clark, Luann; Dinse, Rick; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Oka, Dave; Querry, Chuck; Rutan, Ed; Zunguze, Louis
Subject: Routing for Petition 400-05-32; text amendment

Dear Respective Departments:

Please find attached a Memorandum regarding a text amendment request:
Petition No. 400-05-32, a request to expand multiple family dwelling opportunities in the downtown and commercial zoning districts.

Sincerely,

Sarah Carroll
Associate Planner
801-535-6260
sarah.carroll@slcgov.com

10/4/2005

BUILDING SERVICES

Carroll, Sarah

From: Butcher, Larry
Sent: Monday, October 10, 2005 7:35 AM
To: Carroll, Sarah
Cc: Goff, Orion
Subject: Petition 400-05-32 / Multi-Family Dwellings In Downtown and Commercial Districts

Sarah:

I assume all lot areas, setbacks, building height, parking requirements, etc. will remain the same. I have no additional comments.

Larry

POLICE DEPT.

Carroll, Sarah

From: Smith, JR
Sent: Tuesday, October 11, 2005 2:43 PM
To: Carroll, Sarah
Subject: RE: Routing for Petition 400-05-32; text amendment
Categories: Program/Policy

Sarah,

I do not see any CPTED concerns with this petition request.

Thanks,

J.R. Smith
SLCPD
Community Action Team

-----Original Message-----

From: Carroll, Sarah
Sent: Thursday, September 29, 2005 2:25 PM
To: Butcher, Larry; Smith, Craig; Larson, Bradley; Smith, JR; Stewart, Brad; Walsh, Barry; Spangenberg, Craig
Cc: Boskoff, Nancy; Campbell, Tim; Clark, Luann; Dinse, Rick; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Oka, Dave; Querry, Chuck; Rutan, Ed; Zunguze, Louis
Subject: Routing for Petition 400-05-32; text amendment

Dear Respective Departments:

Please find attached a Memorandum regarding a text amendment request:
Petition No. 400-05-32, a request to expand multiple family dwelling opportunities in the downtown and commercial zoning districts.

Sincerely,

Sarah Carroll
Associate Planner
801-535-6260
sarah.carroll@slcgov.com

ECONOMIC DEVELOPMENT

Carroll, Sarah

From: McFarlane, Alison
Sent: Friday, September 30, 2005 12:54 PM
To: Carroll, Sarah
Subject: RE: Routing for Petition 400-05-32; text amendment
Categories: Program/Policy

The economic development department works in collaboration with other city departments to attract more housing units and development into Salt Lake City, and particularly to the downtown core. The department has been instrumental in creating awareness of downtown housing for two seasons through the annual Downtown Living Tour. The text amendment for the expansion of multiple family dwelling opportunities in the downtown and commercial zoning districts is highly supported by the Economic Development Department for the expanded housing options it will encourage.

From: Carroll, Sarah
Sent: Thursday, September 29, 2005 2:25 PM
To: Butcher, Larry; Smith, Craig; Larson, Bradley; Smith, JR; Stewart, Brad; Walsh, Barry; Spangenberg, Craig
Cc: Boskoff, Nancy; Campbell, Tim; Clark, Luann; Dinse, Rick; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Oka, Dave; Querry, Chuck; Rutan, Ed; Zunguze, Louis
Subject: Routing for Petition 400-05-32; text amendment

Dear Respective Departments:

Please find attached a Memorandum regarding a text amendment request:
Petition No. 400-05-32, a request to expand multiple family dwelling opportunities in the downtown and commercial zoning districts.

Sincerely,

Sarah Carroll
Associate Planner
801-535-6260
sarah.carroll@slcgov.com

RDA

From: Oka, Dave
Sent: Thursday, October 27, 2005 3:52 PM
To: Carroll, Sarah
Subject: RE: Please comment ASAP
This is fine with the RDA staff.

MEMORANDUM

DATE: September 29, 2005

TO: Building Services: Larry Butcher
Engineering: Craig Smith
Fire: Brad Larson
Police: J.R. Smith, (CPTED)
Public Utilities: Brad Stewart
Transportation: Barry Walsh
Zoning: Craig Spangenberg

FROM: Sarah Carroll, Associate Planner, Planning Division
535-6260, Sarah.carroll@slcgov.com

RE: Petition #400-05-32, Text Amendment to expand multiple family dwelling opportunities in the downtown and commercial zoning districts

CC: Boskoff, Campbell, Clark, Dinse, Fluhart, Graham, Harpst, Hooton, McFarlane, Oka, Querry, Rutan, Zunguze

The Salt Lake City Planning Commission has initiated a petition to expand multiple family dwelling opportunities in commercial and downtown zoning districts. This request would amend Tables 21A.26.080 and 21A.30.050 of the Salt Lake City Zoning Ordinance as shown below.

In downtown and commercial districts the ordinance currently restricts multiple-family dwellings unless they are above or below first story office, retail and commercial uses or where the unit is not located adjacent to the street. In some districts multiple-family dwellings are allowed as a conditional use. This petition request is to allow multiple-family dwellings without restrictions, as permitted uses, in all of the downtown and commercial zoning districts.

I would appreciate receiving your written comments by **October 14, 2005**. If you have any questions please call me (535-6260) or send me an e-mail. Thank you.

Exhibit 3
Public Comments

Carroll, Sarah

From: Blake_Howell [blake@thebois.com]
Sent: Thursday, September 29, 2005 5:20 PM
To: Carroll, Sarah
Subject: Tables 21A.26.080 and 21A.30.050 of the Salt Lake City Zoning Ordinance

I cannot make this meeting but wish to express my complete support if this could be passed along. I am a current downtown resident and have wished this would happen for years.

Blake Howell
44 W Broadway #806
Salt Lake City, Utah 84101
p: 801.359.0923
m: 801.808.9573
e: blake@thebois.com

September 29, 2005

NOTICE OF OPEN HOUSE

The Salt Lake City Planning Commission has initiated a petition to expand multiple family dwelling opportunities in commercial and downtown zoning districts. This request would amend Tables 21A.26.080 and 21A.30.050 of the Salt Lake City Zoning Ordinance.

In commercial and downtown zones the ordinance currently allows, as a permitted use, multiple-family dwelling units above or below first story office, retail and commercial uses or where the unit is not located adjacent to the street. In several of the zones, multiple family dwellings are only allowed as conditional uses.

This request would amend the tables to allow multiple-family dwellings, as permitted uses, in all downtown and commercial zones, without the restrictions stated above. The ordinance would be modified to allow a pure multiple family residential structure, as a permitted, use in any of the Downtown or Commercial Zoning Districts.

The Planning Staff would like to receive your input regarding this proposal and invites you to a public open house:

Thursday, October 13, 2005
Salt Lake City & County Building
451 South State Street
Room 118 Conference Room
Between the hours of 4:30 and 6:00 p.m.

Since it is very difficult for us to inform all interested parties about this request, we would appreciate you discussing this matter with your neighbors and informing them of the open house.

If you have any questions on this issue, please call Sarah Carroll at 801 535-6260 or email sarah.carroll@slcgov.com.

9/30/2005

OPEN HOUSE
Multi-Family Dwellings in Commercial and
Downtown Zoning Districts
ATTENDANCE ROLL
October 13, 2005

PRINT NAME <u>KIRK LUTFAKER</u>	PRINT NAME _____
ADDRESS <u>UTAH HERITAGE FOUNDATION</u>	ADDRESS _____
ZIP CODE <u>84103</u>	ZIP CODE _____
PRINT NAME _____	PRINT NAME _____
ADDRESS _____	ADDRESS _____
ZIP CODE _____	ZIP CODE _____
PRINT NAME _____	PRINT NAME _____
ADDRESS _____	ADDRESS _____
ZIP CODE _____	ZIP CODE _____
PRINT NAME _____	PRINT NAME _____
ADDRESS _____	ADDRESS _____
ZIP CODE _____	ZIP CODE _____
PRINT NAME _____	PRINT NAME _____
ADDRESS _____	ADDRESS _____
ZIP CODE _____	ZIP CODE _____



OPEN HOUSE COMMENTS
Multi-Family Dwellings in Commercial and
Downtown Zoning Districts
October 13, 2005

Please provide us with the following information, so that we may contact you for further comment. Please print clearly, as this information will be forwarded to the Planning Commission. Thank you.

Name KIRK HUFFAKER

Address UTAH HERITAGE FOUNDATION

POB 28

SALT LAKE CITY UT 84110

Phone 533-0858 ext. 106

email kirk@utahheritagefoundation.org

Please provide comments below.

Please still provide the ability to do mixed-use housing & retail developments in downtown and commercial districts. Otherwise, this hopefully helps create more housing opportunities

**5C. PLANNING COMMISSION
Agenda and Minutes for November 9, 2005**

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, November 09, 2005, at 5:45 p.m.**

The Planning Commission will be having dinner at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting will be open to the public.

1. APPROVAL OF MINUTES FROM WEDNESDAY, OCTOBER 26, 2005.

2. REPORT OF THE CHAIR AND VICE CHAIR

3. REPORT OF THE DIRECTOR

4. PUBLIC NOTICE AGENDA

None

5. PUBLIC HEARINGS

- a) **Petition No. 400-05-32**, a request initiated by the Planning Commission to amend the zoning ordinance to expand multiple family dwelling opportunities in the downtown and commercial zoning districts. This request would amend Tables 21A.26.080 and 21A.30.050 of the Salt Lake City Zoning Ordinance to allow multiple family dwellings, as permitted uses, in all downtown and commercial zones and remove the restriction that these units must be above or below first story office, retail and commercial uses or not adjacent to the street. (Staff: Sarah Carroll at 535-6260 or sarah.carroll@slcgov.com)

- b) **Petition 400-05-25**, initiated by the City Council requesting to amend provisions of the Salt Lake City Code that may contribute to residential infill development that is not compatible with the surrounding development within various single and two-family residential zoning districts. The Planning Commission will consider recommending amendments to provisions of the City Code dealing with in-line additions, building height, yard requirements, garage placement and accessory building standards, lot size building coverage, definition of the term "demolition" and fines assessed for construction activity undertaken in violation of the proposed standards. (Staff: Joel Paterson, 535-6141 or joel.paterson@slcgov.com)

6. UNFINISHED BUSINESS

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, November 9, 2005**

PUBLIC HEARINGS

Petition No. 400-05-32, a request initiated by the Planning Commission to amend the zoning ordinance to expand multiple family dwelling opportunities in the downtown and commercial zoning districts. This request would amend Tables 21A.26.080 and 21A.30.050 of the Salt Lake City Zoning Ordinance to allow multiple family dwellings, as permitted uses, in all downtown and commercial zones and remove the restriction that these units must be above or below first story office, retail and commercial uses or not adjacent to the street. (Staff – Sarah Carroll at 535-6260 or sarah.carroll@slcgov.com)
(This item was heard at 5:57 p.m.)

Ms. Carroll explained that the districts specifically affected by the text amendment are the D-1, D-2, D-3, D-4, CN, CB, CC, CS, CSHBD and CG zoning districts. Multi-family dwellings are allowed in these zoning districts provided they are located above, below or behind first story retail, commercial or office space. Otherwise, multi-family dwellings are either allowed as a conditional use or not at all in most of these zoning districts. The proposed change would allow multi-family dwellings as permitted uses without the restriction of first story retail, commercial or office space.

Ms. Carroll explained that Staff is also requesting modification to the definition of multi-family dwellings. The current definition defines multi-family dwellings as “the building containing three or more dwellings other than single-family attached dwellings on a single lot.” Staff recommended deleting the words “other than single-family attached dwellings” so that townhouses may be included in the definition. A copy of revisions to the Staff Report was presented to each Planning Commission Member.

The Commissioners did not have questions for Staff, and Chairperson Noda opened the hearing for public comment.

Jim Jenkin (Member of the Transportation Advisory Board) said that he supports mixed use in all areas of the City. He encouraged the Commission to address the need for schools in the downtown area where residential uses are being encouraged. The implication from the text amendment, he believes, is that more children would be moving into the downtown area and efforts need be made to provide schools within walking distance.

Receiving no further comments, Chairperson Noda closed the hearing to public comment. The Planning Commission held no further discussion on the proposed text amendment.

Motion for Petition No. 400-05-32

Based on the analyses outlined in the Staff Report and the revisions to the Staff Report presented during the meeting, Commissioner De Lay moved for the Planning Commission to forward a positive recommendation to the City Council to adopt the proposed zoning text amendment. Commissioner Scott seconded the motion. All voted aye; the motion passed.

6. ORIGINAL PETITION

PETITION CHECKLIST

<u>Date</u>	<u>Initials</u>	<u>Action Required</u>
<u>9-6-05</u>	<u>SC</u>	Petition delivered to Planning
<u>9-14-05</u>	<u>SC</u>	Petition assigned to: <u>Sarah Carroll</u>
<u>11-9-05</u>	<u>SC</u>	Planning Staff or Planning Commission Action Date
<u>12-1-05</u>	<u>SC</u>	Return Original Letter and Yellow Petition Cover
<u>12-1-05</u>	<u>SC</u>	Chronology
<u>NA</u>	<u>_____</u>	Property Description (marked with a post it note)
<u>NA</u>	<u>_____</u>	Affected Sidwell Numbers Included
<u>12-1-05</u>	<u>SC</u>	Mailing List for Petition, include appropriate Community Councils
<u>12-1-05</u>	<u>SC</u>	Mailing Postmark Date Verification
<u>11-30-05</u>	<u>SC</u>	Planning Commission Minutes
<u>11-9-05</u>	<u>SC</u>	Planning Staff Report
<u>12-1-05</u>	<u>SC</u>	Cover letter outlining what the request is and a brief description of what action the Planning Commission or Staff is recommending.
<u>11-28-05</u>	<u>SC</u>	Ordinance Prepared by the Attorney's Office
<u>11-28-05</u>	<u>SC</u>	Ordinance property description is checked, dated and initialed by the Planner. Ordinance is stamped by Attorney.
<u>Sarah Carroll</u>	<u>_____</u>	Planner responsible for taking calls on the Petition
<u>_____</u>	<u>_____</u>	Date Set for City Council Action <u>_____</u>
<u>_____</u>	<u>_____</u>	Petition filed with City Recorder's Office

application for an M1 rezone. Originally, the Planning Commission believed CN zoning would be most appropriate for the area, given the location of the property, 200 South and 1545 West, and its proximity to the Interstate at 200 South and approximately 1400 West. Accordingly, CN zoning was recommended to the City Council. The City Council reviewed the Planning Commission's recommendation and key issues raised by the public at the City Council hearing. The City Council has now requested that the Planning Commission re-visit its recommendation. Mr. Zunguze stated that the Planning Office's recommendation remains the same; the CN neighborhood type of commercial development is more appropriate for that area. He said that if the Planning Commission decided to re-hear the matter, the petition would be scheduled for a hearing. If the Commissioners decided to affirm the previous recommendation, it would be reported to the City Council.

The Planning Commission discussed various points, such as the property's inclusion in the quiet zone, and what studies had been done on this issue. The Planning Commission then voted to reaffirm their earlier recommendation.

At 5:54 P.M. Mr. Brent Wilde stated that Mr. Zunguze is asking that the Planning Commission consider initiating a petition pertaining to multi-family dwellings in the commercial and downtown zoning districts. The ordinance of 1995 required that multi-family housing include the presence of a retail or office element on the ground floor of the building fronting the street. Mr. Wilde said the intent of the adopted 1995 ordinance was to assure that a relationship be maintained between retail or restaurant, and the pedestrian on the sidewalk. The concern was that a stand-alone apartment house may not have that relationship. He stated that Planning Commission has constantly been running into this issue as we try to accommodate multi-family dwellings in the downtown area and the time has come to change the requirement from one that requires mixed use buildings to one that allows stand-alone multiple family buildings in these zoning districts.

Chairperson Chambless asked for a motion. Commissioner De Lay moved to recommend the initiation of a petition and Commissioner Noda seconded the motion. Mr. Wilde noted that a formal vote was not needed.

At 5:56 P.M. Mr. Zunguze noted that the increase in institutional uses in neighborhoods, such as churches and hospitals, was creating a need for increased parking. He stated that there is not an adequate mechanism or review process in place to address the impact of the proposed expansions in the various neighborhoods. He said that often the proposals that are received entail the demolition of homes in order to expand parking lots. Through the current Conditional Use process we cannot capture all the elements and issues of the neighborhood that need to be addressed, such as quality of life and safety, when such requests for parking lot expansions are received. Mr. Zunguze would like to look at another vehicle that would capture broader aspects of what neighborhoods are, and obtain a more balanced review process. He asked that the Planning Commission move that a study be done and a petition created that could lead to ordinance changes, thus allowing the Planning Commission and staff to be more effective when they review these proposals. Chairperson Chambless asked Mr. Zunguze if this request needed to be written in the form of a formal petition. Mr. Zunguze replied that it did not. However, after study it would

Memo



Department of Community Development

To: Planning Commissioners

From: Louis Zunguze, Community Development Director.

Date: August 9, 2005

CC: Brent Wilde, Community Development Deputy Director
Alex Ikefuna, Planning Director
File

Re: New Petition Regarding Multiple Family Dwellings

I respectfully request that the Planning Commission consider initiating a petition to expand multiple family dwelling opportunities in commercial and downtown zoning districts. The Zoning Ordinance currently restricts multiple family dwellings in commercial and downtown zoning districts. Multiple family dwellings are not permitted to front the public street in some zoning districts (they must be behind or above a commercial use that fronts the street) and in some districts multiple family dwellings are not permitted under any circumstances.

The purpose of the existing mixed use regulations that were included in the 1995 Zoning Ordinance was to assure that uses fronting a public street in commercial and downtown districts had windows and a relationship between the front of the building and pedestrians on the street. We have determined, however, that these restrictions are impeding the ability to attract housing in these areas where housing is desirable, and that generally, developers will work with the City to achieve an appropriate front building façade design.

Thank you for this consideration.

REMARKS

Petition No. 400-05-32

By SLC Planning Division

**Multiple family dwellings in
commercial and downtown zoning
districts.**

Date Filed _____

Address _____