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Conditional Use Review

Findings Report

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Introduction

On January 15, 2008, the Salt Lake City Council voted to eliminate a lengthy list of conditional land uses permitted in residential zones and on parcels in other zones that abut residential zones. The Council action also included adoption of an updated set of conditional use regulations and standards of review consistent with State law. In addition, the Council voted to embark on a five-month public process to reevaluate these conditional uses and recommend which, if any, of these uses be reestablished.

The Council took these rather drastic steps to comply with the intent of a 2005 state law change that makes it difficult for any municipality to deny most conditional use requests.

The Council took advantage of this event to engage stakeholders in helping to determine what types of uses should be allowed in and near residential districts, and what criteria or standards should be used when considering approval of a conditional use in order to strike a harmonious balance between land uses. For some years, a variety of community groups have expressed concern about the perceived appropriateness of certain types of non-residential facilities in neighborhoods and about the need to place more conditions on these facilities to mitigate potential impacts or to limit the number of these uses in some areas.

Seeking feedback from residents, businesses and other stakeholders will help inform a decision that the Council will make in July 2008.

A Council subcommittee was formed to guide this process. The subcommittee consists of Council Members Eric Jergensen, Luke Garrott and Søren Simonsen. Council Member Jergensen chairs the group.

In February, the City Council retained land use consultant Frank Gray and public outreach consultants Wilkinson Ferrari & Co. to lead the review process.

Process

In early March 2008, the consultants, Frank Gray, a land use planning consultant from Scottsdale, Arizona, and Wilkinson Ferrari & Company, a local public involvement firm, met with business owners, City residents, neighborhood community councils, City staff, and City boards and commissions to learn more about the issues and concerns relating to the Conditional Use Zoning Ordinance Amendments.

The consultants facilitated a two-day workshop in May with an ad hoc committee to discuss issues and potential solutions relating to conditional uses and their impacts to neighborhoods, as well as zoning requirements that affect businesses. The ad hoc committee was comprised of small-business owners, residents from various City neighborhoods, community council members, City board and commission members and small-business advocacy organization representatives.

During these workshops, the committee reviewed the history of the Zoning Ordinance amendments and evaluated a consolidated list of permitted and conditional uses in residential zones and zones that abut residential zones, including commercial, downtown and manufacturing zones. The intent was to determine those uses that should be allowed, not allowed or allowed as a conditional use in residential zones and those zones that abut residential zones.

The ad hoc committee also discussed other related items including the need to: 1) refine the adopted conditional use standards and criteria; 2) develop standards and criteria for specific types of conditional uses; 3) provide a detailed review and revision of use definitions for clarification, applicability and consistency with State law; 4) consider whether or not to link conditional use approval to the property owner or to the property; and 5) ensure that uses are listed in a consistent manner in all zoning districts; 6) identify flexible parking options; 7) establish transitional design standards and design review for commercial development; and 8) review in greater detail certain types of uses and the cumulative effect of conditional and non-conforming uses located within a certain geographic area.

Given the time constraints for this Zoning Ordinance refinement process, some of these areas of concern will be further explored and addressed after the end of the 180-day review period.

Also, the consultants conducted a random-sample, public opinion survey to help determine the types of uses (residential, retail, commercial, institutional) that City residents want to see in their neighborhoods. The survey also asked questions about the positive and negative aspects of various uses and what types of regulations people expect when there are non-residential uses in predominantly residential areas. The survey results will help provide a general look at what people want their "ideal" neighborhoods to be like. Results show City residents highly value small neighborhood-oriented businesses and want to see them in their "ideal" neighborhoods.

The consultants will brief the City Council on June 10, during its regular public meeting, and hold a public open house on June 11 to provide information relating to the review process findings and possible ordinance refinement recommendations, and to receive further public feedback and comment. Comments from the Council's January public hearing and written comments submitted throughout this process were also considered by the consultants in drafting recommendations to the Council. The Council will invite final comments at a public hearing on July 1. The Council will consider the findings and recommendations from the public and the consultants and may take formal action on July 1 or 22 to adopt refinements to sections of the Zoning Ordinance relating to conditional uses.

Overview of Findings

Neighborhoods are the building blocks of Community. The delicate balance of convenience and contentment requires a delicate balance of land uses. Many neighborhoods throughout Salt Lake City have evolved over an extended period of time and conditions. This has made them rich urban places, each with its own personality. It has also presented them with the challenges of evolution and interface with their surroundings. Many of these challenges have been dealt with on a case-by-case basis, as they should be, but have resulted in allowing uses within the zoning ordinance which are not always compatible or desirable with a particular neighborhood character. The 1995 elimination of the Business B3 neighborhood commercial zoning, combined with the 2005 State Legislative action related to Conditional Uses, have hampered the City's ability to discern the appropriateness of uses on an individual case basis.

Salt Lake City is fortunate to have had a strong neighborhood planning program over an extended period of time. The community planning documents provide a clear road map of the neighborhoods' vision for their growth and development. The key therefore is to tie these plans directly to land use decisions and, in particular, the approval of Conditional Uses. The findings identified in this report were determined with the cooperative effort of neighborhood and business interests. Strategies developed from these findings will provide for sustained neighborhood and business growth, while ensuring the vision and goals of the neighborhood plans are achieved.

This effort needs to involve the continued evolution of the neighborhood planning process and the coordination of the neighborhood plans with one another and with citywide planning efforts. The City will also need to continue to ensure that it has the necessary tools and processes to assist in the implementation of these plans. Only when the businesses, residents and their government work together can we ensure healthy neighborhoods.

Common themes

Several common themes emerged from the various research methods used for this project (small group meetings, workshops, opinion survey). These are highlighted below; more in-depth summaries of the opinion survey and workshops follow:

Strong support for multiple uses in neighborhoods.

The consulting team found strong support from residents, business owners and other stakeholders for having a variety of uses in neighborhoods throughout the city. In particular, neighborhood-oriented businesses, such as small grocery stores, coffee shops, bakeries and book stores, are prized for their convenience and promotion of walkable communities.

Overall, the perception among stakeholders is that there is *not* a great deal of conflict between uses. Residents and business owners recognize there are impacts to having commercial uses in neighborhoods – specifically parking and traffic congestion – but they agree that these impacts can be successfully managed. For example, we found support for encouraging shared parking among businesses and with nearby churches and schools.

Inconsistent planning process masks conditional use issues.

The predictability of the planning and zoning process (as dealt with in the City Council's recent audit by Citygate Associates), rather than the conditional use process itself, seems to be the larger issue. Specific areas of conflict in the conditional use area are symptomatic of these broader process concerns.

Outdated and unclear zoning code sections and definitions, the lack of a citywide General Plan, inconsistent interpretation of rules and regulations by City staff, and some permit applicants who are perceived to bend the rules to their advantage, all add up to an unpredictable system.

Conditional use system seen as safety valve for neighborhood concerns.

From the neighborhood resident point of view, the principal purpose of the conditional use system should be to ensure that non-residential development is compatible with neighboring residential uses. The conditional use system is viewed as one way to allow residents an opportunity to be actively involved and have a “say” in what happens in their neighborhood. However, residents also indicated there may be other ways – such as rezoning in some instances and/or a design review process – to provide a more transparent process. Residents also suggested that more-specific criteria for approval of some uses may be needed, such as for restaurants.

Likewise, businesses want a predictable system.

Business owners want to remind policy makers that they, as well as residents, make large investments to prosper within the City’s neighborhoods. In fact, many owners of small-scale businesses live within or near the neighborhoods in which they work. However, there is concern among business owners that the current system may dissuade investment because of opaque and confusing rules. In addition, some business owners say they feel “unwelcome” in their neighborhood because their businesses have become “too popular” and draw patrons from outside of the core neighborhood. They indicated a willingness to discuss issues and concerns with residents to “keep the peace” and resolve or prevent conflicts when they arise.

Impacts from concentration of commercial uses in neighborhoods is a concern.

Some residents of neighborhoods that feature multiple small businesses feel that the impacts from a concentration of businesses can be significant. In particular, issues with parking and traffic congestion were mentioned repeatedly. On the other hand, very high numbers of respondents to the public opinion survey said they would like to see small groups of businesses in their “ideal” neighborhood. Limiting the number of certain types of businesses in one area – for example, allowing only two restaurants of 2,500 square feet along one street – was a suggested solution.

Opinion survey findings summary

An opinion survey was conducted during April 2008 among 708 Salt Lake City residents equally divided between the seven City Council districts. (Cross-tabulations show only minor differences in opinion among respondents from different districts.)

Here is a summary of the key findings. The complete survey results are provided as an appendix to this report.

Introductory questions

Respondents were asked what they like best about their neighborhood. The top three answers were:

- People/neighbors/friendly environment, 23%
- It is quiet/peaceful, 12%
- Convenient/close to stores/schools, 10%

Respondents were asked what they like least about their neighborhood. The four answers were:

- Miscellaneous, 16%
- Don't know, 15%
- Crime/gangs/graffiti/drugs, 13%
- Traffic/speed, 12%

Safety and low crime rate are, by far, the most important factors in determining neighborhood quality of life.

In their "ideal" neighborhood, respondents want to be within a five-minutes' walk of transit, parks and recreational fields, small markets and neighborhood retail shops.

Housing questions

Respondents believe that their current neighborhood has a broad mix of single family houses, duplexes and townhomes, apartments, accessory dwellings and condos.

Their “ideal” neighborhood closely mirrors this mix, albeit with fewer apartments.

Respondents say they value the mix of people and the variety of housing types.

Retail business questions

A high percentage of respondents say their current neighborhood has small neighborhood-oriented businesses; 68% says this is a positive thing.

- The convenience of having stores nearby is most positive aspect (44%); traffic/congestion is most negative aspect (56%).

89 percent want to see small neighborhood-oriented businesses in their “ideal” neighborhood; 81 percent want to see clusters of small businesses akin to 9th and 9th.

- All of the types of these uses that we asked about received marks above the consensus level (66%) except for drive-through or fast food restaurant (only 35% prefer) and video/music store (58%). Conversely, 92% want a neighborhood grocery store nearby.

Just over half (52%) say they prefer locally owned businesses in their neighborhood; 40 percent say like both locally owned and national chain stores.

The most-positive aspect of having neighborhood retail businesses is convenience/having shopping and dining nearby; the most-negative aspect is traffic congestion.

Office questions

Most respondents believe their neighborhood already contains small office buildings and professional services such as doctors offices. Interestingly, respondents overwhelmingly said they want these uses in their “ideal” neighborhoods: 94% say one-story office buildings belong in their “ideal” neighborhood; 84% want to see professional offices.

- Overall, 50% of respondents say having commercial buildings in the neighborhood is positive; 36% say it’s negative.

Respondents want to see libraries, elementary schools, fire stations and churches in their “ideal” neighborhood.

Regulatory questions

In response to questions about the importance of regulating various activities in neighborhoods, the highest scores (5 is highest) were for:

- Regulating noise (4.25)
- Regulating the size and design of buildings (4.21)
- Regulating parking (4.09)
- The other items (landscaping, location of driveways, hours of operation and signs) also scored quite high; no item was below 3.82.

Workshop findings summary

Two three-hour workshops were conducted in mid-May 2008 to review in detail a consolidated list of uses that, until the Council's action in January, were permitted by right or with conditions in various residential and business zones. The Council's action at that time was to remove virtually all conditional uses from residential zones and parcels that abut residential zones, pending this review. The intent of the workshops was to determine which of these uses should be recommended to be put back in the zoning ordinance.

The workshops were attended by a cross-section of City residents, business owners, community council representatives and other interested individuals. Members of this ad hoc task force include:

Joel Briscoe	East Central Community Council chair
Mary Corporon	Business Advisory Board chair
Fred Cox	Fred C. Cox Architects
Cindy Cromer	Bryant neighborhood
Ila Rose Fife	Poplar Grove neighborhood
Maria Garciaz	NeighborWorks Salt Lake
Polly Hart	Capitol Hill Community Council chair
Virginia Hylton	Yalecrest neighborhood
Heidi-Kris Spoor	Yalecrest neighborhood
Warren Lloyd	Historic Landmarks Commission vice chair
Robert Lund	NeighborWorks Salt Lake
Gregg Morrow	Wasatch Hollow Community Council chair
Dallis Nordstrom	Attorney
Rex Olsen	Board of Adjustment vice chair
Vicky Orme	Fairpark Community Council chair
Ellen Reddick	Vest Pocket Coalition/Impact Factory Utah/ Bonneville Hills Community Council chair
Stephen Rosenberg	Liberty Heights Fresh
John Sittner	Avenues neighborhood
Grace Sperry	Sugar House Community Council chair
Ron Whitehead	Former City Council Member/small- business owner

General Recommendations Relating to Conditional/Permitted Uses

During the review of a consolidated list of conditional and permitted uses by zone, the following general recommendations/directions were suggested by the committee. (A spreadsheet indicating the proposed changes in the use table is provided at the end of this report.)

- Allow conditional office uses in higher density Multi-Family Zones and change permitted office uses to conditional in other Residential Zones.
- Change several permitted uses to conditional uses in Mixed Use Zones.
- Add uses to commercial zones, while protecting Neighborhood Commercial from higher impact uses.
- Add more uses to the Manufacturing Zones.

Uses Needing Further Review and Discussion

During the evaluation of conditional and permitted uses by zone, the following uses, as well as the standards for approval by the Planning Commission, were identified as needing further review. The City Council, Council staff and planning consultants hired will discuss and review these suggestions before recommendations for adjustments are made for the Zoning Ordinance use tables:

- Office uses
 - Offices, general and medical/dental
 - Allow as a conditional use in Residential Multi-Family 45 zone and above
 - Address criteria relating to size and other impacts
 - Parking
 - Consider the expansion of shared and alternative parking
 - Discourage the development of new parking lots in Residential Zoning Districts
 - Distinguish between short and long term parking in park and rides in neighborhoods
 - Veterinary offices
 - Review definition and refine to include size and type (small vs. large animal and boarding vs. non-boarding facilities)

- Retail sales and service uses
 - Bed & breakfasts
 - Liquor stores – must comply with state law
 - Restaurants without drive-through windows
 - Drive-through windows associated with other uses
 - Check cashing businesses

- Institutional uses
 - Assisted living/group homes
 - Research conditions that will conform with state and federal law
 - Day care – child and adult
 - Comply with state law
 - Schools and churches
 - Examine allowed uses
 - Private libraries

- Recreational, cultural and entertainment uses
 - Performance arts facilities
 - Review definition
 - Refine to add different categories of facilities
 - Private clubs
 - Comply with state law

- Miscellaneous uses
 - Animal pound (overnight boarding)
 - Review definition; does this cover doggie daycare/kennels?
 - Funeral homes
 - Look for appropriate zones that can allow them as a conditional use, particularly on the west side of the city
 - Domestic fowl coops
 - Vending machines outside of stores

Projects/Discussion Areas Identified for Future Consideration

The following projects and discussion areas were identified as needing future review, consideration and action by the City Council. Due to the time constraints of the ordinance amendments review and refinement process, some of these projects/discussions will need to be continued after the Council considers taking formal action on the conditional use amendments in July.

- Consistent naming of uses
 - Make the use listing similar in name across all zones, if possible, so City residents are able to easily identify where certain uses might be allowed. For example:
 - In the Residential Zoning District Zoning Table there is a listing for tavern/lounge/brewpub; 2,500 sq feet or less in floor area;
 - In the Commercial District Zoning Table there are listings for the tavern/lounge/brewpub; 2,500 sq feet or less in floor area, one that is 2,500 sq feet or more in area plus a separate listing for a microbrewery;
 - And in the Downtown District Zoning Table there are listings for brewpub (indoor), brewpub (outdoor), tavern/lounge (indoor) and tavern/lounge (outdoor) but no listing for a microbrewery or for a tavern/lounge/brewpub and no reference to sizes.

- Definitions
 - Ensure definitions are consistent with Utah State Land Use Development and Management Act (LUDMA)
 - Consider reviewing definitions for consistency, relevance and appropriate title. For example:
 - Change “specialty store” name to better reflect the actual use, which is large “mid-box”-type retailers
 - Review superstore/hypermarket square footage sizes
 - Review definition of community gardens
 - Review definition of animal pounds
 - Review definition of performance arts facilities

- Multi-family Zones – should additional uses be considered for the higher-density multi-family zones? Keeping the residential character of the neighborhoods is important.
 - Manufacturing Zones – is it appropriate to add uses to these zones as primary permitted uses, or should they be conditional? Many uses identified as possible additions fall in the recreation, cultural and entertainment category. Is the City interested in allowing additional uses in some of the light-industrial areas?
- Non-conforming uses and non-complying structures
 - Comply with Utah State Land Use Development and Management Act (LUDMA) regulations
 - Need to address expansion, in-line additions, changes of use, and options to terminate non-conforming/non-complying status
 - Need comprehensive, in-depth refinement of existing regulations
 - Parking
 - Consider expansion of shared/alternative/off-site parking opportunities
 - Need a comprehensive citywide analysis
 - Consider incentives for incorporating transit use into development
 - Boarding/rooming houses
 - Limit to higher-density and/or commercial zones as they are incompatible in lower-density zoning districts
 - Analyze the number that exist and the number that would be non-conforming in RMF45 and RMF75 and Commercial Zoning Districts

SALT LAKE CITY CONDITIONAL USE SURVEY Results

Sample size: 708 interviews (equally divided by council district)
 Conducted: April 2008
 Error: $\pm 3.7\%$

Hello, I'm _____ from Dan Jones & Associates. We are conducting a survey for Salt Lake City on some important local issues. May I speak with someone 18 years of age or older?

Do you live within the boundaries of Salt Lake City?

Yes	100%
No	--
Don't know (DO NOT READ).....	--

(INTRO QUESTIONS)

1. How do you define the word "neighborhood?" (What does "neighborhood" mean to you?)

(All comments typed)

Thinking about your own neighborhood now...

2. What do you like most about your neighborhood?

Don't know	1%
People/neighbors/friendly	23%
Diversity	7%
It is quiet/peaceful	12%
Location (not specific)	7%
Close to a park/parks	2%
Mature trees/big, old trees	3%
It is safe	3%
Walkability	4%
Convenient/close to everything – stores/schools	10%
Homes/yards kept up	2%
Proximity to freeway	2%
Older/historic/older homes/design of homes	4%
Close to downtown/city	5%
Scenery/view	1%
Close to my work	1%
Lots are roomy/homes are far apart	1%
It is nice/pretty	1%
Access to bus/transportation	1%
It is clean	1%
Nothing/not too much/I don't like it	2%
Miscellaneous	7%
My house/home/where I live	1%

3. What do you like least about your neighborhood?

Don't know	15%
Nothing / I like it	4%
Crime/gangs/graffiti/drugs	13%
Property/yards not kept up/houses run-down	7%
Traffic/speed	12%
Apartments/rental properties	4%
Miscellaneous neighbor comments	7%
Parking issues	2%
Building monster homes	1%
Dogs/dogs barking/loose dogs	1%
Noise	3%
Taxes	1%
It isn't safe	1%
Miscellaneous comments on immigrants/Hispanics	1%
Air quality/smog	1%
Lack of shopping	1%
Miscellaneous road and street comments/street lights	1%
Cost/expense of living here	1%
High price of homes	1%
Getting old/older homes/aging/declining	2%
Too close to the freeway	1%
Snow comments	1%
Miscellaneous	16%
City government comments	1%
Lack of public transportation/access to bus system	<1%
Houses too close together	1%
Sidewalk issues	1%
Lack of diversity	1%

4. When you think about your quality of life *in the neighborhood where you live*, which ONE of the following factors is MOST important to you personally. (READ ALL AND ROTATE)

Safe community/low crime	42%
Being close to family	8%
Jobs	2%
Less traffic congestion	4%
Good schools	7%
Easy access to parks	3%
Friendly people	10%
Social gathering places like coffee shops, cafes etc)	5%
Small businesses/easy access to shopping	7%
Other (SPECIFY)	10%
Don't know (DO NOT READ)	2%

When you think about your 'ideal' neighborhood – how close would you like to be to the following...
(ROTATE)

	Walking Distance = 5 min.	Short drive 10 min.	Longer drive more than 1	Don't Know
5. Access to buses and TRAX	70%	21%	4%	4%
6. Access to highways	14%	68%	15%	3%
7. Open-spaces or natural lands	54%	31%	12%	3%
8. Parks and recreational fields	64%	30%	5%	1%
9. Community Center (pool, fitness center)	30%	52%	12%	6%
10. Elementary, middle, and high schools	49%	29%	9%	12%
11. Library	46%	46%	6%	2%
12. Small markets	56%	36%	6%	2%
13. Grocery stores	40%	54%	5%	1%
14. Large super center stores	4%	36%	58%	3%
15. Neighborhood retail shops – like coffeeshops and cafes	50%	35%	11%	4%
16. Shopping malls and shops	7%	39%	51%	3%
17. Entertainment and restaurants	14%	57%	28%	2%
18. Your place of work (14% not employed)	17%	49%	18%	3%
19. Senior Center	18%	39%	30%	14%
20. Hospital	9%	64%	26%	2%
21. Larger clinics like doctors offices	9%	63%	26%	3%
22. Small doctor/dentist offices	13%	64%	21%	3%
23. Other professional services – like banks, and CPA's (Certified Public Accountants)	17%	63%	18%	1%

Now I would like to ask you some questions about your existing neighborhood and then what you would like to see in your 'ideal' neighborhood.

(HOUSING)

First about housing....

Are the following types of housing currently available in your neighborhood?

	Yes	No	Don't Know
24. Single family houses:	96%	3%	1%
25. Duplexes & townhomes	75%	23%	2%
26. Apartments	72%	28%	0%
27. Condos	51%	44%	4%
28. Accessory dwellings – that is owner occupied residences with a renter (mother-in-law apartment)	69%	20%	11%
29. Are there any other types of housing currently available in your neighborhood? (SPECIFY)	14%	82%	4%

What are the positive things about the types of housing in your neighborhood? (UNAIDED)

	<u>Ment.</u>	<u>Not Ment.</u>
30. Variety of people	19%	81%
31. Affordable housing (lower cost)	9%	91%
32. Variety of housing types	17%	83%
33. Variety of architecture housing/designs	12%	88%
34. Walkability	4%	96%
35. Density / number of houses	3%	97%
36. Historical homes / preservation of homes	11%	89%
37. Landscaping related / tree-lined streets	13%	87%
38. Other positive (SPECIFY)	49%	51%
39. Don't know (SPECIFY)	6%	94%

What are the negative things about the housing types in your neighborhood? (UNAIDED)

	<u>Ment.</u>	<u>Not Ment.</u>
40. Crime	6%	94%
41. Housing types	6%	94%
42. Design issues	7%	93%
43. Density issues	5%	95%
44. Noise and light	2%	98%
45. Parking	2%	98%
46. People	7%	93%
47. Property values	8%	92%
48. Traffic congestion	1%	99%
49. Other (SPECIFY)	57%	43%
50. Don't know	18%	82%

Now what types of housing you would have in your "ideal" neighborhood...? (READ OPTIONS)

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
51. Single family houses	97%	2%	1%
52. Duplexes & townhomes	69%	28%	3%
53. Small apartment buildings (individual buildings)	47%	52%	2%
54. Large apartment complex	13%	86%	1%
55. Condos	59%	39%	2%
56. Accessory dwellings	67%	30%	4%
57. Any there any other types of housing you would have in your "ideal" neighborhood (SPECIFY)	12%	85%	2%

(RETAIL BUSINESS)

This next set of questions is about office and retail facilities...that is stores or restaurants.
Are the following types of retail facilities currently in your neighborhood?

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
58. Small neighborhood-oriented businesses	83%	17%	1%
59. Large retail or super center stores	29%	70%	1%
60. Small groups of businesses that create a cluster like on 9 th East and 9 th South	68%	31%	1%
61. A mix of small and large retail facilities	47%	51%	2%
62. Office buildings	48%	48%	3%

63. Overall, would you say it that having retail facilities in your neighborhood is more positive or negative?

Definitely positive	41%
Probably positive	27%
Neither positive nor negative	8%
Probably negative.....	9%
Definitely negative	11%
Don't know (DO NOT READ).....	5%

64. IF POSITIVE: What are the positive aspects of having retail facilities in your neighborhood?
(Number responding – 480)

Don't know	2%
Reduces driving/saves gas	10%
Convenience/easy access/things close by	44%
Gathering place/community feeling/get to know people	7%
Walkability	16%
Locally owned	3%
Places to shop/local services	4%
Creates jobs	1%
Bring revenue to community/increase tax base	3%
Bring people to the area/brings more people in	2%
Get to know merchants/store owners	1%
More life to the area/provides energy	1%
Miscellaneous	5%
Keeps property value up	1%

65. IF NEGATIVE: What are the negative aspects of having retail facilities in your neighborhood?
 (Number responding – 139)

Don't know	2%
More traffic/congestion	56%
Draws crime	6%
Undesirable	8%
Parking problems	3%
Destroy feeling of "neighborhood"/residential	9%
Get crowded/get lots of crowds	3%
Miscellaneous	6%
Neighborhood is too small/no room for them	4%
None – it would be good	1%
Take away peace/quiet	2%

What general types of retail businesses would you like to have in your 'ideal' neighborhood...?

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
66. Small neighborhood-oriented businesses	89%	10%	1%
67. Large retail or super center stores	18%	82%	0%
68. Small groups of businesses that create a cluster like on 9 th East and 9 th South	81%	18%	1%
69. A mix of small and large retail facilities	40%	58%	2%
70. Are there other types of retail businesses you would like to have in your "ideal" neighborhood? (SPECIFY)	25%	74%	1%

And which of the following specific types of retail and services would you like in your ideal neighborhood? (MARK ALL THAT APPLY)

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
71. coffee shop/juice bar	74%	25%	2%
72. dry cleaner	68%	30%	2%
73. small gift/clothing shops	73%	26%	1%
74. neighborhood grocery store/market	92%	7%	0%
75. pharmacy	85%	14%	1%
76. full-service restaurant	73%	24%	1%
77. drive-through or fast food restaurant	35%	63%	2%
78. bakery/deli	88%	12%	1%
79. gas station	71%	28%	2%
80. book store	81%	18%	1%
81. video/music store	58%	40%	2%
82. beauty salons/barber shops/day spa	72%	26%	2%
83. small professional. offices (accountant, dentist, designer, vet, etc.)	68%	30%	2%
84. Are there other retail business you would like in your neighborhood? (SPECIFY)	20%	80%	1%

Now a question about locally owned businesses and national chains.

85. Which of the following best describes your feelings...? (READ OPTIONS)

I prefer locally owned businesses in my neighborhood	52%
I prefer businesses who are national chains in my neighborhood	2%
I like both locally owned and national chains	40%
Neither.....	5%
Don't know (DO NOT READ).....	1%

86. Why prefer locally owned? (UNAIDED)

(Number responding – 369)

Don't know	1%
Keeps money in neighborhood/community	22%
Smaller more community oriented/more sense of neighborhood	19%
More unique/charming	5%
Personal service/responsive to needs of neighborhood	12%
I want to support locally-owned businesses	18%
Friendlier	2%
Better quality	2%
I don't like big chains/big box	5%
Doesn't cause traffic/less traffic	1%
Good for environment/better environmentally	2%
To know the owner/nice to know who you are buying from	2%
More intimate feel/better feeling	3%
Miscellaneous	7%

87. Why prefer national chains? (UNAIDED)

(Number responding – 11)

Don't know	0%
I get a better price	20%
More selection/larger variety	18%
They have more money	20%
Miscellaneous	41%

In your opinion, what positive things might there be in having some retail businesses in your 'ideal' neighborhood? (UNAIDED)

	<u>Ment.</u>	<u>Not</u> <u>Ment.</u>
88. Close to work / employment	9%	91%
89. More energy / vitality in area	6%	94%
90. Shopping / dining close	16%	84%
91. Drive-up windows / convenience.	36%	64%
92. Design / look / appearance	2%	98%
93. Density / number of businesses / size	1%	99%
94. Other (SPECIFY)	51%	49%
95. Don't know	8%	92%

What negative aspects might there be with having retail business in your 'ideal' neighborhood?
(UNAIDED – MARK ALL THAT APPLY)

	<u>Ment.</u>	<u>Not Ment.</u>
96. Parking	13%	87%
97. Traffic congestion	61%	39%
98. Noise and light	8%	92%
99. Drive-up windows / traffic for windows / noise of window	1%	99%
100. People	12%	88%
101. Design / look / appearance	3%	97%
102. Density / number of businesses / size	6%	94%
103. Other (SPECIFY)	28%	72%
104. Don't know	10%	90%

(OFFICE BUILDINGS)

Now a few questions about office buildings...

Are there any of the following types of commercial buildings, like office buildings, currently in your neighborhood? (AIDED)

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
105. Large buildings (5 or more stories)	19%	81%	0%
106. Medium (2-5 floors)	62%	37%	0%
107. Small building (1 floor) – size of a single story	87%	12%	1%
108. Professional services like medical, dental, accounting offices	65%	34%	1%
109. No commercial buildings	18%	75%	7%
110. Are there any other types of commercial buildings in your neighborhood? (SPECIFY)	37%	60%	3%

What types of commercial buildings would you like to see in your 'ideal' neighborhood?

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
111. No commercial buildings	40%	55%	4%
112. Large buildings (5 or more stories)	12%	86%	2%
113. Medium (2-5 floors)	62%	36%	3%
114. Small building (1 floor) – size of a single story	94%	5%	1%
115. Professional services like medical, dental, accounting offices	84%	14%	2%
116. Are there any other types of commercial buildings you would like to see in your "ideal" neighborhood? (SPECIFY)	20%	78%	1%

117. Overall, would you say it is a positive or negative thing to have commercial buildings in your neighborhood?

Definitely positive	23%
Probably positive	27%
Neither positive nor negative	8%
Probably negative.....	19%
Definitely negative	17%
Don't know (DO NOT READ).....	6%

(INSTITUTIONAL SECTION)

The next few questions are about institutional facilities ...

Are the following types of institutional facilities **currently** in your neighborhood?

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
118. Elementary school	91%	8%	1%
119. Middle school	55%	41%	4%
120. High school	47%	52%	1%
121. Private or charter school(s)	46%	48%	5%
122. Police station	27%	67%	7%
123. Fire station	67%	30%	2%
124. Library	70%	30%	0%
125. Community center	48%	45%	7%
126. Churches	97%	3%	0%
127. Senior living facility	48%	45%	7%
128. Daycare facilities	49%	35%	16%
129. Are there any other types of institutional facilities currently in your neighborhood? (SPECIFY)	20%	75%	5%

And, thinking about those same institutional facilities, what you would like to see in your 'ideal' neighborhood

	<u>Yes</u>	<u>No</u>	<u>Don't Know</u>
130. Elementary school	86%	12%	2%
131. Middle school	71%	26%	3%
132. High school	56%	41%	3%
133. Private or charter school(s)	58%	36%	6%
134. Police station	72%	25%	3%
135. Fire station	85%	14%	2%
136. Library	90%	9%	1%
137. Community center	73%	25%	3%
138. Churches	81%	15%	4%
139. Senior living facility	68%	26%	5%
140. Daycare facilities	73%	22%	5%
141. Are there any other types of institutional facilities you would like to see in your "ideal" neighborhood? (SPECIFY)	10%	89%	1%

142. What additional rules and regulations, if any, would you like to see on institutional facilities in your 'ideal' neighborhood?

Don't know	55%
None-it is fine now	8%
Parking comments	6%
Ordinance regulating size and/or height	8%
Noise restrictions/noise ordinance	2%
Traffic control/slower traffic/lower speed limits	3%
Buildings would fit in neighborhood/character of neighborhood	3%
Good landscaping and upkeep/kept up/looking nice	1%
Limit operating hours	1%
Miscellaneous zoning comments	1%
Don't want them in my neighborhood/should stay residential	1%
Neighbors should have a say/have a vote	1%
Nothing dangerous to neighborhood/child molesters/no halfway houses no shelters for sex crimes – drug abuse / prisoners	2%
Miscellaneous	8%

How important is it to you that the following rules and regulations be used when various housing, retail, commercial, or institutional buildings are in a residential area? Please rate on a 1-5 scale with 1 meaning 'not at all important' and 5 meaning 'very important.'

How important do you think regulation of...(READ OPTIONS)

	<u>Not at all</u> <u>Important</u>				<u>Very</u> <u>Important</u>	<u>Don't</u> <u>know</u>	<u>Mean</u>
143. parking in neighborhoods is?	4%	9%	14%	22%	51%	1%	4.09
144. location of driveways that go in and out of streets is?	5%	10%	19%	26%	38%	3%	3.83
145. noise in neighborhoods is?	3%	4%	15%	22%	56%	0%	4.25
146. the size and design of buildings in neighborhoods is?	4%	5%	14%	21%	55%	1%	4.21
147. landscaping around buildings in neighborhoods is?	3%	6%	19%	28%	43%	1%	4.02
148. of hours of operation of businesses and services in neighborhoods is?	5%	8%	24%	25%	37%	1%	3.82
149. the number of retail stores, restaurants or office buildings in any one area is?	4%	5%	22%	25%	43%	2%	4.01
150. signs and advertising on buildings is?	7%	7%	16%	21%	49%	1%	3.99

Now, just a few questions about yourself in order to categorize the data:

151. Gender (DO NOT ASK)

Male	45%
Female	55%

152. What is your age category?

18-25	5%
26-35	16%
36-45	18%
46-55	21%
56-65	20%
Over 65	20%
Refuse (DO NOT READ)	1%

153. Which of the following best describes your ethnic background?

Caucasian/White	91%
African-American/Black	1%
Asian or Pacific Islander	1%
Hispanic/Latino	4%
Other (specify _____)	2%
Refuse (DO NOT READ)	2%

154. How long have you lived in Salt Lake City?

Less than 2 years	2%
2 – 5 years	7%
5 – 10 years	12%
More than 10 years	80%
Refuse (DO NOT READ)	0%

155. Do you rent or own your home?

Homeowner	85%
Renter	13%
Other	1%
Refuse (DO NOT READ)	1%

156. What is your political party affiliation?

Republican	21%
Democrat	40%
Independent voter	21%
Other (specify _____)	9%
Refuse (DO NOT READ)	9%

157. And, which of the following, if any, describes your religious preference?

Catholic	8%
Protestant.....	6%
LDS	40%
Other	15%
None	27%
Refuse (DO NOT READ).....	4%

158. What is your approximate annual family income category?

Less than \$15,000	4%
\$15,000 - \$24,999	6%
\$25,000 - \$34,999	11%
\$35,000 - \$44,999	10%
\$45,000 - \$54,999	9%
\$55,000 - \$64,999	9%
\$65,000 - \$100,000	17%
Over \$100,000	22%
Refuse (DO NOT READ).....	12%

159. City District:

District 1	14%
District 2	14%
District 3	14%
District 4	15%
District 5	15%
District 6	13%
District 7	14%

160. Zip code:

8 4 _ _ _

Use	Residential												Commercial			Downtown	Manufacturing
	Single-Family	Multi-Family	Mixed Use	Res/Biz	Res/Ofc	CN	CB	CC	CS	CSHBD	CG	TC					
Nursing care facility/nursing home (No changes made, hard to condition due to federal law)		P/NP	C/P				P	P			P	P					
Places of worship (<4 acres) (No changes made, hard to condition due to federal law)	C	C	C	C	C	C	P	P	P	P	P	P	P	P	C/P		
Professional, vocational schools (Remove as P in CN)			C/P	P	P	P > NP	P	P	P	P	P	P	P	P	P/NP		
Resident healthcare facility (No changes made, hard to condition due to federal law)		P	P	P	P												
Residential substance abuse facility, small (No changes made, hard to condition due to federal law)		C/P	P					C			C	C	C/NP				
Residential substance abuse facility, large (No changes made, hard to condition due to federal law)		C/NP	C/NP					C			C	C	C/NP				
Seminaries, religious institutes (Make this C across all Zones)	C/NP (C only)	C	C/P (C only)	C	P > C	C	C	C	C	C	C	C	C	P/NP < C	C		
Transitional treatment home, small (No changes made, hard to condition due to federal law)		C/NP	C					C			C	C	C/NP				
Transitional treatment home, large (No changes made, hard to condition due to federal law)		C/NP	C/NP					C			C	C	C/NP				
Transitional victim home, small (No changes made, hard to condition due to federal law)		C/P/NP	C/P					C			C	C	C/NP				
Transitional victim home, large (No changes made, hard to condition due to federal law)		C/NP	C/NP					C			C	C	C/NP				
Recreation, cultural and entertainment uses																	
Art gallery (Consider adding as P or C to Manufacturing)			P	P	P	P	P	P	P	P	P	P	P	P	P or C		
Art studio (Make this the same as art gallery, consider adding as P or C to Manufacturing)			P	P	P	P	P	P	P	P	P	P	P	P	P or C		
Brewpub (OK as Is)														C/P	P/NP		
Commercial indoor recreation (OK as Is)								P		P	P	P	P	P	P		
Commercial outdoor recreation (OK as Is)									C		P	C			P		
Commercial video arcade (OK as Is)								P		P	P	P	P	P	P		
Community and recreation centers (<4 acres) (Consider adding as P or C to Manufacturing)	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P or C		
Community gardens (Need to update the definition, make C in Single-Family and P across all other Zones)	P/NP > C	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Dance studio (Add as P to Downtown and P or C to Manufacturing)			P	P		P	P	P	P	P	P	P	P	P	P or C		
Live performance theater (C only in RMU, add C to Res/Biz, Res/Ofc & CB, P in Downtown and P or C in Man.)			C/P (C only)	C	C		C	P	P	P	P	P	P	P	P or C		
Miniature golf (OK as Is)								P	P		P	P					
Motion picture/movie theaters (Make this the same as live performance theater)			C/P (C only)	C	C		C	P	P	P	P	P	P	P	P or C		
Museum/music conservatory (Add as P to CG, consider adding as P or C to Manufacturing)			C/P	P/NP			P	P	P	P	P	P	P/NP	P or C			
Museum (in landmark house) (Make this C across all Zones)	C	C	C/P/NP (C only)	C	C	C	C	C	C	C	C	C	C	C	C		
Natural open space & conservation areas (Remove as a listed use)	P	P	P	P	P	C	C	C	C	C	C	C	C	C	P		
Parks and playgrounds (<4 acres) (OK as Is)	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Pedestrian pathways, trails & greenways (Remove as a listed use)	P	P	P	P	P	P	P	P	P	P	P	P	C	P			
Performance arts facilities (Review the definition and add different categories of facilities to definition)													P				
Private club (Review state liquor laws, make C in Manufacturing)							C	C	P	P	P	C	C/P	P/NP > C			
Sexually oriented businesses (OK as Is)											P			P			
Squares and plazas (less than 4 acres) (Remove as a listed use)						P	P	P	P	P	P	C	C				
Tavern/brewpub (less than 2,500 sq ft) (OK as Is)			C/NP					P	P	P	P	P	C/P	P/NP			
Tavern/brewpub (more than 2,500 sq ft) (Ok as Is)								C	C	P	P	C	C/P	P/NP			
Miscellaneous uses																	
Accessory uses (unless otherwise regulated) (OK as Is)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Agricultural uses (Ok as Is)															P		
Ambulance services (within enclosed bldg) (OK as Is)							P	P	P	P	P	P			P		
Ambulance services (indoor or outdoor) (OK as Is)															P		
Animal pound (overnight boarding) (Review definition for this and for kennels/doggy daycares)															P		
Auditorium (OK as Is)								P	P	P	P	P					
Auto salvage & recycling (indoor & outdoor) (OK as Is)											P				C/P		
Bus line terminals (OK as Is)											P	C	P/NP	P			
Commercial parking lot or garage (OK as Is)								C		P	P	C	C/P				
Communications towers (OK as Is)							P	P	P	P	P	P	P	P	P		
Communications twrs (taller than max bldg ht) (OK as Is)							C	C	C	C	C	C	C	C	C		
Farmers market (OK as Is)								C	C		P	C					
Flea market (indoor) (OK as Is)								P	P	P	P	C					
Funeral home (Find Zones where this would be appropriate as a C use, particularly on the west side)								P	P	P	P	C					
Hotel/motel (OK as Is)								P		P	P	C	P	P/NP			
Parking (offsite accessory to permitted uses) (OK as Is)	C/NP	C	C	C	C			P		C	P	C	P	P			
Recycling collection station (Should not be a primary P use, develop standards for a C use as an accessory use)						P	P	P	P	P	P				P		
Reuse of church, school properties (Ok as Is)	C	C	C	C	C												
Reverse vending machines (Should not be a primary P use, develop standards for a C use as an accessory use)						P	P	P	P	P	P	P					

Conditional Use

ZONING AMENDMENTS

fact sheet
JUNE 2008

WHAT IS A CONDITIONAL USE AND WHY DOES IT REQUIRE A SPECIAL APPROVAL PROCESS?

A "conditional use" is a land use that, because of its unique characteristics or potential impact on the city, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible if certain conditions are required that mitigate or eliminate potentially detrimental impacts. The purpose of the conditional use process is to ensure a particular land use fits harmoniously in a neighborhood, is in keeping with the type of existing uses surrounding the property, and that the proposed development will improve the character of the area by encouraging reinvestment and upgrading of surrounding properties.

Determining whether a conditional use is appropriate in a particular location is a highly fact-intensive inquiry because the circumstances of each conditional use are unique. A conditional use request requires a careful review of the location, design, configuration and potential impacts taking into consideration the applicant's proposals for ameliorating any adverse impacts through special site planning, development techniques and contributions to public improvements, rights-of-way and services.

The standards of review provided in the City's Zoning Ordinance are used by the Planning Commission in its review and approval of a

see **CONDITIONAL USE**
on back page

o v e r v i e w

WHY DID THE SALT LAKE CITY COUNCIL INITIATE A REVIEW OF THE CITY'S ZONING ORDINANCE PERMITTED/CONDITIONAL USES AND CONDITIONAL USE REGULATIONS AND STANDARDS OF REVIEW?

When the City rewrote the Zoning Ordinance in 1995 it included a wide variety of conditional uses in Residential Zoning Districts because the conditional use process was one of the few methods by which the City could obtain public input. The 1995 conditional use regulations included very general, non-specific criteria and standards of review. The City did this under the assumption it had broad discretion in approving or denying conditional use applications, and it did for a time.

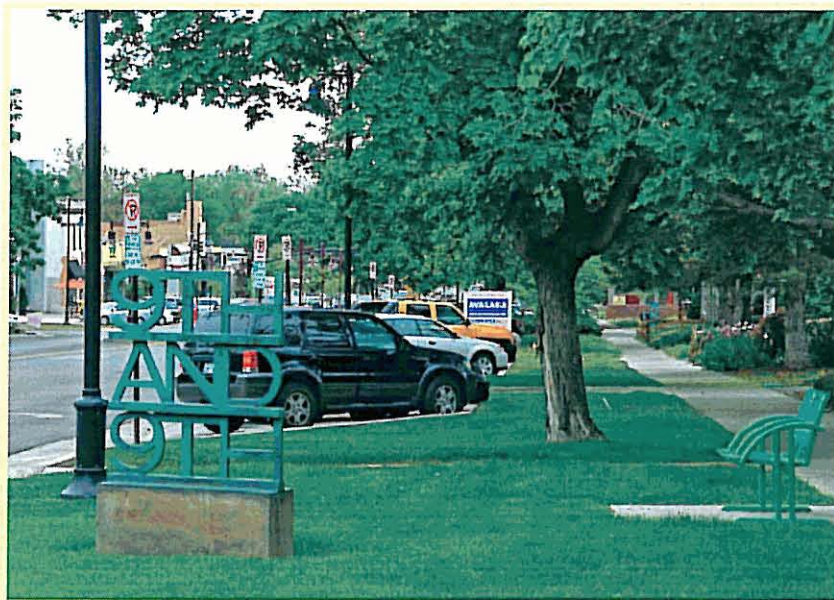
In 2005, however, the Utah State Legislature made changes to the state's land use management statute limiting a city's discretion in considering conditional uses. This change prohibited cities from denying a conditional use application if potentially negative impacts of certain types of land use could be mitigated by imposing reasonable conditions based on adopted ordinance

standards.

Due to escalating land values and increasing development pressures, the Salt Lake City Council recognized there was a substantial risk that State law might require the City to approve conditional use applications that may not be compatible with residentially zoned areas and could potentially degrade the character of the City's neighborhoods. The Council also recognized the need to protect the character of residential neighborhoods from incompatible land uses and long term, irreversible, detrimental impacts on those areas while encouraging neighborhood-compatible businesses to flourish and thrive.

In July 2007, the City Council established a six-month temporary land use regulation that prohibited the acceptance, processing or approval of

see **OVERVIEW** on back page



[Public comment is encouraged throughout this review and refinement process.]

conditional use ZONING AMENDMENTS

WHAT DOES THE ORDINANCE AMENDMENT REVIEW AND REFINEMENT PROCESS ENTAIL?

Small Group and Ad Hoc Committee Meetings

In early March 2008, the consultants, Frank Gray, a land use planning consultant from Scottsdale, Arizona, and Wilkinson Ferrari & Company, a local public involvement firm, met with business owners, City residents, neighborhood community councils, City staff, and City boards and commissions to learn more about the issues and concerns relating to the Conditional Use Zoning Ordinance amendments.

The consultants facilitated a two-day workshop in May with an ad hoc committee to discuss issues and potential solutions relating to conditional uses and their impacts to neighborhoods, as well as zoning requirements that affect businesses. The ad hoc committee was comprised of small-business owners, residents from various City neighborhoods, community council members, City board and commission members and small-business advocacy organization representatives.

During these workshops, the committee reviewed the history of the Zoning Ordinance amendments and evaluated a consolidated list of permitted and conditional uses in residential zones and zones that abut residential zones, including commercial, downtown and manufacturing zones. The intent was to determine those uses that should be allowed, not allowed or allowed as a conditional use in residential zones and those zones that abut residential zones.

The ad hoc committee also discussed other related items including the need to:

- 1) Refine the adopted conditional use standards and criteria;
- 2) Develop standards and criteria for specific types of conditional uses;
- 3) Provide a detailed review and revision of use definitions for clarification, applicability and consistency with State law;
- 4) Consider whether or not to link conditional use approval to the property owner or to the property;
- 5) Ensure that uses are listed in a consistent manner in all zoning districts;
- 6) Identify flexible parking options;
- 7) Establish transitional design standards and design review for commercial development; and
- 8) Review in greater detail certain types of uses and the cumulative effect of conditional and nonconforming uses located within a certain geographic area.

Given the time constraints for this Zoning Ordinance refinement process, some of these areas of concern will be further explored and addressed after the end of the 180-day review period.

Public Opinion Survey

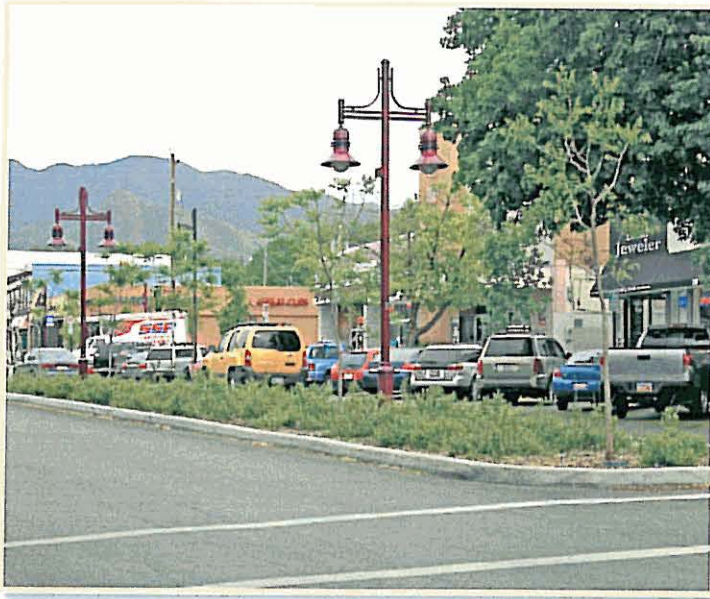
The consultants conducted a random-sample, public opinion survey to help determine the types of uses (residential, retail, commercial, institutional) that City

residents want to see in their neighborhoods. The survey also asked questions about the positive and negative aspects of various uses and what types of regulations people expect when there are non-residential uses in predominantly residential areas. The survey results will help provide a general look at what people want their "ideal" neighborhoods to be like. Results show City residents value small neighborhood-oriented businesses and would like to see them in their "ideal" neighborhoods.

Public Comment, Open House, and City Council Briefings and Hearings

The consultants briefed the City Council on June 10, during its regular public meeting, and held a public open house on June 11 to provide information relating to the review process findings and possible ordinance refinement recommendations, and to receive further public feedback and comment. Comments from the Council's January public hearing and written comments submitted throughout this process were also considered by the consultants in drafting recommendations to the Council. The Council will invite final comments at a public hearing on July 1. The Council will consider the findings and recommendations from the public and the consultants and may take formal action on July 1 or 22 to adopt refinements to sections of the Zoning Ordinance relating to conditional uses.





PUBLIC OPINION SURVEY FINDINGS

Below are some of the findings of the public opinion survey conducted in April 2008:

- ❖ To respondents, safety and low crime rate are, by far, the most important factors in determining neighborhood quality of life.
- ❖ Respondents want to be within walking distance of transit, parks and recreational fields, small markets and neighborhood retail shops.
- ❖ A high percentage of respondents say their current neighborhood has small neighborhood-oriented businesses, with 68 percent considering this a positive attribute.
- ❖ Of those polled, 89 percent want to see small neighborhood-oriented businesses in their "ideal" neighborhood with 81 percent preferring clusters of small businesses similar to the 9th and 9th area. Also, 92 percent would like a neighborhood grocery nearby.
- ❖ Just over half (52 percent) prefer locally owned businesses in their neighborhoods while 40 percent like a mix of locally owned establishments and national chain stores.
- ❖ The most positive aspect of having neighborhood retail businesses is convenience and having shopping and dining located nearby while the most negative aspect is traffic congestion.
- ❖ Respondents want libraries, elementary schools, fire stations and churches to be located in their "ideal" neighborhoods.
- ❖ Those polled would like to have small office buildings and professional services such as doctors offices in their "ideal" neighborhoods, with 94 percent preferring one-story buildings.
- ❖ Respondents feel it is important to regulate various activities in neighborhoods such as noise, building size and design, parking, landscaping, hours of operation and signs.

ORDINANCE AMENDMENTS ADOPTION AND REFINEMENT PROCESS

July 17, 2007 – SLC Council adopts six-month temporary zoning regulation restricting conditional uses in Residential Zoning Districts and on properties in other zones that abut residential zones with some exemptions.

July - December 2007 – SLC Planning Division develops proposed conditional use zoning text amendments and collects comments from general public.

September - November 2007 – SLC Planning staff conducts Planning Commission briefings and hearings.

January 8, 2008 – SLC Council holds public hearing to receive property owner and general public comments on the proposed conditional use zoning text amendments.

January 15, 2008 – SLC Council adopts changes to the City's Zoning Ordinance that include eliminating all conditional uses from Residential Zoning Districts and on properties in other zones that abut residential zones with some exemptions.

February 2008 – SLC Council retains services of consultants with experience in land use policy and public involvement.

Late February and March 2008 – Consultants hold small focus group meetings with stakeholders to hear concerns and discuss issues relating to conditional uses.

April and May 2008 – Consultants develop and conduct a public opinion survey to learn about the community's "ideal neighborhood."

May 2008 – Consultants hold Ad Hoc Committee workshops to review a consolidated list of permitted and conditional uses and to discuss and identify other related issues.

Early June 2008 – Public opinion survey results received.

June 10, 2008 – Consultants brief SLC Council regarding results of the ordinance refinement process including recommendations.

❖ **JUNE 11, 2008** – Consultants hold public open house from 6:30-8:30 p.m. at the City Library Main Branch.

June 23, 2008 – Conditional use zoning text amendments made available for public review and comment.

July 1, 2008 – SLC Council holds final public hearing to receive public comment on conditional use zoning text amendments.

July 22, 2008 – SLC Council formally considers conditional use zoning text amendments.

conditional use ZONING AMENDMENTS

fact sheet JUNE 2008

OVERVIEW, continued from cover

conditional use applications for any property in a Residential Zoning District or for any property abutting a residentially zoned district, with some exemptions. The intent of the temporary land use regulation was to provide time for a review of the issues and to draft revisions to the Zoning Ordinance pertaining to conditional uses in Residential Zoning Districts and zones that abut residential zones, and the standards of review for conditional use approval. The City Council held a public hearing on January 8, 2008, to receive public comment and consider revisions to the City's Zoning Ordinance.

On January 15, 2008, the City Council adopted changes to the City's Zoning Ordinance that included eliminating all conditional uses from Residential Zoning Districts and on properties in other zones that abut residential zones with some exemptions—places of worship, public/private utilities and related facilities, residential facilities for persons with a disability, planned developments and educational facilities. The Council action also included adoption of an updated set of conditional use regulations and standards of review consistent with State law. In addition, the City Council allowed a time period

of 180 days to further study this issue.

The City Council's intent in initiating action to further refine the City's Zoning Ordinance relating to the Conditional Use process was to:

- 1) Reevaluate the Zoning District Tables of Permitted and Conditional Uses;
- 2) Consider further refinement of the Permitted and Conditional Use Zoning regulations;
- 3) Review the appropriateness of Zoning District Purpose Statements in relation to the Conditional Use regulations and standards of review;
- 4) Create a City Council subcommittee to address conditional uses from all segments of the community; and
- 5) Create an ad hoc business task force to be involved with the City Council Small Business Subcommittee, the Business Advisory Board, the Vest Pocket Business Coalition and other appropriate organizations in order to address conditional use issues.

The Council hired consultants with experience in land use policy, zoning regulations and public involvement to conduct a detailed review of the Zoning Ordinance and amendments applicable to conditional uses and to gather input from stakeholders, which will assist in the review and ordinance refinement process.

CONDITIONAL USE, continued from cover

conditional use application. The Planning Commission, or in the case of administrative conditional uses, the Planning Director or designee, is the approval authority for conditional uses. Examples of conditions that may be required for a conditional use approval include additional landscaping, site modifications such as building design, location and size limits, or regulating operating or delivery hours. Other conditions may be required if needed.

Examples of some uses that may require a conditional use approval in the City's residential areas and in commercial and other zones that abut residential areas include places of worship; certain types of group homes (such as transitional treatment or transitional victim homes) and assisted living facilities; community and recreation centers; businesses with drive-through windows (such as banks or fast food restaurants) and outdoor retail sales (such as garden centers); and taverns, bars and private clubs. These examples are for illustrative purposes. The Zoning Ordinance provides a comprehensive list of permitted or conditional uses allowed in each specific zoning district.

IF YOU HAVE ADDITIONAL QUESTIONS OR COMMENTS, PLEASE SEE BELOW:

- ❖ Property owners contemplating new land use permits should contact the City's BUZZ Center at (801) 535-7700 for assistance.
- ❖ Additional information regarding the Conditional Use Zoning Ordinance amendments may be accessed through the City's Web site at <http://www.slcgov.com/council/> under Upcoming Meetings, Events and Issues.
- ❖ Comments may be provided to the City Council anytime during this process through the following options:
 - a. City Web site at:
<http://apps.slcgov.com/general/absolutefp/councilCU.htm>
 - b. 24-hour phone line at:
(801) 535-7654
 - c. Fax line at:
(801) 535-7651
 - d. Mail to:
Salt Lake City Council
PO Box 145476
Salt Lake City, UT 84114-5476
- ❖ It would be helpful when providing information or comments to the City Council to submit a short set of bullet points identifying specific concerns about the ordinance such as:
 - Issue or problem
 - Concerns/objections to the proposal
 - Aspects of the proposal you support
 - Questions you may have
 - Recommendations for solutions
 - Additional information you want to offer the Council
 - Other

PROPOSED AMENDMENTS TO CONDITIONAL USE PROCEDURE

21A.54.080 Standards For Conditional Uses:

A. General Standard for Approval: A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards set forth in this section. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use shall be denied.

B. Specific Standards: A conditional use permit shall be approved unless the evidence presented shows that one or more of the standards set forth in this subsection cannot be met. The planning commission, or, in the case of administrative conditional uses, the planning director or designee, may request additional information as may be reasonably needed to determine whether the standards of this subsection can be met.

1. Master Plan and Zoning Ordinance Compliance: The proposed conditional use shall be:

- a. Consistent with any policy set forth in the City-Wide, Community, and Small Area Master plan and future land use map applicable to the site where the conditional use will be located, and
- b. Allowed by the zone where the conditional use will be located or by another applicable provision of this title.

2. Use Compatibility: The conditional use shall be compatible with the character of the site, adjacent properties, and existing development located within ___ feet of the site where the use will be located. In determining compatibility, the Planning Commission shall consider whether:

- a. Streets or other means of access to the site where the proposed conditional use will be located are adequate to provide access to the site without materially degrading the service level on adjacent streets;
- b. The type of use and its location will create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected with the development of a permitted use, based on:
 - i. Orientation of driveways and whether they direct traffic to major or local streets, and, if directed to local streets, the impact on the safety, purpose, and character of these streets;
 - ii. Parking area locations and size, and whether parking plans encourage street side parking for the proposed use which adversely impacts the reasonable use of adjacent property;
 - iii. Hours of peak traffic to the proposed use and whether such traffic unreasonably impairs the use and enjoyment of surrounding property; and
 - iv. Hours of operation of the proposed use as compared with the hours of activity/operation of surrounding uses and the potential, during hours of operation,

- that the use will create noise, light, or other nuisances which unreasonably impair the use and enjoyment of surrounding property;
- c. The internal circulation system of any development associated with the proposed use is designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic;
 - d. Existing or proposed utility and public services are adequate to support the proposed use at normal service levels and are designed in a manner that will avoid adverse impacts on adjacent land uses or public service and utility resources; and
 - e. Appropriate buffering, such as landscaping, setbacks, and building location, is provided to protect adjacent land uses from light, noise and visual impacts; and
 - f. Detrimental concentration of existing non-conforming or conditional uses substantially similar to the use proposed will occur, based on an inventory of uses within one quarter mile of the exterior boundary of the subject property.

3. Design Compatibility: The proposed conditional use shall be compatible with the character of the area where the use will be located with respect to:

- a. Site design and location of parking lots, access ways, and delivery areas;
- b. Whether the proposed use, or development associated with the use, will result in loss of privacy, objectionable views of large parking or storage areas; or views or sounds of loading and unloading areas; and
- c. Intensity, size, and scale of development associated with the use as compared to development and uses in the surrounding area.
- d. If new construction or substantial remodeling will occur to establish a proposed commercial or multiple residential use, the design of the premises where the use will be located shall meet Level ___ walkability requirements set forth in Chapter 8, Strategies for Walkable Commercial" *Urban Planning Tools for Quality Growth*, published by Envision Utah, which is hereby adopted by this reference.

4. Detriment to Persons or Property: The proposed use shall not, under the circumstances of the particular case and any conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor be injurious to property and improvements in the community, existing surrounding uses, buildings, and structures. The proposed use shall:

- a. Not emit any known pollutant into the ground or air that will detrimentally affect the property where the use will be located or any adjacent property;
- b. Not encroach on any river or stream, or direct runoff into a river or stream;
- c. Not introduce any hazard or potential for damage to an adjacent property that cannot be mitigated; and
- d. Be consistent with the type of existing uses surrounding the subject property; and
- e. Improve the character of the area by encouraging reinvestment and upgrading of surrounding properties.

5. Compliance with Other Applicable Regulations: The proposed development shall comply with any other applicable code or ordinance requirement.

C. Imposition of Conditions of Approval: The planning commission, or, in the case of administrative conditional uses, the planning director or designee, may impose on a conditional

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use any conditions necessary to conform the proposed use with the approval standards set forth in this section. Such conditions may include conditions on the scope of the use; its character or location, architecture; signage; construction; landscaping; screening, access; loading and parking; sanitation; drainage and utilities; fencing and screening; setbacks; natural hazards; public safety; environmental impacts; hours and methods of operation; dust, fumes, smoke and odor; noise, vibrations; chemicals, toxins, pathogens, and gases; and heat, light, and radiation. Such conditions shall:

1. Be expressly set forth in the approval authorizing the conditional use;
2. Not be used as a means to authorize as a conditional use any use intended to be temporary only;
3. Be within the police powers of Salt Lake City;
4. Substantially further a legitimate public purpose;
5. Further the same public purpose for which it is imposed;
6. Not require the applicant/owner to carry a disproportionate burden in furthering the public purpose of the condition; and
7. In the case of land dedications and other contributions of property, be reasonably related and roughly proportionate to the use of the property for which the conditional use is authorized.

D. Denial of Conditional Use Application: The following findings shall be cause for denial of a conditional use application:

1. The proposed use is unlawful; and
2. The reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards set forth in this section.

21A.54.090 Violation of Conditions: Violation of any condition of an approved conditional use shall constitute grounds for revocation of the conditional use approval.