SALT LAKE CITY COUNCIL STAFF REPORT

DATE:	January 28, 2010
SUBJECT:	Petition PLNPCM2009-00749 - Zoning Regulation Changes Proposed changes to the City's zoning regulations relating to new development with multiple buildings on a lot or lots that do not meet the zoning district rules in which the development is located. (planned developments)
AFFECTED COUNCIL DISTRICTS:	If the ordinance is adopted the Zoning Ordinance text amendment would affect Council Districts citywide
STAFF REPORT BY:	Janice Jardine, Land Use Policy Analyst
ADMINISTRATIVE DEPT. AND CONTACT PERSON:	Community Development Department, Planning Division Lex Traughber, Principal Planner

KEY ELEMENTS:

A. Planned Developments are currently defined in the zoning regulations as a lot or contiguous lots of a size sufficient to create its own character where there are multiple principal buildings on a single lot not otherwise authorized by the zoning regulation or not all of the principal buildings have frontage on a public street. A planned development is controlled by a single landowner or by a group of landowners in common agreement regarding control of the project as a single entity, the character of which is compatible with the adjacent parcels and the intent of the zoning district or districts in which the development is located.

B. The Administration's paperwork notes the proposed zoning regulation changes are intended to address petitions initiated in 2005 by the City Council and the Planning Commission to analyze the feasibility of reducing the minimum land size required for a Planned Development and allowing an increase in density through the Planned Development process. In addition, Planning Staff has been aware of other items related to the planned development process that have proven problematic in the past. The proposed changes are intended to make the zoning regulations more clear and effective. Additional revisions will be required in order to accomplish the overall task and will be processed through additional phases.

C. The purpose of the Planned Development process currently identified in the zoning regulations is to encourage the efficient use of land and resources, promote greater efficiency in public and utility services and encourage innovation in the planning and building of all types of development. Through the flexibility of the planned development technique, the city seeks to achieve the following specific objectives:
   1. Creation of a more desirable environment than would be possible through strict application of other city land use regulations.
   2. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities.
   3. Combination and coordination of architectural styles, building forms and building relationships.

4. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion.
5. Preservation of buildings which are architecturally or historically significant or contribute to the character of the city.
6. Use of design, landscape or architectural features to create a pleasing environment.
7. Inclusion of special development amenities.
8. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.

D. An ordinance has been prepared for the Council's consideration that would change the City's zoning regulations relating to the current planned development process and regulations. The Planning staff report notes there are four main objectives addressed in this round of revisions. Key elements of the proposed changes are summarized below. (Please refer to the draft ordinance and Planning staff report for complete details.)

1. **Remove Planned Development regulations from the Conditional Use Chapter.**
   a. A new chapter and process will be established for processing Planned Development applications.
   b. Currently, the City's Planned Development regulations are a sub-section of the Conditional Use Chapter (21A.54).
   c. Planned Development applications are evaluated in terms of the Planned Development standards and the Conditional Use standards.
   d. Most often, Planned Development requests are reviewed for "design" related issues as opposed to "use" related issues.
   e. Planned Developments do not always involve a question of "use" and should not be consistently reviewed on the basis of "use".

2. **Enhance the "Purpose Statement" and the "Objectives" of the Planned Development tool.**
   a. The Purpose Statement has been revised to be more specific; providing additional information regarding the Planned Development tool. The reference in the current Purpose Statement indicating that a Planned Development is a distinct category of Conditional Use has been removed.
   b. The objectives of the Planned Development tool have also been revised and enhanced. Specifically, an additional objective is proposed to include development amenities that are in the interest to the general public, as well as objectives encouraging development of affordable housing and utilization of "green" building techniques.
   c. The primary motivation for amending the Purpose Statement and Objectives sections is to minimize the utilization of the Planned Development tool as a way to skirt or undermine adopted development standards, and to encourage development that is appropriate and compatible.
   d. The proposed Purpose Statement and Objectives are provided here in revision format for ease of reference.

21A.55.010 Purpose Statement:

A planned development is intended to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of development. Further, a planned development implements the purpose statement of the zoning district in which the project is located, utilizing an alternative approach to the design of the property and related physical facilities. A planned development will result in a more enhanced product

than would be achievable through strict application of land use regulations, while enabling the development to be compatible and congruous with adjacent and nearby land developments. Through the flexibility of the planned development regulations, the city seeks to achieve any of the following specific objectives:

A. Combination and coordination of architectural styles, building forms, building materials, and building relationships;
B. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;
C. Preservation of buildings which are architecturally or historically significant or contribute to the character of the city;
D. Use of design, landscape, or architectural features to create a pleasing environment;
E. Inclusion of special development amenities that are in the interest of the general public;
F. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation;
G. Inclusion of affordable housing with market rate housing; or
H. Utilization of "green" building techniques in development.

3. **Reduce the minimum net lot area (property size) required for Planned Development eligibility.** This change will reduce the current minimum property size required for planned developments in most of the City's zoning districts. (Please see Attachment A at the end of this staff report for a comparison of current and proposed minimum property sizes for Planned Developments.)
   a. The rationale behind a reduction in the minimum net lot area (property size) for Planned Development consideration is to allow the possibility of a greater number of property owners to use this development process.
   b. As the City becomes more developed and dense, it is critical to have a mechanism for development that provides some flexibility when needed.
   c. The reduction in the minimum net lot area (property size) required for Planned Development consideration will most likely result in the possibility for a larger number of parcels across the City to be eligible for this important land use tool.
   d. By amending and enhancing the entire Planned Development chapter, and by lowering the net lot minimum (property size), the City increases the potential for development that is consistent with and compatible with existing development.

4. **Better define "Planned Development" in the Definitions Chapter of the Zoning Ordinance.**
   a. The purpose behind this proposed change is to provide a definition that is consistent with the overall proposed Planned Development text amendment being proposed.
   b. The proposed change to this definition is primarily a "housekeeping matter" in order to realize a Code that is consistent.
   c. The proposed definition is provided here in revision format for ease of reference.

PLANNED DEVELOPMENT: ~~A lot or contiguous lots of a size sufficient to create its own character where there are multiple principal buildings on a single lot, where not otherwise authorized by this title, or where not all of the principal buildings have frontage on a public street.~~ -- A type of land

development that requires more planning flexibility than is otherwise allowed under a strict application of zoning requirements and/or lot configuration, in order to create a development that achieves/implements adopted development policies/goals of the City. A planned development is controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the character of which is compatible with adjacent parcels and the intent of the zoning district or districts in which it is located. The planned development maintains the same density that is permitted by the underlying zone. (Please note - residential planned developments cannot exceed the density limitation of the zoning district in which the planned development is proposed. The calculation of planned development density may include open space that is provided as an amenity to the planned development. Public or private roadways located within or adjacent to a planned development cannot be included in the planned development area for the purpose of calculating density.)

E. The Planning staff report provides findings for the Zoning Ordinance Section 21A.50.050 - Standards for General Amendments. The standards were evaluated in the Planning staff report and considered by the Planning Commission. (Discussion and findings for the standards are found on pages 4-5 of the Planning staff report.)

F. The City's Departments and Divisions have reviewed the request. The Planning staff report notes that the most prominent concern received was that of the reduced width public street provision which has been subsequently revised. In general, the applicable City Departments/Divisions support the proposed changes.

G. The public process included a presentation to the Zoning Amendment Project (ZAP) Task Force, a Planning Division sponsored Open House, a briefing to the Planning Commission and written notification of the Planning Commission hearing to Community Council Chairs and the Planning Division electronic list serve. Notice was also posted on the City's website. The Administration's transmittal notes the following:

1. In response to the discussion that took place with the Zoning Amendment Project (ZAP) Task Force, Planning staff re-evaluated and made appropriate revisions to the reduced width public street provision, the minimum area sizes for planned development eligibility for the Residential SR-1/ SR-1A, SR-3, and R-2 Zoning Districts, and included all the zones in the "Table of Minimum Lot Sizes for Planned Development." In general, the ZAP Task Force was very supportive of the proposed changes. (Notes reflecting comments from the participants at this meeting are provided in the Planning staff report. Exhibit C).

2. Other comments received from the ZAP Task Force included using planned development regulations to encourage historic preservation, allowing older structures (built prior to 1927 when zoning was first adopted in the City) the opportunity to go through the planned development process as opposed to the variance process, density bonuses, and off-street parking requirements if a density bonus is realized. These issues, while valid, are not addressed in this phase of planned development amendment. Issues of this nature will be considered in a subsequent phase of planned development revision.

3. One member of the public attended the Open House in regard to Planned Development Planning staff also received one email of comments from the general public regarding the proposed changes. The issues raised in this email are of interest, and perhaps could be utilized in a future phase of revision as the City explores ways to grant density bonuses as part of the planned development process. (See the Planning staff report Exhibit D for details)

H. On September 23, 2009, the Planning Commission held a public hearing and voted to forward a positive recommendation to the City Council to adopt the proposed Zoning Ordinance text amendments. Issues discussed by the Planning Commission are summarized below. (Please see the Planning Commission minutes in the Administration's paperwork for additional details.)
   1. Support for using the planned development regulations and process to encourage preservation of buildings that are architecturally or historically significant. Planning staff indicated that additional revisions to this section identified by the ZAP Committee and public comment will be addressed in the future phase of this project.
   2. Concern regarding approving streets that do not meet the City's minimum requirements. Planning staff indicated that the City's Transportation Division and Fire Department helped to revise the proposed language based on similar concerns.
   3. Concern that the proposed reduction in the minimum acreage sizes especially for single-family development was too small and would allow new development to circumvent the zoning regulations. Planning staff indicated that the changes provide additional restrictions and require a developer to meet one of the revised objectives in order to move ahead
   4. A request to include in phase two of the project addressing Home Owners Associations to include more than just the disclosure of infrastructure costs and maintenance.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:

A. The Council may wish to discuss with the Administration in further detail examples of issues proposed to be addressed in additional phases of the project. In the September 23rd Planning Commission minutes, Planning staff notes that the planned development amendments would be process in two phases. The simple changes first in phase one and more complex issues as well as density bonuses, affordable housing, and environmentally sound structures would be addressed in phase two. The minutes also note that additional recommendations for preservation of buildings that are architecturally or historically significant would be processed in the future.

   1. Planned Developments allow the developer / property owner to maximize the appeal of the project and thus increase its value and interest for future buyers. The requirements associated with streets, sidewalks, curb and gutter are often relaxed from regular City standards at the request of the developer. As such, the developer agrees that the City will not maintain the infrastructure inside the Planned Development. The City has an ordinance requiring disclosure of this fact to potential buyers.

   2. The City regularly receives requests from purchasers of properties within approved planned unit developments for the City to take over maintenance and service delivery for the planned development. The City has not done so based on the concept that it only maintains facilities built to City standards. Essentially the initial property owners / developers make a decision about a trade-off -- their choice for relaxed infrastructure standards necessitates future property maintenance and management of the facilities. The future financial liability for the City in terms of maintenance and repair/replacement has not been quantified in a number of years, but would be quite large.

   3. The proposed zoning regulation changes, Sec. 21A.55.080 -Consideration of Reduced Width Street Dedication, states "A residential planned development application may include a request to dedicate the street to Salt Lake City for perpetual use by the public. The request will be reviewed and evaluated individually by appropriate departments, including transportation, engineering, public utilities, public services and fire. Each department reviewer will consider the adequacy of the design and physical improvements proposed by the developer and will make a recommendation for approval or describe required changes. Items such as adequate vehicular access, public safety access, pedestrian and bicycle access,

adequate parking, and urban design elements will be considered as part of this review. A synopsis will be incorporated into the staff report for review and decision by the planning commission."

4. The Administration will be forwarding a Policy proposal to the Council regarding the equity of allowing for the relaxed standards initially and then entertaining requests for the City to take on maintenance responsibilities once a development is built.

B. The Council may wish to discuss with the Administration if it may be appropriate to establish a public process for Planned Developments that would be consistent with other processes required by the zoning regulations such as conditional uses, zoning regulation and zoning map changes.
   1. As previously noted, the Planned Development process is a sub-section of the Conditional Use Chapter.
   2. If the proposed changes are approved, the Planned Development regulations and process will become a separate chapter in the zoning regulations.
   3. The application process for conditional uses, zoning regulation and zoning map changes require written confirmation that the applicant has provided notice to and/or met with the appropriate neighborhood organization regarding the applicant's proposal.
   4. The proposed changes in the draft ordinance appear not to contain a similar requirement, to provide written confirmation that the applicant has provided notice to and/or met with the appropriate neighborhood organization regarding the applicant's proposal.

MASTER PLAN AND POLICY CONSIDERATIONS:

A. The Administration's transmittal letter and the Planning staff report note the proposed amendment addressing Planned Development has potential implications for all parcels of property within Salt Lake City. All existing Citywide Plans, Community Master Plans, and Small Area Master Plans are pertinent and relevant to any request for a Planned Development. The proposed Planned Development regulation changes require requests for a planned development to be consistent with any adopted City plan.

- Additional citywide Master Plan and Policy considerations are provided below.

B. 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 and creating attractive conditions for business expansion including retention and attraction of large and small businesses.

C. 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.

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. Policy concepts include:

1. Allow individual districts to develop in response to their unique characteristics within the overall urban design scheme for the city.
2. Ensure that land uses make a positive contribution to neighborhood improvement and stability.
3. Ensure that building restoration and new construction enhance district character.
4. Require private development efforts to be compatible with urban design policies of the city regardless of whether city financial assistance is provided.
5. Treat building height, scale and character as significant features of a district's image.
6. Ensure that features of building design such as color, detail, materials and scale are responsive to district character, neighboring buildings, and the pedestrian.

E. 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-income and mixed-use developments, housing preservation, rehabilitation and replacement, zoning policies and programs that preserve housing opportunities as well as business opportunities.

F. The City's Transportation Master Plan includes general policy statements summarized below:
1. Focus on ways to transport people, not on moving vehicles at the expense of neighborhoods.
2. Support transportation decisions that increase the quality of life, not necessarily the quantity of development.
3. Support the creation of linkages (provisions and incentives) to foster appropriate growth in currently defined growth centers.
4. Support public/private partnerships in which all who benefit from capital improvements participate in funding those improvements.
5. Consider impacts on neighborhoods on an equal basis with impacts on transportation systems.
6. Give all neighborhoods equal consideration in transportation decisions.

CHRONOLOGY:

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

- January 20, 2009 — Petition assigned to Lex Traughber
- July 13, 2009 — Zoning Amendment Project (ZAP) Task Force meeting
- August 20, 2009 — Planning Division Open House to obtain public comment
- August 26, 2009 — Planning Commission briefing
- September 23, 2009 — Planning Commission hearing
- September 24, 2009 — Ordinance requested from City Attorney's office
- October 26, 2009 — Ordinance received from City Attorney's office
- November 10, 2009 — Transmittal paperwork received in Council office

cc: David Everitt, Karen Hale, Holly Hilton, Bianca Shreeve, Ed Rutan, Lynn Pace, Paul Nielson, Jeff Niermeyer, Tom Ward, Rick Graham, Frank Gray, Mary De La Mare-Schafer, Wilf Sommerkorn, Pat Comarell, Cheri Coffey, Joel Paterson, Craig Spangenberg, Randy Isbell, Lex Traughber, Orion Goff, Les Koch, Larry Butcher, City Council Liaisons, Community Affairs Specialists

File Location: Community and Economic Development Dept., Planning Division, Zoning Text Amendment – Planned Development

1/28/10 **ATTACHMENT A**

Zoning Regulations
Table 21A.54.150E2

COMPARISON - MINIMUM PLANNED DEVELOPMENT SIZE

Zoning District	Current minimum size	Proposed minimum size
RESIDENTIAL DISTRICTS		
FR-1/43,560 foothills estate residential district	5 acres	5 acres
FR-2/21,780 foothills residential district	5 acres	5 acres
FR-3/12,000 foothills residential district	5 acres	5 acres
R-1/12,000 single-family residential district	5 acres	24,000 square feet
R-1/7,000 single-family residential district	20,000 square feet	14,000 square feet
R-1/5,000 single-family residential district	20,000 square feet	10,000 square feet
SR-1 special development pattern residential district	9,000 square feet	10,000 square feet (SR-1 & SR-1A)
SR-2 special development pattern residential district	Reserved	Reserved
SR-3 interior block single-family residential district	9,000 square feet	4,000 square feet
R-2 single- and two-family residential district	9,000 square feet	10,000 square feet
RMF-30 low density multi-family residential district	9,000 square feet	9,000 square feet
RMF-35 moderate density multi-family residential district	9,000 square feet	9,000 square feet
RMF-45 moderate/high density multi-family residential district	20,000 square feet	9,000 square feet
RMF-75 high density multi-family district	9,000 square feet	9,000 square feet
RB residential/business district	No minimum required	No minimum required
R-MU-35 residential/mixed use district	9,000 square feet	9,000 square feet
R-MU-45 residential/mixed use district	9,000 square feet	9,000 square feet
R-MU residential/mixed use district	No minimum required	No minimum required
RO residential/office district	20,000 square feet	No minimum required

Zoning Regulations
Table 21A.54.150E2

Zoning District	Current minimum size	Proposed minimum size
COMMERCIAL DISTRICTS		
CN neighborhood commercial district	No minimum required	No minimum required
CB community business district	No minimum required	No minimum required
CS community shopping district	60,000 square feet	No minimum required
CC corridor commercial district	20,000 square feet	No minimum required
CSHBD Sugar House business district	No minimum required	No minimum required
CG general commercial district	1 acre	No minimum required
TC-75 transit corridor district	No minimum required	No minimum required
MANUFACTURING DISTRICTS		
M-1 light manufacturing district	2 acres	No minimum required
M-2 heavy manufacturing district	2 acres	No minimum required
DOWNTOWN DISTRICTS		
D-1 central business district	2 acres	No minimum required
D-2 downtown support commercial district	2 acres	No minimum required
D-3 downtown warehouse/residential district	1 acres	No minimum required
D-4 Downtown Secondary Central Business District		No minimum required
SPECIAL PURPOSE DISTRICTS		
RP research park district	10 acres	No minimum required
BP business park district	10 acres	No minimum required
FP foothills protection district	32 acres	32 acres
AG agricultural district	10 acres	10 acres
AG-2 agricultural district	4 acres	4 acres
AG-5 agricultural district	10 acres	10 acres
AG-20 agricultural district	40 acres	40 acres
A airport district	2 acres	No minimum required
PL public lands district	5 acres	No minimum required
PL-2 public lands district	1 acre	No minimum required
I institutional district	5 acres	No minimum required
UI urban institutional district	1 acre	No minimum required
OS open space district	2 acres	No minimum required
MH mobile home park district	10 acres	No minimum required
EI extractive industries district	10 acres	No minimum required
MU mixed use district	No minimum required	No minimum required

FRANK B. GRAY
DIRECTOR

MARY DE LA MARE-SCHAEFER
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.
DEPUTY DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR

RALPH BECKER
MAYOR

CITY COUNCIL TRANSMITTAL

David Everitt, Chief of Staff

Date Received: 11/05/2009

Date Sent to City Council: 11/10/2009

TO: Salt Lake City Council
Jill Remington-Love, Chair

DATE: October 30, 2009

FROM: Frank Gray, Community & Economic Development Department Director

RE: Petition No: PLNPCM2009-00749, A proposal to amend the City's Zoning Ordinance related to Planned Developments.

STAFF CONTACTS: Lex Traughber, Principal Planner, at 535-6184 or lex.traughber@slcgov.com

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

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

***Issue Origin*:** In 2005, a petition was initiated by the City Council to analyze the feasibility of lowering the minimum parcel size required for Planned Development eligibility. In addition to this issue, Planning Staff has been aware of other items related to the planned development process that have proven problematic in the past, and has been working to make the Zoning Ordinance regulations more clear and effective.

***Analysis*:** There are four main objectives addressed in this text revision regarding planned development. The following is an explanation of each of the four main items addressed:

1. Reduce the minimum net lot area required for Planned Development eligibility.

RECEIVED
NOV 05
BY:

SCANNED TO: David
SCANNED BY: Laurie
DATE: 11/5/09

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RECYCLED PAPER

The rationale behind a reduction in the minimum net lot area required for Planned Development consideration is to open the possibility of the Planned Development process to a greater number of property owners. As the City becomes more developed and dense, it is critical to have a mechanism for development that provides some flexibility when needed. The reduction in the minimum net lot area required for Planned Development consideration will most likely result in the possibility for a larger number of parcels across the City to be eligible for this important land use tool. By amending and enhancing the entire Planned Development chapter, and by lowering the net lot minimum, the City increases the potential for development that is consistent with and compatible with existing development.

2. Remove Planned Development regulations from the Conditional Use Chapter.

   Currently, the City's Planned Development regulations (Section 21A.54.150) are a sub-section of the Conditional Use Chapter (21A.54). As such, for every Planned Development request that the City receives, the proposal is evaluated in terms of the Planned Development standards and the Conditional Use standards. Most often, Planned Development requests are reviewed for "design" related issues as opposed to "use" related issues. In other words, a Planned Development does not always involve a question of the "use", and therefore should not be consistently reviewed on the basis of "use".

   To illustrate this concept, an applicant may request a relaxation of a setback requirement through the Planned Development process for a residential development in a residential zone. This type of request would be a "design" issue. The applicant's request is not a "use" issue as a residential use is allowed in a residential zone. In terms of review, the implications of the current regulation configuration would require that Planning Staff and the Planning Commission review a request of this nature in terms of "design" (through the Planned Development process) and in terms of "use" (through the Conditional Use process). This type of review is awkward and unnecessary as the request relates to "design" and not "use", and therefore the standards for conditional use are not applicable. In other words, it is awkward to review a request of this nature for the "use" through the Conditional Use process, when the "use" is permitted in the zone.

   Certainly, there will be project requests involving both a Conditional Use and a Planned Development. In such instances, under the proposed ordinance configuration, where there would be a stand alone chapter on Conditional Uses and a stand alone chapter on Planned Developments, a project request would be subject to the regulations of both chapters.

3. Enhance the "Purpose Statement" and the desired "Objectives" of the Planned Development tool.

   The Purpose Statement has been revised to be more specific; providing additional information regarding the Planned Development tool. The reference in the current Purpose Statement indicating that a Planned Development is a distinct category of Conditional Use has been removed. The Objectives of the Planned Development tool have also been revised and enhanced. Specifically, an additional objective is proposed to include development

amenities that are in the interest to the general public, as well as objectives encouraging development of affordable housing and utilization of "green" building techniques.

The primary motivation for amending the Purpose Statement and Objectives sections of this chapter is to minimize the utilization of the Planned Development tool as a way to skirt or undermine adopted development standards, and to encourage development that is appropriate and compatible. It is in the best interest of the City to have a well defined process for Planned Development such that the resulting product is a benefit to the community and the City as a whole.

4. Better define "Planned Development" in the list of terms in the Definitions Chapter of the Zoning Ordinance.

   The purpose behind this proposed amendment is to have a definition for Planned Development that is consistent with the overall proposed Planned Development text amendment being proposed. The proposed amendment to this definition is primarily a "house keeping matter", in order to realize a Code that is consistent. Please see Exhibit B attached to the Staff Report for the proposed definition.

Master Plan Considerations: The proposed amendment addressing Planned Development has potential implications for all parcels of property within Salt Lake City. Therefore, all existing Citywide Plans, Community Master Plans, and Small Area Master Plans are pertinent and relevant to any request for a Planned Development. The proposed Planned Development text requires any given request for a planned development to be consistent with any adopted City plan.

PUBLIC PROCESS:

On June 30, 2009, Planning Staff met with the Zoning Amendment Project (ZAP) Task Force to discuss proposed changes to planned developments. Notes reflecting comments from the participants at this meeting are attached to the Staff Report for review (Exhibit C). In general, the ZAP Task Force was very supportive of the proposed changes.

On August 20, 2009, an Open House was held. One member of the public attended the Open House in regard to Planned Development.

On August 26, 2009, a briefing was held with the Planning Commission.

On September 23, 2009, the Planning Commission held a public hearing and moved to forward a motion to the City Council to recommend approval of the proposed changes. The vote was five in favor and two opposed. No discussion took place regarding the vote, and therefore the rationale behind the two votes of opposition is unknown. The minutes from the public hearing are included in the transmittal packet for reference (Attachment 5C – Agenda and Minutes).

RELEVANT ORDINANCES:

- State Law, Section 10-9a-204, Notice of Public Hearings and Public Meetings to Consider General Plan or Modifications
- 21A.50.050 Standards for General Amendments

  Amendment criteria and findings are outlined on pages four and five of the staff report which is included in the transmittal packet for reference (Attachment 5B – Staff Report).

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1. CHRONOLOGY

PROJECT CHRONOLOGY

January 20, 2009	Petition assigned to Lex Traughber.
February – June 2009	Compiled draft Planned Development text.
June 24, 2009	Routed proposed Planned Development text to City Departments/Divisions for review and comment.
July 13, 2009	Presented proposal to the ZAP (Zoning Amendment Project) Task Force.
August 11, 2009	Petition scheduled for an "Issues Only" hearing before the Planning Commission. Agenda posted on the Planning Division and Utah Public Meeting Notice websites.
August 20, 2009	Held a public Open House.
August 26, 2009	Briefing held with the Planning Commission.
September 8, 2009	Planning Commission agenda posted on the Planning Division and Utah Public Meeting Notice websites.
September 9, 2009	Newspaper notice published for the Planning Commission meeting on September 23, 2009.
September 23, 2009	Planning Commission held a public hearing and voted to forward a positive recommendation to the City Council regarding the proposed Planned Development zoning text amendment.
September 24, 2009	Planning Staff requested ordinance from the City Attorney's Office.
October 26, 2009	Ordinance received from the City Attorney.

2. ORDINANCE

Legislative Version

SALT LAKE CITY ORDINANCE
No. _____ of 2009
(An ordinance amending certain land use provisions of Title 21A (Zoning) of the *Salt Lake City Code* pertaining to planned developments)

An ordinance amending certain sections of Title 21A (Zoning) of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2009-00749 regarding planned developments.

WHEREAS, the Salt Lake City Planning Commission ("Planning Commission") held a public hearing on September 23, 2009 to consider a request made by the Salt Lake City Council ("City Council") (petition no. PLNPCM2008-00643) to amend the text of certain sections of Title 21A (Zoning) of the *Salt Lake City Code* regarding planned developments; and

WHEREAS, at its September 23, 2009 hearing, the Planning Commission voted in favor of recommending to the City Council that the City Council amend the sections of Title 21A of the *Salt Lake City Code* identified herein; and

WHEREAS, after a public hearing on this matter the City Council has determined that the following ordinance is in the City's best interests,

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

SECTION 1. Amending text of *Salt Lake City Code* section 21A.24.010. That section 21A.24.010.G of the *Salt Lake City Code* (Residential Districts: General Provisions), shall be, and hereby is, amended to read as follows:

G. Flag Lots In Residential Districts: Flag lots are a permitted use only as part of a new subdivision in the FP, FR-1, FR-2 and FR-3 districts. Flag lots in all other residential districts, unless being approved through the planned development process, may be allowed as a conditional use pursuant to chapter ~~21A.54~~ 21 A.55 of this title, provided that the planning commission finds the flag lot proposal to be compatible with the existing pattern of property development of the surrounding area. The planning commission shall also make findings on the standards listed in subsections G1 through G14 of this section:

1. In residential districts other than new subdivisions in the FP, FR-1, FR-2, FR-3 districts, flag lots shall be approved only when one flag lot is proposed at the rear of an existing lot, unless being approved through the planned development process;

2. Flag lots shall be used exclusively to provide lots for single-family residential dwellings;

3. All lot and yard requirements applicable to flag lots shall apply to the main body of the flag lot. For flag lots, the front yard shall begin at the point where the access strip joins the main body of the lot;

4. Except for the special provisions contained in this subsection G, the creation of a flag lot shall not result in a violation of required lot area, lot width, yards or other applicable provisions of this title;

5. Flag lots shall have a minimum lot depth of one hundred feet (100') measured from the point where the access strip joins the main body of the lot;

6. The flag lot access strip shall have minimum of twenty four feet (24') of frontage on a public street. No portion of the flag lot access strip shall measure less than twenty four feet (24') in width between the street right of way line and main body of the lot. A minimum sixteen foot (16') wide hard surfaced driveway shall be provided along the entire length of the access strip. A four foot (4') minimum landscape yard shall be provided on each side of the driveway (see illustration in chapter 21A.62 of this title);

7. Flag lots, including the access strip, shall be held in fee simple ownership;

8. The minimum lot area of a flag lot shall not be less than 1.5 times the minimum lot area of the applicable district. The lot area calculation excludes the lot access strip;

9. The minimum required side yard for a single-story building on a flag lot is ten feet (10'). If any portion of the structure exceeds one story in height, all side yard setbacks shall meet the required rear yard setback of the underlying zoning district. The planning commission may increase the side or rear yard setback where there is a topographic change between lots;

10. Both the flag lot and any remnant property resulting from the creation of a flag lot (including existing buildings and structures) shall meet the minimum lot area, width, frontage, setback, parking and all other applicable zoning requirements of the underlying zoning district;

11. Any garage, whether attached to or detached from the main building, shall be located in the buildable area of the lot;

12. Accessory buildings other than garages may be located in the rear yard area, however, planning commission approval is required for any accessory building that requires a building permit;

13. A four foot (4') wide landscaped strip is required along both side property lines from the front to rear lot lines;

14. Reflective house numbers shall be posted at the front of the access strip;

15. In addition to any other provisions that may apply, the creation of a flag lot is considered a subdivision and shall be subject to applicable subdivision regulations and processes.

SECTION 2. Amending text of *Salt Lake City Code* section 21A.24.160. That section 21A.24.160.C of the *Salt Lake City Code* (Residential Business District), shall be, and hereby is, amended to read as follows:

C. Planned Development Review: Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the planning commission pursuant to the provisions of section ~~21A.54.150~~ 21A.55 of this title.

SECTION 3. Amending text of *Salt Lake City Code* section 21A.24.170. That section 21A.24.170.C of the *Salt Lake City Code* (R-MU Residential/Mixed Use District), shall be, and hereby is, amended to read as follows:

C. Planned Development Review: Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the planning commission pursuant to the provisions of section ~~21A.54.150~~ 21A.55 of this title.

SECTION 4. Amending text of *Salt Lake City Code* section 21A.26.020. That section 21A.26.020.C of the *Salt Lake City Code* (CN Neighborhood Commercial District), shall be, and hereby is, amended to read as follows:

C. Planned Development Review: Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the planning commission pursuant to the provisions of section ~~21A.54.150~~ 21A.55 of this title.

SECTION 5. Amending text of *Salt Lake City Code* section 21A.26.030. That section 21A.26.030.C of the *Salt Lake City Code* (CS Community Shopping District), shall be, and hereby is, amended to read as follows:

C. Planned Development Review: Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the planning commission pursuant to the provisions of section ~~21A.54.150~~ 21A.55 of this title.

SECTION 6. Amending text of *Salt Lake City Code* section 21A.26.040. That section 21A.26.040.C of the *Salt Lake City Code* (CS Community Shopping District), shall be, and hereby is, amended to read as follows:

C. Planned Development Review: All new construction of principal buildings, uses, or additions that increases the floor area and/or parking requirement by twenty five percent (25%) in the CS community shopping district may be approved only as a planned development in conformance with the provisions of section ~~21A.54.150~~ 21A.55 of this title.

SECTION 7. Amending text of *Salt Lake City Code* section 21A.26.077. That section 21A.26.077.C of the *Salt Lake City Code* (TC-75 Transit Corridor District), shall be, and hereby is, amended to read as follows:

C. Planned Development Review: Planned developments, which meet the intent of this section, but not the specific design criteria outlined in the following subsections may be approved by the planning commission pursuant to the provisions of section ~~21A.54.150~~ 21A.55 of this title.

SECTION 8. Amending text of *Salt Lake City Code* section 21A.26.080. That section 21A.26.080 of the *Salt Lake City Code* (Table of Permitted and Conditional Uses for Commercial Districts), shall be, and hereby is, amended to modify only qualifying provision number 1 following the Table of Permitted and Conditional Uses for Commercial Districts, such that said qualifying provision shall read:

1. Development in the CS district shall be subject to planned development approval pursuant to the provisions of section ~~21A.54.150~~ 21A.55 of this title.

Certain developments in the CSHBD zone shall be subject to the conditional building and site design review process pursuant to the provisions of subsection 21A.26.060D of this chapter and chapter 21A.59 of this title.

SECTION 9. Amending text of *Salt Lake City Code* section 21A.31.020. That section 21A.31.020.C of the *Salt Lake City Code* (G-MU Gateway-Mixed Use District), shall be, and hereby is, amended to read as follows:

C. Planned Development Review: All new construction of principal buildings, uses, or additions that increase the floor area and/or parking requirement by twenty five percent (25%) in the G-MU gateway-mixed use district may be approved only as a planned development in conformance with the provisions of section ~~21A.54.150~~ 21A.55 of this title.

SECTION 10. Amending text of *Salt Lake City Code* section 21A.32.090. That section 21A.32.090.F through 21A.32.090.G of the *Salt Lake City Code* (UI Urban Institutional District), shall be, and hereby is, amended to read as follows:

F. Minimum Yard Requirements: For all uses other than hospitals, the minimum yard requirements shall be:
   1. Front Yard: Fifteen feet (15').
   2. Corner Side Yard: Fifteen feet (15').
   3. Interior Side Yard: None required.
   4. Rear Yard: Twenty five feet (25').
   5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in required yard areas subject to table 21A.36.020B, "Obstructions In Required Yards", of this title.
   6. Minimum Requirements May Be Altered Or Waived: Minimum yard requirements may be altered or waived by the planning commission as a planned development pursuant to the standards and procedures for conditional uses set forth in chapter ~~21A.54~~ 21A.55 , "Conditional Uses", of this title.

G. Landscape Yard Requirements: Landscape yards, as specified below, shall be required for each use, except hospitals, in the UI urban institutional district and shall be improved in conformance with the requirements of chapter 21A.48, "Landscaping And Buffers", of this title.
   1. Front Yard: Fifteen feet (15').
   2. Corner Side Yard: Fifteen feet (15').
   3. Interior Side Yard: None required.
   4. Rear Yard: Ten feet (10').

5. Minimum Requirements May Be Altered Or Waived: Landscape yard requirements may be altered or waived by the planning commission as a planned development pursuant to the standards and procedures for conditional uses set forth in chapter ~~21A.54~~ 21A.55.

SECTION 11. Amending text of *Salt Lake City Code* section 21A.32.110. That section 21A.32.110.K of the *Salt Lake City Code* (MH Mobile Home Park District), shall be, and hereby is, amended to read as follows:

K. Planned Development Review And Approval: Each mobile home park shall require subdivision approval (if fee simple lots are being created) and planned development approval (if no fee simple lots are being created). Pursuant to the standards and procedures for conditional uses, chapter ~~21A.54~~ 21A.55 of this title. The following site plan standards shall be used in considering either approval:

1. Internal streets shall not be less than twenty four feet (24') wide.
2. The configuration of the entrance road connecting the park to a public street shall be subject to site plan review.
3. All roads shall be paved.
4. Sidewalks shall be provided to accommodate pedestrian circulation needs.

SECTION 12. Amending text of *Salt Lake City Code* section 21A.32.130. That section 21A.32.130.C of the *Salt Lake City Code* (MU Mixed Use District), shall be, and hereby is, amended to read as follows:

C. Planned Development Review: Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections may be approved by the planning commission pursuant to the provisions of section ~~21A.54.150~~ 21A.55 of this title.

SECTION 13. Amending text of *Salt Lake City Code* section 21A.32.140. That section 21A.32.140 of the *Salt Lake City Code* (Table of Permitted and Conditional Uses for Special Purpose Districts), shall be, and hereby is, amended to modify only qualifying provision number 7 following the Table of Permitted and Conditional Uses for Commercial Districts, such that said qualifying provision shall read:

7. When approved as part of a business park planned development pursuant to the provisions of section ~~21A.54.150~~ 21A.55 of this title.

SECTION 14. Amending text of *Salt Lake City Code* section 21A.36.010. That section 21A.36.010.B.2 of the *Salt Lake City Code* (Use of Land and Buildings), shall be, and hereby is, amended to read as follows:

2. More than one principal building may be permitted on a lot in all zoning districts other than those identified in subsection B1 of this section, or when the principal buildings are occupied by more than one use, when authorized in conjunction with an approved planned development pursuant to chapter ~~21A.54~~ 21A.55 of this title. All land uses shall front a public street unless specifically exempted from this requirement by other provisions of this title.

SECTION 15. Amending text of *Salt Lake City Code* section 21A.46.052. That section 21A.46.052 of the *Salt Lake City Code* (Signs Exempt from Specific Criteria Except Fees and Permits), shall be, and hereby is, amended to read as follows:

21A.46.052: SIGNS EXEMPT FROM SPECIFIC CRITERIA EXCEPT FEES AND PERMITS:

Signs within open air malls, stadiums or other enclosed spaces that do not have a roof, but are otherwise physically confined and separated from the public street right of way are required to obtain sign permits and pay fees to ensure public safety and compliance with the city's building code. Such signs are subject to sign ordinance regulations unless a sign master plan agreement was specifically considered as part of a planned development as outlined in chapter ~~21A.54~~ 21A.55 of this title or was specifically authorized through the conditional building and site design review process as outlined in chapter 21A.59 of this title. The sign master plan agreement shall only be authorized for signage within the open air mall or stadium that is not oriented to the public street. Signage oriented to a public street or to a surface parking lot is specifically not exempt from sign ordinance requirements and not subject to modification through a sign master plan agreement.

SECTION 15. Amending text of *Salt Lake City Code* section 21A.46.090. That section 21A.46.090.B.3 of the *Salt Lake City Code* (Sign Regulations for the CS District), shall be, and hereby is, amended to read as follows:

3. Applicability Of Planned Development Regulations To Signage: As provided in section 21A.26.040 of this title, all development within the CS district, including signage, shall be subject to the planned development provisions set forth in section ~~21A.54.150~~ 21A.55 of this title. Any change in signage subsequent to planned development approval is allowed subject to compliance with the provisions of this title or the specific requirements of the planned development approval.

SECTION 16. Amending text of *Salt Lake City Code* section 21A.54.030. That section 21A.54.030 of the *Salt Lake City Code* (Categories of Conditional Uses), shall be, and hereby is, amended to read as follows:

21A.54.030: CATEGORIES OF CONDITIONAL USES:

Conditional uses shall consist of the following categories of uses:

A. Uses Impacting Other Property: Uses that may give rise to particular problems with respect to their impact upon neighboring property and the city as a whole, including their impact on public facilities; and

~~B. Planned Developments: The uses which fall within these categories are listed in the tables of permitted and conditional uses found at the end of each chapter of part III of this title for each category of zoning district or districts.~~

~~C.~~ B. Administrative Consideration Of Conditional Uses: Certain conditional uses may be considered to be low impact due to their particular location and are hereby authorized to be reviewed administratively according to the provisions contained in section 21A.54.155 of this chapter. Conditional uses that are authorized to be reviewed administratively are:

1. Applications for low power wireless telecommunication facilities that are listed as conditional uses in subsection 21A.40.090E of this title.

2. Alterations or modifications to a conditional use that increase the floor area by one thousand (1,000) gross square feet or more and/or increase the parking requirement.

3. Any conditional use as identified in the tables of permitted and conditional uses for each zoning district, except those that:

a. Are listed as a "residential" land use in the tables of permitted and conditional uses for each zoning district;

b. Are located within a residential zoning district;

c. Abut a residential zoning district or residential use; or

d. Require planned development approval.

4. Public/private utility buildings and structures in residential and nonresidential zoning districts.

SECTION 17. Amending text of *Salt Lake City Code* section 21A.54.060. That section 21A.54.060.E of the *Salt Lake City Code* (Conditional Uses: Procedures), shall be, and hereby is, amended to read as follows:

E. Public Hearing: The planning commission, or, in the case of administrative conditional uses, the planning director or designee shall schedule and hold a public hearing on the proposed conditional use in accordance with the standards and procedures for conduct of the public hearing set forth in chapter 21A.10 of this title. (See sections ~~21A.54.150~~ 21A.55 and 21A.54.155 of this chapter for additional procedures for public hearings in connection with planned developments and administrative conditional uses.)

SECTION 18. Amending text of *Salt Lake City Code* section 21A.54.140. That section 21A.54.140 of the *Salt Lake City Code* (Conditional Use Approvals and Planned Developments), shall be, and hereby is, amended to read as follows:

21A.54.140: CONDITIONAL USE APPROVALS AND PLANNED DEVELOPMENTS:

When a development is proposed as a planned development pursuant to the procedures in section ~~21A.54.150~~ 21A.55 of this chapter and also includes an application for conditional use approval, the planning commission shall decide the planned development application and the conditional use application together. In the event that a new conditional use is proposed after a planned development has been approved pursuant to section ~~21A.54.150~~ 21A.55 of this chapter, the proposed conditional use shall be reviewed and approved, approved with conditions, approved with modifications, or denied under the standards set forth in section 21A.54.080 of this chapter.

SECTION 19. Amending text of *Salt Lake City Code* section 21A.54.150. That the text of section 21A.54.150 of the *Salt Lake City Code* (Planned Developments), shall be, and hereby is, **repealed in its entirety**, and shall be amended to read:

21A.54.150: REPEALED. ~~PLANNED DEVELOPMENTS:~~

~~A. Purpose Statement: A planned development is a distinct category of conditional use. As such, it is intended to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of~~

development. Through the flexibility of the planned development technique, the city seeks to achieve the following specific objectives:

1. Creation of a more desirable environment than would be possible through strict application of other city land use regulations;
2. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities;
3. Combination and coordination of architectural styles, building forms and building relationships;
4. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;
5. Preservation of buildings which are architecturally or historically significant or contribute to the character of the city;
6. Use of design, landscape or architectural features to create a pleasing environment;
7. Inclusion of special development amenities; and
8. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.

B. Authority: The planning commission may approve planned developments for uses listed in the tables of permitted and conditional uses found at the end of each chapter of part III of this title for each category of zoning district or districts. The approval shall be in accordance with the standards and procedures set forth in this section, and other regulations applicable to the district in which the property is located.

C. Authority To Modify Regulations: In approving any planned development, the planning commission may change, alter, modify or waive any provisions of this title or of the city's subdivision regulations as they apply to the proposed planned development. No such change, alteration, modification or waiver shall be approved unless the planning commission shall find that the proposed planned development:

1. Will achieve the purposes for which a planned development may be approved pursuant to subsection A of this section; and
2. Will not violate the general purposes, goals and objectives of this title and of any plans adopted by the planning commission or the city council.

D. Limitation: No change, alteration, modification or waiver authorized by subsection C of this section shall authorize a change in the uses permitted in any district or a modification with respect to any standard established by this section, or a modification with respect to any standard in a zoning district made specifically applicable to planned developments, unless such regulations expressly authorize such a change, alteration, modification or waiver.

E. Other Standards:

1. Minimum Area: A planned development proposed for any parcel or tract of land under single ownership or control shall have a minimum net lot area for each zoning district as set forth in table 21A.54.150E2 of this section.

2. Density Limitations: Residential planned developments shall not exceed the density limitation of the zoning district where the planned development is proposed. The calculation of planned development density may include open space that is provided as an amenity to the planned development. Public or private roadways located within or adjacent to a planned development shall not be included in the planned development area for the purpose of calculating density.

TABLE 21A.54.150E2
PLANNED DEVELOPMENTS

3. Consideration Of Reduced Width Public Street Dedication: A residential planned development application may include a request to dedicate the street to Salt Lake City for perpetual use by the public. The request will be reviewed and evaluated individually by appropriate departments, including transportation, engineering, public utilities, public services and fire. Each department reviewer will consider the adequacy of the design and physical improvements proposed by the developer and will make recommendation for approval or describe required changes. A synopsis will be incorporated into the staff report for review and decision by the planning commission. Notwithstanding the foregoing, no such street will be accepted as a publicly owned street unless there is a minimum width of twenty feet (20') of pavement with an additional right of way as determined by the planning commission.

4. Planned Developments: Planned developments within the TC-75, RB, R-MU, MU, CN, CB, and CSHBD zoning districts and the South State Street overlay. Also planned developments within the CS zoning district, when the district is adjacent to more than sixty percent (60%) residential zoning (within 300 feet, either on the same block or across the street).

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

a. The development shall be primarily oriented to the street, not an interior courtyard or parking lot,

b. The primary access shall be oriented to the pedestrian and mass transit,

c. The facade shall maintain detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction,

d. Architectural detailing shall emphasize the pedestrian level of the building,

e. Parking lots shall be appropriately screened and landscaped to minimize their impact on the neighborhood,

f. Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods,

g. Dumpsters and loading docks shall be appropriately screened or located within the structure, and

h. Signage shall emphasize the pedestrian/mass transit orientation.

5. Perimeter Setback: The perimeter side and rear yard building setback shall be the greater of the required setbacks of the lot or adjoining lot unless modified by the planning commission.

6. Topographic Change: The planning commission may increase or decrease the side or rear yard setback where there is a topographic change between lots.

F. Preapplication Conference: Prior to submitting a planned development application, an applicant shall participate in a preapplication conference with the planning director and the development review team (DRT). A member of the planning commission and the city council member of the district in which the proposed planned development is located may be invited to attend the preapplication conference. Representatives of other city departments and decision making bodies may also be present, where appropriate.

1. Purpose Statement: The purpose of the preapplication conference is to enable the applicant to present the concept of the proposed planned development and to discuss the procedures and standards for planned development approval. The conference is intended to facilitate the filing and consideration of a complete application. No representation made by the planning director, the DRT, the city council and planning commission members, or the representatives of city departments or of other decision making bodies during such conference shall be binding upon the city with respect to the application subsequently submitted.

2. Scheduling Of Conference: The planning director shall schedule the preapplication conference within fifteen (15) calendar days after receiving the request from the applicant.

3. Information Needed For Preapplication Conference: At the time of request for the preapplication conference, the applicant shall include a narrative summary of the proposal and a description of adjacent land uses and neighborhood characteristics.

4. Action Following Preapplication Conference: Following the preapplication conference, the staff of the planning director shall be available to assist the applicant in the application procedure for the planned development.

G. Development Plan Approval Steps: The development plan approval process requires a minimum of two (2) approval steps: 1) a preliminary development plan approval; and 2) a final development plan approval. An applicant may elect to submit a concept development plan pursuant to subsection H of this section before submitting an application for preliminary development plan

approval in order to obtain guidance regarding how city requirements would apply to the nature and scope of the proposed planned development.

H. Concept Development Plan (Optional):

1. Purpose Statement: The concept development plan is an optional step that is intended to provide the applicant an opportunity to submit and obtain review of a plan showing the basic character and scope of the proposed planned development without incurring undue cost. At the election of the applicant, the concept development plan may be submitted to the planning commission for its review and decision following a public hearing.

2. Application: An application for submittal of a concept development plan shall include the following items and information:

a. Schematic drawings, at a scale of not smaller than fifty feet (50') to the inch, of the proposed development concept, showing buildings located within eighty five feet (85') (exclusive of intervening streets and alleys) of the site; the general location of vehicular and pedestrian circulation and parking; public and private open space; and residential, commercial, industrial and other land uses, as applicable, and a tabulation of the following information:

(1) Total number of dwelling units and rooming units proposed, by type of structure and number of bedrooms if the planned development includes residential land uses;

(2) Total square feet of building floor area proposed for commercial uses, recreation and accessory uses and industrial uses, by general type of use;

(3) Proposed number of off street parking and loading spaces for each proposed type of land use; and

(4) Total land area, expressed in square feet and as a percent of the total development area, proposed to be devoted to residential uses, by type of structure; commercial uses; industrial uses; other land uses; public and private open space; streets and sidewalks; and off street parking and loading area;

(5) Total project density or intensity of use.

b. Proposed elevations.

c. When the planned development is to be constructed in phases, a schedule for the development of such phases shall be submitted stating the approximate beginning and completion time for each phase. When a development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire development as the phases completed or under development bear to the entire development.

3. Review By Development Review Team (DRT): Upon receipt of a complete concept development plan application, the zoning administrator shall forward the application to the DRT for its review. The DRT shall prepare

~~a memorandum with its general evaluation and recommendations regarding any revisions that must be incorporated in any subsequent application for preliminary development plan approval in order to assure compliance with the requirements of this title. A copy of this memorandum shall be sent to the applicant.~~

~~4. Planning Commission Review Of The Concept Plan: Upon receipt of the DRT memorandum pursuant to subsection H3 of this section, the applicant may request in writing within fourteen (14) calendar days of the date of receipt thereof that the planning director forward the concept development plan application to the planning commission for its review and decision. The zoning administrator shall forward the concept development plan application accompanied by the DRT memorandum to the planning division for planning commission consideration at a public hearing. In the event that the applicant does not request planning commission review of the concept development plan within the fourteen (14) day time frame provided, no further action shall be taken on the proposed planned development until the applicant submits an application for preliminary plan development approval.~~

~~5. Public Hearing: If an applicant requests planning commission review of the concept development plan pursuant to subsection H4 of this section a public hearing shall be scheduled and conducted by the planning commission in accordance with the standards and procedures set forth in chapter 21A.10 of this title.~~

~~6. Planning Commission Action: Following the conclusion of the public hearing, the planning commission shall either approve the concept development plan, approve the concept development plan subject to modifications or conditions, or disapprove the concept development plan.~~

~~7. Procedure Upon Denial Of Concept Development Plan: If the planning commission denies the application for approval of the concept development plan, it shall require the applicant to resolve specific issues before approval may be granted, if resubmitted, for the preliminary development plan.~~

~~8. Approval Of Concept Development Plan: If the planning commission approves the concept development plan, with or without modifications or conditions, it shall adopt a motion establishing the land uses and density for the proposed planned development and authorizing the proposed applicant to submit an application for a preliminary development plan consistent with the approved concept development plan. Every such motion shall be expressly conditioned upon approval of the preliminary development plan in accordance with subsection I of this section.~~

~~9. Time Limitation On Concept Development Plan Approval: Subject to an extension of time granted by the planning director, unless a preliminary development plan covering the area designated in the concept development plan has been filed within one year from the date the planning commission grants concept development plan approval, the~~

planning commission's approval of the concept development plan shall automatically expire and be rendered void.

I. Preliminary Development Plan: Whether or not an applicant for a planned development elects first to submit a concept development plan, the applicant must file an application for preliminary development plan approval with the zoning administrator.

1. Application Requirements: The preliminary development plan application shall be submitted on a form provided by the zoning administrator accompanied by such number of copies of documents as the zoning administrator may require for processing of the application, and shall include at least the following information set forth below:

a. General Information:

(1) The applicant's name, address, telephone number and interest in the property;

(2) The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;

(3) The street address and legal description of the subject property;

(4) The zoning classification, zoning district boundaries and present use of the subject property;

(5) A vicinity map with north, arrow scale and date, indicating the zoning classifications and current uses of properties within eighty five feet (85') (exclusive of intervening streets and alleys) of the subject property; and

(6) The proposed title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner or engineer on the project.

b. Preliminary Development Plan: A preliminary development plan at a scale of twenty feet (20') to the inch or larger, unless otherwise approved by the zoning administrator, setting forth at least the following, unless waived by the zoning administrator:

(1) The location, dimensions and total area of the site;

(2) The location, dimensions, floor area, type of construction and use of each proposed building or structure;

(3) The number, the size and type of dwelling units in each building, and the overall dwelling unit density;

(4) The proposed treatment of open spaces and the exterior surfaces of all structures, with sketches of proposed landscaping and structures, including typical elevations;

(5) Architectural graphics, if requested by the zoning administrator, including typical floor plans and elevations, profiles and cross sections;

(6) The number, location and dimensions of parking spaces and loading docks, with means of ingress and egress;

(7) The proposed traffic circulation pattern within the area of the development, including the location and description of public improvements to be installed, including any streets and access easements;

(8) A traffic impact analysis;

(9) The location and purpose of any existing or proposed dedication or easement;

(10) The general drainage plan for the development tract;

(11) The location and dimensions of adjacent properties, abutting public rights of way and easements, and utilities serving the site;

(12) Significant topographical or physical features of the site, including existing trees;

(13) Soils and subsurface conditions, if requested;

(14) The location and proposed treatment of any historical structure or other historical design element or feature;

(15) One copy of the preliminary development plan colored or shaded (unmounted) for legibility and presentation at public meetings; and

(16) A reduction of the preliminary development plan to eight and one-half by eleven inches ($8^1/_2$ x 11"). The reduction need not include any area outside the property lines of the subject site.

c. Plat Of Survey: A plat of survey of the parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions of the parcel, lot, lots, block, blocks, or portions thereof, according to the registered or recorded plat of such land.

d. A Preliminary Subdivision Plat, If Required: A preliminary subdivision plat showing that the planned development consists of and is conterminous with a single lot described in a recorded subdivision plat, or a proposed resubdivision or consolidation to create a single lot or separate lots of record in suitable form ready for review.

e. Additional Information: The application shall also contain the following information as well as such additional information, drawings, plans or documentation as may be requested by the zoning administrator or the planning commission if determined necessary or appropriate for a full and proper consideration and disposition of the application:

(1) When the proposed planned development includes provisions for common open space or recreational facilities, a statement describing the provision to be made for the care and maintenance of such open space or recreational facilities;

(2) A written statement showing the relationship of the proposed planned development to any adopted general plan of the city;

(3) A written statement addressing each of the standards set forth in subsection H of this section, and such additional standards, if any, as may be applicable under the specific provisions of this title. The statement shall explain specifically how the proposed planned development relates to and meets each such standard;

(4) A written statement showing why the proposed planned development is compatible with other property in the neighborhood.

2. Review Procedure: Upon the review of a preliminary development plan application, by the development review team, the zoning administrator shall notify the applicant of any deficiencies and or modifications necessary to complete the application.

a. Public Hearing: Upon receiving site plan review and recommendation from the development review team, and completing a staff report, the planning commission shall hold a public hearing to review the preliminary development plan application in accordance with the standards and procedures set forth in chapter 21A.10 of this title.

b. Planning Commission Action: Following the public hearing, the planning commission shall decide, on the basis of the standards contained in subsection I3 of this section whether to approve, approve with modifications or conditions, or deny the application.

c. Planning Commission Action On Preliminary Development Plan Subject To Certification By Planning Director: The motion of the planning commission approving the preliminary development plan shall include a provision approving the final development plan, subject to certification by the planning director that the final development plan is in conformance with the preliminary development plan approved by the planning commission.

d. Notification Of Decision: The planning director shall notify the applicant of the decision of the planning commission in writing, accompanied by one copy of the submitted plans marked to show such decision and a copy of the motion approving, approving with modifications, or denying the preliminary development plan application.

3. Standards: A planned development, as a conditional use, shall be subject to the standards for approval set forth in section 21A.54.080 of this chapter. The planning commission shall make written findings of fact with respect to each of the standards in section 21A.54.080 of this chapter before approval.

J. Certification Of Final Development Plan Compliance: Upon receipt of an application for final development plan certification, the planning director shall review the application to determine if it is complete, including any modifications required in conjunction with the approval by the planning commission. Within ten (10) working days of receipt of the completed application, the planning director shall either: 1) certify that the final development plan complies with the approved preliminary plan; or 2) refuse to certify the final development plan for lack of compliance with the preliminary development plan as finally approved by the planning commission.

~~K. Effect Of Certification Of Compliance: A final development plan as approved and certified shall not be modified, except pursuant to subsection S of this section.~~

~~L. Effect Of Refusal Of Certification: If the planning director refuses to certify the final development plan, the applicant shall be notified in writing of the items that do not comply with the approved preliminary development plan. The applicant shall have fourteen (14) days following receipt of the planning director's notice of lack of certification to correct the deficiencies identified. If the applicant fails to correct the deficiencies within the fourteen (14) day period, unless extended by the planning director, the final development plan shall automatically expire and be rendered void.~~

~~M. Appeal Of Planning Director's Refusal To Certify Compliance: Any party aggrieved by the decision of the planning director not to certify a final development plan, may appeal to the planning commission within thirty (30) days of the date of decision.~~

~~N. Appeal Of The Planning Commission Decision: Any party aggrieved by the decision of the planning commission on appeal of the planning director's refusal to certify a final development plan, may file an appeal to the land use appeals board.~~

~~O. Time Limit On Approved Planned Development: No planned development approval shall be valid for a period longer than one year unless a building permit is issued and construction is diligently pursued. However, upon written request of the applicant, the one year period may be extended by the planning commission for such time as it shall determine for good cause shown, without further public hearing.~~

~~P. Additional Requirements: The decision approving a planned development shall contain a legal description of the property subject to the planned development. The decision shall be recorded by the city in the office of the county recorder before any permits may be issued.~~

~~Q. Effect Of Approval Of Planned Development: The approval of a proposed planned development by the planning commission shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the city, including, but not limited to, a building permit, a certificate of occupancy and subdivision approval.~~

R. Regulation During And Following Completion Of Development: Following final development plan approval, the final development plan, rather than any other provision of this title, shall constitute the use, parking, loading, sign, bulk, space and yard regulations applicable to the subject property, and no use or development, other than home occupation and temporary uses, not allowed by the final development plan shall be permitted within the area of the planned development.

S. Modifications To Development Plan:

1. New Application Required For Modifications And Amendments: No substantial modification or amendment shall be made in the construction, development or use without a new application under the provisions of this title. Minor modifications or amendments may be made subject to written approval of the planning director and the date for completion may be extended by the planning commission upon recommendation of the planning director.

2. Minor Modifications: During build out of the planned development, the planning director may authorize minor modifications to the approved final development plan pursuant to the provisions for modifications to an approved site plan as set forth in chapter 21A.58 of this title, when such modifications appear necessary in light of technical or engineering considerations. Such minor modifications shall be limited to the following elements:

a. Adjusting the distance as shown on the approved final development plan between any one structure or group of structures, and any other structure or group of structures, or any vehicular circulation element or any boundary of the site;

b. Adjusting the location of any open space;

c. Adjusting any final grade;

d. Altering the types of landscaping elements and their arrangement within the required landscaping buffer area; and

e. Signs.

Such minor modifications shall be consistent with the intent and purpose of this title and the final development plan as approved pursuant to this section, and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such modifications would result in a violation of any standard or requirement of this title.

3. Major Modifications: Any modifications to the approved final development plan not authorized by subsection S2 of this section shall be considered to be a major modification. The planning commission shall give notice to all property owners whose properties are located within one hundred feet (100') (exclusive of intervening streets and alleys) of the planned development,

requesting the major modification. The planning commission may approve an application for a major modification to the final development plan, not requiring a modification of written conditions of approval or recorded easements, upon finding that any changes in the plan as approved will be in substantial conformity with the final development plan. If the commission determines that a major modification is not in substantial conformity with the final development plan as approved, then the commission shall review the request in accordance with the procedures set forth in this subsection.

4. Fees: Fees for modifications to a final development plan shall be as set forth in the fee schedule, chapter 21A.64 of this title.

T. Disclosure Of Infrastructure Costs For Planned Developments: Planned developments, approved under this title after January 1, 1997, shall include provisions for disclosure of future private infrastructure maintenance and replacement costs to unit owners.

1. Infrastructure Maintenance Estimates: Using generally accepted accounting principles, the developer of any planned development shall calculate an initial estimate of the costs for maintenance and capital improvements of all infrastructure for the planned development including roads, sidewalks, curbs, gutters, water and sewer pipes and related facilities, drainage systems, landscaped or paved common areas and other similar facilities ("infrastructure"), for a period of sixty (60) years following the recording of the subdivision plat for the estimated date of first unit occupancy of the planned development, whichever is later.

2. Initial Estimate Disclosure: The following measures shall be incorporated in planned developments to assure that owners and future owners have received adequate disclosure of potential infrastructure maintenance and replacement costs:

a. The cost estimate shall be recorded with and referenced on the recorded plat for any planned development. The initial disclosure estimate shall cover all private infrastructure items and shall be prepared for six (6) increments of ten (10) years each.

b. The recorded plat shall also contain a statement entitled "notice to purchasers" disclosing that the infrastructure is privately owned and that the maintenance, repair, replacement and operation of the infrastructure is the responsibility of the property owners and will not be assumed by the city.

c. The cost estimate shall be specifically and separately disclosed to the purchaser of any property in the planned development, upon initial purchase and also upon all future purchases for the duration of the sixty (60) year period.

3. Yearly Maintenance Statements: The entity responsible for the operation and maintenance of the infrastructure shall, at least once each calendar

~~year, notify all property owners in the planned development of the estimated yearly expenditures for maintenance, repair, operation or replacement of infrastructure, and at least once each calendar year shall notify all property owners of the actual expenditures incurred, and shall specify the reason(s) for any variance between the estimated expenditures and the actual expenditures.~~

~~4. Maintenance Responsibilities: The property owners in a planned development shall be collectively and individually responsible, on a pro rata basis, for operating, maintaining, repairing and replacing infrastructure to the extent necessary to ensure that access to the planned development is available to the city for emergency and other services and to ensure that the condition of the private infrastructure allows for the city's continued and uninterrupted operation of public facilities to which the private infrastructure may be connected or to which it may be adjacent.~~

SECTION 20. Amending text of *Salt Lake City Code* section 21A.54.160. That section 21A.54.160 of the *Salt Lake City Code* (Conditional Uses: Appeal of Planning Commission Decision), shall be, and hereby is, amended to read as follows:

21A.54.160: APPEAL OF PLANNING COMMISSION DECISION:

Any party aggrieved by a decision of the planning commission on an application for a conditional use~~, including a planned development,~~ may file an appeal to the land use appeals board within thirty (30) days of the date of the decision. The filing of the appeal shall not stay the decision of the planning commission pending the outcome of the appeal, unless the planning commission takes specific action to stay a decision.

SECTION 21. Amending text of *Salt Lake City Code* section to adopt section 21A.55. That the *Salt Lake City Code* shall be, and hereby is, amended to adopt section 21A.55 (Planned Developments), which shall read as follows:

Chapter 21A.55

PLANNED DEVELOPMENTS

21A.55.010 Purpose Statement:

A planned development is intended to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of development. Further, a planned development implements the purpose statement of the zoning

district in which the project is located, utilizing an alternative approach to the design of the property and related physical facilities. A planned development will result in a more enhanced product than would be achievable through strict application of land use regulations, while enabling the development to be compatible and congruous with adjacent and nearby land developments. Through the flexibility of the planned development regulations, the city seeks to achieve any of the following specific objectives:

A. Combination and coordination of architectural styles, building forms, building materials, and building relationships;

B. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;

C. Preservation of buildings which are architecturally or historically significant or contribute to the character of the city;

D. Use of design, landscape, or architectural features to create a pleasing environment;

E. Inclusion of special development amenities that are in the interest of the general public;

F. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation;

G. Inclusion of affordable housing with market rate housing; or

H. Utilization of "green" building techniques in development.

21A.55.020 Authority:

The planning commission may approve planned developments for uses listed in the tables of permitted and conditional uses for each category of zoning district or districts. The approval shall be in accordance with the standards and procedures set forth in this chapter and other regulations applicable to the district in which the property is located.

21A.55.030 Authority To Modify Regulations:

In approving any planned development, the planning commission may change, alter, modify or waive any provisions of this title or of the city's subdivision regulations as they apply to the proposed planned development; however, additional building height may not be approved in the FR, R-1, SR, or R-2 zoning districts. In zoning districts other than the FR, R-1, SR, or R-2 districts, the Planning Commission may approve up to five feet (5') maximum of

additional building height in accordance with the provisions of this title if it further achieves one or more of the objectives in Section 21A.55.010.

21A.55.040 Limitation:

No change, alteration, modification or waiver authorized by Section 21A.55.040 of this Chapter shall authorize a change in the uses permitted in any district or a modification with respect to any standard established by this section, or a modification with respect to any standard in a zoning district made specifically applicable to planned developments, unless such regulations expressly authorize such a change, alteration, modification or waiver.

21A.55.050 Standards for Planned Developments:

The Planning Commission may approve, approve with conditions, or deny a Planned Development based upon written findings of fact according to each of the following standards. It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance with the following standards:

A. Planned Development Objectives: The Planned Development shall meet the purpose statement for a planned development (Section 21A.55.010) and will achieve at least one of the objectives stated in said Section;

B. Master Plan And Zoning Ordinance Compliance: The proposed planned development shall be:

1. Consistent with any adopted policy set forth in the citywide, community, and/or small area master plan and future land use map applicable to the site where the planned development will be located, and,

2. Allowed by the zone where the planned development will be located or by another applicable provision of this title.

C. Compatibility: The proposed planned development shall be compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located. In determining compatibility, the planning commission shall consider:

1. Whether the street or other means of access to the site provide the necessary ingress/egress without materially degrading the service level on such street/access or any adjacent street/access;

2. Whether the planned development and its location will create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected, 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 are likely to encourage street side parking for the planned development which will adversely impact the reasonable use of adjacent property;

iii. Hours of peak traffic to the proposed planned development and whether such traffic will unreasonably impair the use and enjoyment of adjacent property.

3. Whether the internal circulation system of the proposed planned development will be designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic;

4. Whether existing or proposed utility and public services will be adequate to support the proposed planned development at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources;

5. Whether appropriate buffering or other mitigation measures, such as, but not limited to, landscaping, setbacks, building location, sound attenuation, odor control, will be provided to protect adjacent land uses from excessive light, noise, odor and visual impacts and other unusual disturbances from trash collection, deliveries, and mechanical equipment resulting from the proposed planned development, and;

6. Whether the intensity, size, and scale of the proposed planned development is compatible with adjacent properties.

D. Landscaping: Existing mature vegetation on a given parcel for development shall be maintained. Additional or new landscaping shall be appropriate for the scale of the development, and shall primarily consist of drought tolerant species;

E. Preservation: The proposed Planned Development shall preserve any historical, architectural, and environmental features of the property;

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

21A.55.060 Minimum Area:

A planned development proposed for any parcel or tract of land under single ownership or control in certain zoning districts shall have a minimum net lot area as set forth in table 21A.55.060 of this section.

Table 21A.55.060

PLANNED DEVELOPMENTS

DISTRICT	MINIMUM PLANNED DEVELOPMENT SIZE
Residential Districts	
FR-1/43,560 Foothills Estate Residential District	5 acres
FR-2/21,780 Foothills Residential District	5 acres
FR-3/12,000 Foothills Residential District	5 acres
R-1/12,000 Single-Family Residential District	24,000 square feet
R-1/7,000 Single-Family Residential District	14,000 square feet
R-1/5,000 Single-Family Residential District	10,000 square feet
SR-1 and SR1-A Special Development Pattern Residential District	10,000 square feet
SR-2 Special Development Pattern Residential District	Reserved
SR-3 Interior Block Single-Family Residential District	4,000 square feet
R-2 Single- And Two-Family Residential District	10,000 square feet
RMF-30 Low Density Multi-Family Residential District	9,000 square feet
RMF-35 Moderate Density Multi-Family Residential District	9,000 square feet
RMF-45 Moderate/High Density Multi-Family Residential District	9,000 square feet
RMF-75 High Density Multi-Family District	9,000 square feet
RB Residential/Business District	No minimum required

R-MU-35 Residential/Mixed Use District	9,000 square feet
R-MU-45 Residential/Mixed Use District	9,000 square feet
R-MU Residential/Mixed Use District	No minimum required
RO Residential/Office District	No minimum required
Commercial Districts	
CN Neighborhood Commercial District	No minimum required
CB Community Business District	No minimum required
CS Community Shopping District	No minimum required
CC Corridor Commercial District	No minimum required
CSHBD Sugar House Business District	No minimum required
CG General Commercial District	No minimum required
TC-75 Transit Corridor District	No minimum required
Manufacturing Districts	
M-1 Light Manufacturing District	No minimum required
M-2 Heavy Manufacturing District	No minimum required
Downtown Districts	
D-1 Central Business District	No minimum required
D-2 Downtown Support Commercial District	No minimum required
D-3 Downtown Warehouse/Residential District	No minimum required
D-4 Downtown Secondary Central Business District	No minimum required
Special Purpose Districts	
RP Research Park District	No minimum required
BP Business Park District	No minimum required
FP Foothills Protection District	32 acres
AG Agricultural District	10 acres
AG-2 Agricultural District	4 acres
AG-5 Agricultural District	10 acres
AG-20 Agricultural District	40 acres
A Airport District	No minimum required
PL Public Lands District	No minimum required

PL-2 Public Lands District	No minimum required
I Institutional District	No minimum required
UI Urban Institutional District	No minimum required
OS Open Space District	No minimum required
MH Mobile Home Park District	No minimum required
EI Extractive Industries District	No minimum required
MU Mixed Use District	No minimum required

21A.55.070 Density Limitations:

Residential planned developments shall not exceed the density limitation of the zoning district where the planned development is proposed. The calculation of planned development density may include open space that is provided as an amenity to the planned development. Public or private roadways located within or adjacent to a planned development shall not be included in the planned development area for the purpose of calculating density.

21A.55.080 Consideration Of Reduced Width Street Dedication:

A residential planned development application may include a request to dedicate the street to Salt Lake City for perpetual use by the public. The request will be reviewed and evaluated individually by appropriate departments, including transportation, engineering, public utilities, public services and fire. Each department reviewer will consider the adequacy of the design and physical improvements proposed by the developer and will make a recommendation for approval or describe required changes. Items such as adequate vehicular access, public safety access, pedestrian and bicycle access, adequate parking, and urban design elements will be considered as part of this review. A synopsis will be incorporated into the staff report for review and decision by the planning commission.

21A.55.090 Specific Standards for Planned Development in Certain Zoning Districts:

Planned developments within the TC-75 District, RB District, R-MU District, MU District, CN District, CB District, CSHBD District, South State Street Corridor Overlay District and CS District (when the CS District is adjacent to an area of more than sixty percent (60%) residential zoning located within 300 feet of the subject parcel to be development, either on the same block or across the street), may be approved subject to consideration of the following general conceptual guidelines (a positive finding for each is not required):

A. The development shall be primarily oriented to the street, not an interior courtyard or parking lot;

B. The primary access shall be oriented to the pedestrian and mass transit;

C. The facade shall maintain detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction;

D. Architectural detailing shall emphasize the pedestrian level of the building;

E. Parking lots shall be appropriately screened and landscaped to minimize their impact on the neighborhood;

F. Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods;

G. Dumpsters and loading docks shall be appropriately screened or located within the structure, and;

H. Signage shall emphasize the pedestrian/mass transit orientation.

21A.55.100 Perimeter Setback:

If the planned development abuts a residential lot or a lot in a residential zoning district whose side and rear yard setback requirements are greater than the planned development lot's requirements, then the side and rear yard setback requirements of the subject planned development parcel shall be equal to the side and rear yard setback requirements of the abutting residentially used property or residentially zoned parcel.

21A.55.110: Development Plan:

The applicant must file an application for planned development approval with the Zoning Administrator.

A. Application Requirements: The planned development application shall be submitted on a form provided by the Zoning Administrator accompanied by such number of copies of documents as the Zoning Administrator may require for processing of the application, and shall include at least the following information set forth below:

1. General Information:

i. The applicant's name, address, telephone number and interest in the property;

ii. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;

iii. The street address and legal description of the subject property;

iv. The zoning classification, zoning district boundaries and present use of the subject property;

v. A vicinity map with north arrow, scale, and date, indicating the zoning classifications and current uses of properties within eighty five feet (85') (exclusive of intervening streets and alleys) of the subject property; and

vi. The proposed title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner or engineer on the project.

2. Planned Development Plan: A planned development plan at a scale of twenty feet to the inch (20' = 1") or larger, unless otherwise approved by the Zoning Administrator, setting forth at least the following, unless waived by the Zoning Administrator:

i. The location, dimensions and total area of the site;

ii. The location, dimensions, floor area, type of construction and use of each proposed building or structure;

iii. The number, the size and type of dwelling units in each building, and the overall dwelling unit density;

iv. The proposed treatment of open spaces and the exterior surfaces of all structures, with sketches of proposed landscaping and structures, including typical elevations;

v. Architectural graphics, if requested by the Zoning Administrator, including typical floor plans and elevations, profiles and cross sections;

vi. The number, location and dimensions of parking spaces and loading docks, with means of ingress and egress;

vii. The proposed traffic circulation pattern within the area of the development, including the location and description of public improvements to be installed, including any streets and access easements;

viii. A traffic impact analysis (if required by the City Transportation Division);

ix. The location and purpose of any existing or proposed dedication or easement;

x. The general drainage plan for the development tract;

xi. The location and dimensions of adjacent properties, abutting public rights of way and easements, and utilities serving the site;

xii. Significant topographical or physical features of the site, including existing trees;

xiii. Soils and subsurface conditions, if requested;

xiv. The location and proposed treatment of any historical structure or other historical design element or feature;

xv. One copy of the development plan colored or shaded (unmounted) for legibility and presentation at public meetings; and

xvi. A reduction of the development plan to eight and one-half by eleven inches (8 1/2 x 11"). The reduction need not include any area outside the property lines of the subject site.

3. Plat Of Surve y: A plat of survey of the parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions of the parcel, lot, lots, block, blocks, or portions thereof, according to the registered or recorded plat of such land.

4. A Preliminar y Subdivision Plat, If Required: A preliminary subdivision plat showing that the planned development consists of and is conterminous with a single lot described in a recorded subdivision plat, or a proposed resubdivision or consolidation to create a single lot or separate lots of record in suitable form ready for review.

5. Additional Information: The application shall also contain the following information as well as such additional information, drawings, plans or documentation as may be requested by the Zoning Administrator or the Planning Commission if determined necessary or appropriate for a full and proper consideration and disposition of the application:

i. When the proposed planned development includes provisions for common open space or recreational facilities, a statement describing the provision to be made for the care and maintenance of such open space or recreational facilities;

ii. A written statement showing the relationship of the proposed planned development to any adopted General Plan of the City;

iii. A written statement with supporting graphics showing how the proposed planned development is compatible with other property in the neighborhood.

B. Review Procedure: Upon the review of a planned development application, the applicable City Department/Division shall notify the applicant of any deficiencies and or modifications necessary to complete the application.

1. Public Hearin g: Upon receiving site plan review and recommendation from the applicable City Department(s)/Division(s), and completing a staff report, the planning commission shall hold a public hearing to review the planned development application in accordance with the standards and procedures set forth in part II, chapter 21A.10 of this title.

2. Planning Commission Action: Following the public hearing, the planning commission shall decide, on the basis of the standards contained in subsection 21A.55.050 whether to approve, approve with modifications or conditions, or deny the application.

3. Notification Of De cision: The planning director shall notify the applicant of the decision of the planning commission in writing, accompanied by one copy of the submitted plans marked to show such decision and a copy of the motion approving, approving with modifications, or denying the development plan application.

21A55.120 Appeal of the Planning Commission Decision:

Any party aggrieved by a decision of the Planning Commission on an application for a planned development may file an appeal to the land use appeals board within ten (10) days of the date of the record of decision. The filing of the appeal shall not stay the decision of the Planning Commission pending the outcome of the appeal, unless the Planning Commission takes specific action to stay a decision.

21A.55.130 Time Limit On Approved Planned Development:

No planned development approval shall be valid for a period longer than one year unless a building permit has been issued or complete building plans have been submitted to the Division of Building Services and Licensing. The Planning Commission may grant an extension of a Planned Development for up to one (1) additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted prior to the expiration of the planned development approval.

21A.55.140 Effect Of Approval Of Planned Development:

The approval of a proposed planned development by the planning commission shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the city, including, but not limited to, a building permit, a certificate of occupancy and subdivision approval.

21A.55.150 Regulation During And Following Completion Of Development:

Following planned development approval, the development plan, rather than any other provision of this title, shall constitute the use, parking, loading, sign, bulk, space and yard regulations applicable to the subject property, and no use or development, other than home occupation and temporary uses, not allowed by the development plan shall be permitted within the area of the planned development.

21A.55.160 Modifications To Development Plan:

A. New Application Required For Modifications And Amendments: No substantial modification or amendment shall be made in the construction, development or use without a new application under the provisions of this title. Minor modifications or amendments may be made subject to written approval of the planning director and the date for completion may be extended by the planning commission upon recommendation of the planning director.

B. Minor Modifications: The planning director may authorize minor modifications to the approved development plan pursuant to the provisions for modifications to an approved site plan as set forth in chapter 21A.58 of this part, when such modifications appear necessary in light of technical or engineering considerations. Such minor modifications shall be limited to the following elements:

1. Adjusting the distance as shown on the approved development plan between any one structure or group of structures, and any other structure or group of structures, or any vehicular circulation element or any boundary of the site;

2. Adjusting the location of any open space;

3. Adjusting an y final grade;

4. Altering the t ypes of landscaping elements and their arrangement within the required landscaping buffer area;

5. Signs;

6. Relocatio n or construction of accessory structures; or

7. Additions which compl y with the lot and bulk requirements of the underlying zone.

Such minor modifications shall be consistent with the intent and purpose of this title and the development plan as approved pursuant to this section, and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such modifications would result in a violation of any standard or requirement of this title.

C. Major Modifications: Any modifications to the approved development plan not authorized by subsection 21A.55.160(2) of this section shall be considered to be a major modification. The planning commission shall give notice to all property owners consistent with notification requirements located in chapter 21A.10 of this Code. The planning commission may approve an application for a major modification to the approved development plan, not requiring a modification of written conditions of approval or recorded easements, upon finding that any changes in the plan as approved will be in substantial conformity with the approved development plan. If the commission determines that a major modification is not in substantial conformity with the approved development plan, then the commission shall review the request in accordance with the procedures set forth in this subsection.

21A.55.170 Disclosure Of Private Infrastructure Costs For Planned Developments:

Planned developments, approved under this title after January 1, 1997, shall include provisions for disclosure of future private infrastructure maintenance and placement costs to unit owners.

A. Infrastructure Maintenance Estimates: Using generally accepted accounting principles, the developer of any planned development shall calculate an initial estimate of the costs for maintenance and capital improvements of all infrastructure for the planned development including roads, sidewalks, curbs, gutters, water and sewer pipes and related facilities, drainage systems, landscaped or paved common areas and other similar facilities ("infrastructure"), for a period of sixty (60) years following the recording of the subdivision plat for the estimated date of first unit occupancy of the planned development, whichever is later.

B. Initial Estimate Disclosure: The following measures shall be incorporated in planned developments to assure that owners and future owners have

received adequate disclosure of potential infrastructure maintenance and replacement costs:

1. The cost estimate shall b e recorded with and referenced on the recorded plat for any planned development. The initial disclosure estimate shall cover all private infrastructure items and shall be prepared for six (6) increments of ten (10) years each.

2. The re corded plat shall also contain a statement entitled "Notice to Purchasers" disclosing that the infrastructure is privately owned and that the maintenance, repair, replacement and operation of the infrastructure is the responsibility of the property owners and will not be assumed by the city.

3. The cost estimate shall b e specifically and separately disclosed to the purchaser of any property in the planned development, upon initial purchase and also upon all future purchases for the duration of the sixty (60) year period.

C. Yearly Maintenance Statements: The entity responsible for the operation and maintenance of the infrastructure shall, at least once each calendar year, notify all property owners in the planned development of the estimated yearly expenditures for maintenance, repair, operation or replacement of infrastructure, and at least once each calendar year shall notify all property owners of the actual expenditures incurred, and shall specify the reason(s) for any variance between the estimated expenditures and the actual expenditures.

D. Maintenance Responsibilities: The property owners in a planned development shall be collectively and individually responsible, on a pro rata basis, for operating, maintaining, repairing and replacing infrastructure to the extent necessary to ensure that access to the planned development is available to the city for emergency and other services and to ensure that the condition of the private infrastructure allows for the city's continued and uninterrupted operation of public facilities to which the private infrastructure may be connected or to which it may be adjacent.

SECTION 22. Amending text of *Salt Lake City Code* section 21A.62.040. That section 21A.62.040.E of the *Salt Lake City Code* (Definitions), shall be, and hereby is, amended amend the definition of "PLANNED DEVELOPMENT" to read as follows:

PLANNED DEVELOPMENT: ~~A lot or contiguous lots of a size sufficient to create its own character where there are multiple principal buildings on a single lot, where not otherwise authorized by this title, or where not all of the principal~~

~~buildings have frontage on a public street.~~ -- A type of land development that requires more planning flexibility than is otherwise allowed under a strict application of zoning requirements and/or lot configuration, in order to create a development that achieves/implements adopted development policies/goals of the City. A planned development is controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the character of which is compatible with adjacent parcels and the intent of the zoning district or districts in which it is located. The planned development maintains the same density that is permitted by the underlying zone.

SECTION 23. 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 _____, 2009.

_____
CHAIRPERSON

ATTEST AND COUNTERSIGN:

_____
CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____Approved. _____Vetoed.

_____
MAYOR

_____
CITY RECORDER

(SEAL)

Bill No. _____ of 2009.
Published: _____.

HB_ATTY-#10311-v1-Ordinance_-_Planned_Development_Revisions.DOC

Final Version

SALT LAKE CITY ORDINANCE
No. _____ of 2009
(An ordinance amending certain land use provisions of Title 21A (Zoning) of the *Salt Lake City Code* pertaining to planned developments)

An ordinance amending certain sections of Title 21A (Zoning) of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2009-00749 regarding planned developments.

WHEREAS, the Salt Lake City Planning Commission ("Planning Commission") held a public hearing on September 23, 2009 to consider a request made by the Salt Lake City Council ("City Council") (petition no. PLNPCM2008-00643) to amend the text of certain sections of Title 21A (Zoning) of the *Salt Lake City Code* regarding planned developments; and

WHEREAS, at its September 23, 2009 hearing, the Planning Commission voted in favor of recommending to the City Council that the City Council amend the sections of Title 21A of the *Salt Lake City Code* identified herein; and

WHEREAS, after a public hearing on this matter the City Council has determined that the following ordinance is in the City's best interests,

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

SECTION 1. Amending text of *Salt Lake City Code* section 21A.24.010. That section 21A.24.010.G of the *Salt Lake City Code* (Residential Districts: General Provisions), shall be, and hereby is, amended to read as follows:

G. Flag Lots In Residential Districts: Flag lots are a permitted use only as part of a new subdivision in the FP, FR-1, FR-2 and FR-3 districts. Flag lots in all other residential districts, unless being approved through the planned development process, may be allowed as a conditional use pursuant to chapter 21 A.55 of this title, provided that the planning commission finds the flag lot proposal to be compatible with the existing pattern of property development of the surrounding area. The planning commission shall also make findings on the standards listed in subsections G1 through G14 of this section:

1. In residential districts other than new subdivisions in the FP, FR-1, FR-2, FR-3 districts, flag lots shall be approved only when one flag lot is proposed at the rear of an existing lot, unless being approved through the planned development process;

2. Flag lots shall be used exclusively to provide lots for single-family residential dwellings;

3. All lot and yard requirements applicable to flag lots shall apply to the main body of the flag lot. For flag lots, the front yard shall begin at the point where the access strip joins the main body of the lot;

4. Except for the special provisions contained in this subsection G, the creation of a flag lot shall not result in a violation of required lot area, lot width, yards or other applicable provisions of this title;

5. Flag lots shall have a minimum lot depth of one hundred feet (100') measured from the point where the access strip joins the main body of the lot;

6. The flag lot access strip shall have minimum of twenty four feet (24') of frontage on a public street. No portion of the flag lot access strip shall measure less than twenty four feet (24') in width between the street right of way line and main body of the lot. A minimum sixteen foot (16') wide hard surfaced driveway shall be provided along the entire length of the access strip. A four foot (4') minimum landscape yard shall be provided on each side of the driveway (see illustration in chapter 21A.62 of this title);

7. Flag lots, including the access strip, shall be held in fee simple ownership;

8. The minimum lot area of a flag lot shall not be less than 1.5 times the minimum lot area of the applicable district. The lot area calculation excludes the lot access strip;

9. The minimum required side yard for a single-story building on a flag lot is ten feet (10'). If any portion of the structure exceeds one story in height, all side yard setbacks shall meet the required rear yard setback of the underlying zoning district. The planning commission may increase the side or rear yard setback where there is a topographic change between lots;

10. Both the flag lot and any remnant property resulting from the creation of a flag lot (including existing buildings and structures) shall meet the minimum lot area, width, frontage, setback, parking and all other applicable zoning requirements of the underlying zoning district;

11. Any garage, whether attached to or detached from the main building, shall be located in the buildable area of the lot;

12. Accessory buildings other than garages may be located in the rear yard area, however, planning commission approval is required for any accessory building that requires a building permit;

13. A four foot (4') wide landscaped strip is required along both side property lines from the front to rear lot lines;

14. Reflective house numbers shall be posted at the front of the access strip;

15. In addition to any other provisions that may apply, the creation of a flag lot is considered a subdivision and shall be subject to applicable subdivision regulations and processes.

SECTION 2. Amending text of *Salt Lake City Code* section 21A.24.160. That section 21A.24.160.C of the *Salt Lake City Code* (Residential Business District), shall be, and hereby is, amended to read as follows:

C. Planned Development Review: Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the planning commission pursuant to the provisions of section 21A.55 of this title.

SECTION 3. Amending text of *Salt Lake City Code* section 21A.24.170. That section 21A.24.170.C of the *Salt Lake City Code* (R-MU Residential/Mixed Use District), shall be, and hereby is, amended to read as follows:

C. Planned Development Review: Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the planning commission pursuant to the provisions of section 21A.55 of this title.

SECTION 4. Amending text of *Salt Lake City Code* section 21A.26.020. That section 21A.26.020.C of the *Salt Lake City Code* (CN Neighborhood Commercial District), shall be, and hereby is, amended to read as follows:

C. Planned Development Review: Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the planning commission pursuant to the provisions of section 21A.55 of this title.

SECTION 5. Amending text of *Salt Lake City Code* section 21A.26.030. That section 21A.26.030.C of the *Salt Lake City Code* (CS Community Shopping District), shall be, and hereby is, amended to read as follows:

C. Planned Development Review: Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the planning commission pursuant to the provisions of section 21A.55 of this title.

SECTION 6. Amending text of *Salt Lake City Code* section 21A.26.040. That section 21A.26.040.C of the *Salt Lake City Code* (CS Community Shopping District), shall be, and hereby is, amended to read as follows:

C. Planned Development Review: All new construction of principal buildings, uses, or additions that increases the floor area and/or parking requirement by twenty five percent (25%) in the CS community shopping district may be approved only as a planned development in conformance with the provisions of section 21A.55 of this title.

SECTION 7. Amending text of *Salt Lake City Code* section 21A.26.077. That section 21A.26.077.C of the *Salt Lake City Code* (TC-75 Transit Corridor District), shall be, and hereby is, amended to read as follows:

C. Planned Development Review: Planned developments, which meet the intent of this section, but not the specific design criteria outlined in the following subsections may be approved by the planning commission pursuant to the provisions of section 21A.55 of this title.

SECTION 8. Amending text of *Salt Lake City Code* section 21A.26.080. That section 21A.26.080 of the *Salt Lake City Code* (Table of Permitted and Conditional Uses for Commercial Districts), shall be, and hereby is, amended to modify only qualifying provision number 1 following the Table of Permitted and Conditional Uses for Commercial Districts, such that said qualifying provision shall read:

1. Development in the CS district shall be subject to planned development approval pursuant to the provisions of section 21A.55 of this title. Certain

developments in the CSHBD zone shall be subject to the conditional building and site design review process pursuant to the provisions of subsection 21A.26.060D of this chapter and chapter 21A.59 of this title.

SECTION 9. Amending text of *Salt Lake City Code* section 21A.31.020. That section 21A.31.020.C of the *Salt Lake City Code* (G-MU Gateway-Mixed Use District), shall be, and hereby is, amended to read as follows:

C. Planned Development Review: All new construction of principal buildings, uses, or additions that increase the floor area and/or parking requirement by twenty five percent (25%) in the G-MU gateway-mixed use district may be approved only as a planned development in conformance with the provisions of section 21A.55 of this title.

SECTION 10. Amending text of *Salt Lake City Code* section 21A.32.090. That section 21A.32.090.F through 21A.32.090.G of the *Salt Lake City Code* (UI Urban Institutional District), shall be, and hereby is, amended to read as follows:

F. Minimum Yard Requirements: For all uses other than hospitals, the minimum yard requirements shall be:
   1. Front Yard: Fifteen feet (15').
   2. Corner Side Yard: Fifteen feet (15').
   3. Interior Side Yard: None required.
   4. Rear Yard: Twenty five feet (25').
   5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in required yard areas subject to table 21A.36.020B, "Obstructions In Required Yards", of this title.
   6. Minimum Requirements May Be Altered Or Waived: Minimum yard requirements may be altered or waived by the planning commission as a planned development pursuant to the standards and procedures for conditional uses set forth in chapter 21A.55 , "Conditional Uses", of this title.

G. Landscape Yard Requirements: Landscape yards, as specified below, shall be required for each use, except hospitals, in the UI urban institutional district and shall be improved in conformance with the requirements of chapter 21A.48, "Landscaping And Buffers", of this title.
   1. Front Yard: Fifteen feet (15').
   2. Corner Side Yard: Fifteen feet (15').
   3. Interior Side Yard: None required.
   4. Rear Yard: Ten feet (10').

5. Minimum Requirements May Be Altered Or Waived: Landscape yard requirements may be altered or waived by the planning commission as a planned development pursuant to the standards and procedures for conditional uses set forth in chapter 21A.55.

SECTION 11. Amending text of *Salt Lake City Code* section 21A.32.110. That section 21A.32.110.K of the *Salt Lake City Code* (MH Mobile Home Park District), shall be, and hereby is, amended to read as follows:

K. Planned Development Review And Approval: Each mobile home park shall require subdivision approval (if fee simple lots are being created) and planned development approval (if no fee simple lots are being created). Pursuant to the standards and procedures for conditional uses, chapter 21A.55 of this title. The following site plan standards shall be used in considering either approval:

1. Internal streets shall not be less than twenty four feet (24') wide.
2. The configuration of the entrance road connecting the park to a public street shall be subject to site plan review.
3. All roads shall be paved.
4. Sidewalks shall be provided to accommodate pedestrian circulation needs.

SECTION 12. Amending text of *Salt Lake City Code* section 21A.32.130. That section 21A.32.130.C of the *Salt Lake City Code* (MU Mixed Use District), shall be, and hereby is, amended to read as follows:

C. Planned Development Review: Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections may be approved by the planning commission pursuant to the provisions of section 21A.55 of this title.

SECTION 13. Amending text of *Salt Lake City Code* section 21A.32.140. That section 21A.32.140 of the *Salt Lake City Code* (Table of Permitted and Conditional Uses for Special Purpose Districts), shall be, and hereby is, amended to modify only qualifying provision number 7 following the Table of Permitted and Conditional Uses for Commercial Districts, such that said qualifying provision shall read:

7. When approved as part of a business park planned development pursuant to the provisions of section 21A.55 of this title.

SECTION 14. Amending text of *Salt Lake City Code* section 21A.36.010. That section 21A.36.010.B.2 of the *Salt Lake City Code* (Use of Land and Buildings), shall be, and hereby is, amended to read as follows:

2. More than one principal building may be permitted on a lot in all zoning districts other than those identified in subsection B1 of this section, or when the principal buildings are occupied by more than one use, when authorized in conjunction with an approved planned development pursuant to chapter 21A.55 of this title. All land uses shall front a public street unless specifically exempted from this requirement by other provisions of this title.

SECTION 15. Amending text of *Salt Lake City Code* section 21A.46.052. That section 21A.46.052 of the *Salt Lake City Code* (Signs Exempt from Specific Criteria Except Fees and Permits), shall be, and hereby is, amended to read as follows:

21A.46.052: SIGNS EXEMPT FROM SPECIFIC CRITERIA EXCEPT FEES AND PERMITS:

Signs within open air malls, stadiums or other enclosed spaces that do not have a roof, but are otherwise physically confined and separated from the public street right of way are required to obtain sign permits and pay fees to ensure public safety and compliance with the city's building code. Such signs are subject to sign ordinance regulations unless a sign master plan agreement was specifically considered as part of a planned development as outlined in chapter 21A.55 of this title or was specifically authorized through the conditional building and site design review process as outlined in chapter 21A.59 of this title. The sign master plan agreement shall only be authorized for signage within the open air mall or stadium that is not oriented to the public street. Signage oriented to a public street or to a surface parking lot is specifically not exempt from sign ordinance requirements and not subject to modification through a sign master plan agreement.

SECTION 15. Amending text of *Salt Lake City Code* section 21A.46.090. That section 21A.46.090.B.3 of the *Salt Lake City Code* (Sign Regulations for the CS District), shall be, and hereby is, amended to read as follows:

3. Applicability Of Planned Development Regulations To Signage: As provided in section 21A.26.040 of this title, all development within the CS district, including signage, shall be subject to the planned development provisions set forth in section 21A.55 of this title. Any change in signage subsequent to planned development approval is allowed subject to compliance with the provisions of this title or the specific requirements of the planned development approval.

SECTION 16. Amending text of *Salt Lake City Code* section 21A.54.030. That section 21A.54.030 of the *Salt Lake City Code* (Categories of Conditional Uses), shall be, and hereby is, amended to read as follows:

21A.54.030: CATEGORIES OF CONDITIONAL USES:

Conditional uses shall consist of the following categories of uses:

A. Uses Impacting Other Property: Uses that may give rise to particular problems with respect to their impact upon neighboring property and the city as a whole, including their impact on public facilities; and

B. Administrative Consideration Of Conditional Uses: Certain conditional uses may be considered to be low impact due to their particular location and are hereby authorized to be reviewed administratively according to the provisions contained in section 21A.54.155 of this chapter. Conditional uses that are authorized to be reviewed administratively are:

1. Applications for low power wireless telecommunication facilities that are listed as conditional uses in subsection 21A.40.090E of this title.

2. Alterations or modifications to a conditional use that increase the floor area by one thousand (1,000) gross square feet or more and/or increase the parking requirement.

3. Any conditional use as identified in the tables of permitted and conditional uses for each zoning district, except those that:

a. Are listed as a "residential" land use in the tables of permitted and conditional uses for each zoning district;

b. Are located within a residential zoning district;

c. Abut a residential zoning district or residential use; or

d. Require planned development approval.

4. Public/private utility buildings and structures in residential and nonresidential zoning districts.

SECTION 17. Amending text of *Salt Lake City Code* section 21A.54.060. That section 21A.54.060.E of the *Salt Lake City Code* (Conditional Uses: Procedures), shall be, and hereby is, amended to read as follows:

E. Public Hearing: The planning commission, or, in the case of administrative conditional uses, the planning director or designee shall schedule and hold a public hearing on the proposed conditional use in accordance with the standards and procedures for conduct of the public hearing set forth in chapter 21A.10 of this title. (See sections 21A.55 and 21A.54.155 of this chapter for additional procedures for public hearings in connection with planned developments and administrative conditional uses.)

SECTION 18. Amending text of *Salt Lake City Code* section 21A.54.140. That section 21A.54.140 of the *Salt Lake City Code* (Conditional Use Approvals and Planned Developments), shall be, and hereby is, amended to read as follows:

21A.54.140: CONDITIONAL USE APPROVALS AND PLANNED DEVELOPMENTS:

When a development is proposed as a planned development pursuant to the procedures in section 21A.55 of this chapter and also includes an application for conditional use approval, the planning commission shall decide the planned development application and the conditional use application together. In the event that a new conditional use is proposed after a planned development has been approved pursuant to section 21A.55 of this chapter, the proposed conditional use shall be reviewed and approved, approved with conditions, approved with modifications, or denied under the standards set forth in section 21A.54.080 of this chapter.

SECTION 19. Amending text of *Salt Lake City Code* section 21A.54.150. That the text of section 21A.54.150 of the *Salt Lake City Code* (Planned Developments), shall be, and hereby is, **repealed in its entirety**, and shall be amended to read:

21A.54.150: REPEALED.

SECTION 20. Amending text of *Salt Lake City Code* section 21A.54.160. That section 21A.54.160 of the *Salt Lake City Code* (Conditional Uses: Appeal of Planning Commission Decision), shall be, and hereby is, amended to read as follows:

21A.54.160: APPEAL OF PLANNING COMMISSION DECISION:

Any party aggrieved by a decision of the planning commission on an application for a conditional use may file an appeal to the land use appeals board within thirty (30) days of the date of the decision. The filing of the appeal shall not stay the

decision of the planning commission pending the outcome of the appeal, unless the planning commission takes specific action to stay a decision.

SECTION 21. Amending text of *Salt Lake City Code* section to adopt section 21A.55.

That the *Salt Lake City Code* shall be, and hereby is, amended to adopt section 21A.55 (Planned Developments), which shall read as follows:

Chapter 21A.55

PLANNED DEVELOPMENTS

21A.55.010 Purpose Statement:

A planned development is intended to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of development. Further, a planned development implements the purpose statement of the zoning district in which the project is located, utilizing an alternative approach to the design of the property and related physical facilities. A planned development will result in a more enhanced product than would be achievable through strict application of land use regulations, while enabling the development to be compatible and congruous with adjacent and nearby land developments. Through the flexibility of the planned development regulations, the city seeks to achieve any of the following specific objectives:

A. Combination and coordination of architectural styles, building forms, building materials, and building relationships;

B. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;

C. Preservation of buildings which are architecturally or historically significant or contribute to the character of the city;

D. Use of design, landscape, or architectural features to create a pleasing environment;

E. Inclusion of special development amenities that are in the interest of the general public;

F. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation;

G. Inclusion of affordable housing with market rate housing; or

H. Utilization of "green" building techniques in development.

21A.55.020 Authority:

The planning commission may approve planned developments for uses listed in the tables of permitted and conditional uses for each category of zoning district or districts. The approval shall be in accordance with the standards and procedures set forth in this chapter and other regulations applicable to the district in which the property is located.

21A.55.030 Authority To Modify Regulations:

In approving any planned development, the planning commission may change, alter, modify or waive any provisions of this title or of the city's subdivision regulations as they apply to the proposed planned development; however, additional building height may not be approved in the FR, R-1, SR, or R-2 zoning districts. In zoning districts other than the FR, R-1, SR, or R-2 districts, the Planning Commission may approve up to five feet (5') maximum of additional building height in accordance with the provisions of this title if it further achieves one or more of the objectives in Section 21A.55.010.

21A.55.040 Limitation:

No change, alteration, modification or waiver authorized by Section 21A.55.040 of this Chapter shall authorize a change in the uses permitted in any district or a modification with respect to any standard established by this section, or a modification with respect to any standard in a zoning district made specifically applicable to planned developments, unless such regulations expressly authorize such a change, alteration, modification or waiver.

21A.55.050 Standards for Planned Developments:

The Planning Commission may approve, approve with conditions, or deny a Planned Development based upon written findings of fact according to each of the following standards. It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance with the following standards:

A. Planned Development Objectives: The Planned Development shall meet the purpose statement for a planned development (Section 21A.55.010) and will achieve at least one of the objectives stated in said Section;

B. Master Plan And Zoning Ordinance Compliance: The proposed planned development shall be:

1. Consistent with any adopted policy set forth in the citywide, community, and/or small area master plan and future land use map applicable to the site where the planned development will be located, and,

2. Allowed by the zone where the planned development will be located or by another applicable provision of this title.

C. Compatibility: The proposed planned development shall be compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located. In determining compatibility, the planning commission shall consider:

1. Whether the street or other means of access to the site provide the necessary ingress/egress without materially degrading the service level on such street/access or any adjacent street/access;

2. Whether the planned development and its location will create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected, 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 are likely to encourage street side parking for the planned development which will adversely impact the reasonable use of adjacent property;

    iii. Hours of peak traffic to the proposed planned development and whether such traffic will unreasonably impair the use and enjoyment of adjacent property.

3. Whether the internal circulation system of the proposed planned development will be designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic;

4. Whether existing or proposed utility and public services will be adequate to support the proposed planned development at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources;

5. Whether appropriate buffering or other mitigation measures, such as, but not limited to, landscaping, setbacks, building location, sound attenuation, odor control, will be provided to protect adjacent land uses from excessive light, noise, odor and visual impacts and other unusual disturbances from trash collection, deliveries, and mechanical equipment resulting from the proposed planned development, and;

6. Whether the intensity, size, and scale of the proposed planned development is compatible with adjacent properties.

D. Landscaping: Existing mature vegetation on a given parcel for development shall be maintained. Additional or new landscaping shall be appropriate for the scale of the development, and shall primarily consist of drought tolerant species;

E. Preservation: The proposed Planned Development shall preserve any historical, architectural, and environmental features of the property;

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

21A.55.060 Minimum Area:

A planned development proposed for any parcel or tract of land under single ownership or control in certain zoning districts shall have a minimum net lot area as set forth in table 21A.55.060 of this section.

Table 21A.55.060

PLANNED DEVELOPMENTS

DISTRICT	MINIMUM PLANNED DEVELOPMENT SIZE
Residential Districts	
FR-1/43,560 Foothills Estate Residential District	5 acres
FR-2/21,780 Foothills Residential District	5 acres
FR-3/12,000 Foothills Residential District	5 acres
R-1/12,000 Single-Family Residential District	24,000 square feet
R-1/7,000 Single-Family Residential District	14,000 square feet
R-1/5,000 Single-Family Residential District	10,000 square feet
SR-1 and SR1-A Special Development Pattern Residential District	10,000 square feet
SR-2 Special Development Pattern Residential District	Reserved

SR-3 Interior Block Single-Family Residential District	4,000 square feet
R-2 Single- And Two-Family Residential District	10,000 square feet
RMF-30 Low Density Multi-Family Residential District	9,000 square feet
RMF-35 Moderate Density Multi-Family Residential District	9,000 square feet
RMF-45 Moderate/High Density Multi-Family Residential District	9,000 square feet
RMF-75 High Density Multi-Family District	9,000 square feet
RB Residential/Business District	No minimum required
R-MU-35 Residential/Mixed Use District	9,000 square feet
R-MU-45 Residential/Mixed Use District	9,000 square feet
R-MU Residential/Mixed Use District	No minimum required
RO Residential/Office District	No minimum required
Commercial Districts	
CN Neighborhood Commercial District	No minimum required
CB Community Business District	No minimum required
CS Community Shopping District	No minimum required
CC Corridor Commercial District	No minimum required
CSHBD Sugar House Business District	No minimum required
CG General Commercial District	No minimum required
TC-75 Transit Corridor District	No minimum required
Manufacturing Districts	
M-1 Light Manufacturing District	No minimum required
M-2 Heavy Manufacturing District	No minimum required
Downtown Districts	
D-1 Central Business District	No minimum required
D-2 Downtown Support Commercial District	No minimum required
D-3 Downtown Warehouse/Residential District	No minimum required

D-4 Downtown Secondary Central Business District	No minimum required
Special Purpose Districts	
RP Research Park District	No minimum required
BP Business Park District	No minimum required
FP Foothills Protection District	32 acres
AG Agricultural District	10 acres
AG-2 Agricultural District	4 acres
AG-5 Agricultural District	10 acres
AG-20 Agricultural District	40 acres
A Airport District	No minimum required
PL Public Lands District	No minimum required
PL-2 Public Lands District	No minimum required
I Institutional District	No minimum required
UI Urban Institutional District	No minimum required
OS Open Space District	No minimum required
MH Mobile Home Park District	No minimum required
EI Extractive Industries District	No minimum required
MU Mixed Use District	No minimum required

21A.55.070 Density Limitations:

Residential planned developments shall not exceed the density limitation of the zoning district where the planned development is proposed. The calculation of planned development density may include open space that is provided as an amenity to the planned development. Public or private roadways located within or adjacent to a planned development shall not be included in the planned development area for the purpose of calculating density.

21A.55.080 Consideration Of Reduced Width Street Dedication:

A residential planned development application may include a request to dedicate the street to Salt Lake City for perpetual use by the public. The request will be reviewed and evaluated individually by appropriate departments, including transportation, engineering, public utilities, public services and fire. Each department reviewer will consider the adequacy of the design and physical improvements proposed by the developer and will make a recommendation for approval or describe required changes. Items such as adequate vehicular access, public safety access, pedestrian and bicycle access, adequate parking, and urban design elements will be considered as part of this review. A synopsis will be

incorporated into the staff report for review and decision by the planning commission.

21A.55.090 Specific Standards for Planned Development in Certain Zoning Districts:

Planned developments within the TC-75 District, RB District, R-MU District, MU District, CN District, CB District, CSHBD District, South State Street Corridor Overlay District and CS District (when the CS District is adjacent to an area of more than sixty percent (60%) residential zoning located within 300 feet of the subject parcel to be development, either on the same block or across the street), may be approved subject to consideration of the following general conceptual guidelines (a positive finding for each is not required):

A. The development shall be primarily oriented to the street, not an interior courtyard or parking lot;

B. The primary access shall be oriented to the pedestrian and mass transit;

C. The facade shall maintain detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction;

D. Architectural detailing shall emphasize the pedestrian level of the building;

E. Parking lots shall be appropriately screened and landscaped to minimize their impact on the neighborhood;

F. Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods;

G. Dumpsters and loading docks shall be appropriately screened or located within the structure, and;

H. Signage shall emphasize the pedestrian/mass transit orientation.

21A.55.100 Perimeter Setback:

If the planned development abuts a residential lot or a lot in a residential zoning district whose side and rear yard setback requirements are greater than the planned development lot's requirements, then the side and rear yard setback requirements of the subject planned development parcel shall be equal to the side and rear yard setback requirements of the abutting residentially used property or residentially zoned parcel.

21A.55.110: Development Plan:

The applicant must file an application for planned development approval with the Zoning Administrator.

A. Application Requirements: The planned development application shall be submitted on a form provided by the Zoning Administrator accompanied by such number of copies of documents as the Zoning Administrator may require for processing of the application, and shall include at least the following information set forth below:

1. General Information:

i. The applicant's name, address, telephone number and interest in the property;

ii. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;

iii. The street address and legal description of the subject property;

iv. The zoning classification, zoning district boundaries and present use of the subject property;

v. A vicinity map with north arrow, scale, and date, indicating the zoning classifications and current uses of properties within eighty five feet (85') (exclusive of intervening streets and alleys) of the subject property; and

vi. The proposed title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner or engineer on the project.

2. Planned Development Plan: A planned development plan at a scale of twenty feet to the inch (20' = 1") or larger, unless otherwise approved by the Zoning Administrator, setting forth at least the following, unless waived by the Zoning Administrator:

i. The location, dimensions and total area of the site;

ii. The location, dimensions, floor area, type of construction and use of each proposed building or structure;

iii. The number, the size and type of dwelling units in each building, and the overall dwelling unit density;

iv. The proposed treatment of open spaces and the exterior surfaces of all structures, with sketches of proposed landscaping and structures, including typical elevations;

v. Architectural graphics, if requested by the Zoning Administrator, including typical floor plans and elevations, profiles and cross sections;

vi. The number, location and dimensions of parking spaces and loading docks, with means of ingress and egress;

vii. The proposed traffic circulation pattern within the area of the development, including the location and description of public improvements to be installed, including any streets and access easements;

viii. A traffic impact analysis (if required by the City Transportation Division);

ix. The location and purpose of any existing or proposed dedication or easement;

x. The general drainage plan for the development tract;

xi. The location and dimensions of adjacent properties, abutting public rights of way and easements, and utilities serving the site;

xii. Significant topographical or physical features of the site, including existing trees;

xiii. Soils and subsurface conditions, if requested;

xiv. The location and proposed treatment of any historical structure or other historical design element or feature;

xv. One copy of the development plan colored or shaded (unmounted) for legibility and presentation at public meetings; and

xvi. A reduction of the development plan to eight and one-half by eleven inches (8 1/2 x 11"). The reduction need not include any area outside the property lines of the subject site.

3. Plat Of Survey: A plat of survey of the parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions of the parcel, lot, lots, block, blocks, or portions thereof, according to the registered or recorded plat of such land.

4. A Preliminary Subdivision Plat, If Required: A preliminary subdivision plat showing that the planned development consists of and is conterminous with a single lot described in a recorded subdivision

plat, or a proposed resubdivision or consolidation to create a single lot or separate lots of record in suitable form ready for review.

5. Additional Information: The application shall also contain the following information as well as such additional information, drawings, plans or documentation as may be requested by the Zoning Administrator or the Planning Commission if determined necessary or appropriate for a full and proper consideration and disposition of the application:

   i. When the proposed planned development includes provisions for common open space or recreational facilities, a statement describing the provision to be made for the care and maintenance of such open space or recreational facilities;

   ii. A written statement showing the relationship of the proposed planned development to any adopted General Plan of the City;

   iii. A written statement with supporting graphics showing how the proposed planned development is compatible with other property in the neighborhood.

B. Review Procedure: Upon the review of a planned development application, the applicable City Department/Division shall notify the applicant of any deficiencies and or modifications necessary to complete the application.

1. Public Hearing: Upon receiving site plan review and recommendation from the applicable City Department(s)/Division(s), and completing a staff report, the planning commission shall hold a public hearing to review the planned development application in accordance with the standards and procedures set forth in part II, chapter 21A.10 of this title.

2. Planning Commission Action: Following the public hearing, the planning commission shall decide, on the basis of the standards contained in subsection 21A.55.050 whether to approve, approve with modifications or conditions, or deny the application.

3. Notification Of Decision: The planning director shall notify the applicant of the decision of the planning commission in writing, accompanied by one copy of the submitted plans marked to show such decision and a copy of the motion approving, approving with modifications, or denying the development plan application.

21A55.120 Appeal of the Planning Commission Decision:

Any party aggrieved by a decision of the Planning Commission on an application for a planned development may file an appeal to the land use appeals board within ten (10) days of the date of the record of decision. The filing of the appeal shall not stay the decision of the Planning Commission pending the outcome of the appeal, unless the Planning Commission takes specific action to stay a decision.

21A.55.130 Time Limit On Approved Planned Development:

No planned development approval shall be valid for a period longer than one year unless a building permit has been issued or complete building plans have been submitted to the Division of Building Services and Licensing. The Planning Commission may grant an extension of a Planned Development for up to one (1) additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted prior to the expiration of the planned development approval.

21A.55.140 Effect Of Approval Of Planned Development:

The approval of a proposed planned development by the planning commission shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the city, including, but not limited to, a building permit, a certificate of occupancy and subdivision approval.

21A.55.150 Regulation During And Following Completion Of Development:

Following planned development approval, the development plan, rather than any other provision of this title, shall constitute the use, parking, loading, sign, bulk, space and yard regulations applicable to the subject property, and no use or development, other than home occupation and temporary uses, not allowed by the development plan shall be permitted within the area of the planned development.

21A.55.160 Modifications To Development Plan:

A. New Application Required For Modifications And Amendments: No substantial modification or amendment shall be made in the construction, development or use without a new application under the provisions of this title. Minor modifications or amendments may be made subject to written approval of the planning director and the date for completion may be extended by the planning commission upon recommendation of the planning director.

B. Minor Modifications: The planning director may authorize minor modifications to the approved development plan pursuant to the provisions

for modifications to an approved site plan as set forth in chapter 21A.58 of this part, when such modifications appear necessary in light of technical or engineering considerations. Such minor modifications shall be limited to the following elements:

1. Adjusting the distance as shown on the approved development plan between any one structure or group of structures, and any other structure or group of structures, or any vehicular circulation element or any boundary of the site;

2. Adjusting the location of any open space;

3. Adjusting any final grade;

4. Altering the types of landscaping elements and their arrangement within the required landscaping buffer area;

5. Signs;

6. Relocation or construction of accessory structures; or

7. Additions which comply with the lot and bulk requirements of the underlying zone.

Such minor modifications shall be consistent with the intent and purpose of this title and the development plan as approved pursuant to this section, and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such modifications would result in a violation of any standard or requirement of this title.

C. Major Modifications: Any modifications to the approved development plan not authorized by subsection 21A.55.160(2) of this section shall be considered to be a major modification. The planning commission shall give notice to all property owners consistent with notification requirements located in chapter 21A.10 of this Code. The planning commission may approve an application for a major modification to the approved development plan, not requiring a modification of written conditions of approval or recorded easements, upon finding that any changes in the plan as approved will be in substantial conformity with the approved development plan. If the commission determines that a major modification is not in substantial conformity with the approved development plan, then the commission shall review the request in accordance with the procedures set forth in this subsection.

21A.55.170 Disclosure Of Private Infrastructure Costs For Planned Developments:

Planned developments, approved under this title after January 1, 1997, shall include provisions for disclosure of future private infrastructure maintenance and placement costs to unit owners.

A. Infrastructure Maintenance Estimates: Using generally accepted accounting principles, the developer of any planned development shall calculate an initial estimate of the costs for maintenance and capital improvements of all infrastructure for the planned development including roads, sidewalks, curbs, gutters, water and sewer pipes and related facilities, drainage systems, landscaped or paved common areas and other similar facilities ("infrastructure"), for a period of sixty (60) years following the recording of the subdivision plat for the estimated date of first unit occupancy of the planned development, whichever is later.

B. Initial Estimate Disclosure: The following measures shall be incorporated in planned developments to assure that owners and future owners have received adequate disclosure of potential infrastructure maintenance and replacement costs:

1. The cost estimate shall be recorded with and referenced on the recorded plat for any planned development. The initial disclosure estimate shall cover all private infrastructure items and shall be prepared for six (6) increments of ten (10) years each.

2. The recorded plat shall also contain a statement entitled "Notice to Purchasers" disclosing that the infrastructure is privately owned and that the maintenance, repair, replacement and operation of the infrastructure is the responsibility of the property owners and will not be assumed by the city.

3. The cost estimate shall be specifically and separately disclosed to the purchaser of any property in the planned development, upon initial purchase and also upon all future purchases for the duration of the sixty (60) year period.

C. Yearly Maintenance Statements: The entity responsible for the operation and maintenance of the infrastructure shall, at least once each calendar year, notify all property owners in the planned development of the estimated yearly expenditures for maintenance, repair, operation or replacement of infrastructure, and at least once each calendar year shall notify all property owners of the actual expenditures incurred, and shall specify the reason(s) for any variance between the estimated expenditures and the actual expenditures.

D. Maintenance Responsibilities: The property owners in a planned development shall be collectively and individually responsible, on a pro

rata basis, for operating, maintaining, repairing and replacing infrastructure to the extent necessary to ensure that access to the planned development is available to the city for emergency and other services and to ensure that the condition of the private infrastructure allows for the city's continued and uninterrupted operation of public facilities to which the private infrastructure may be connected or to which it may be adjacent.

SECTION 22. Amending text of *Salt Lake City Code* section 21A.62.040. That section 21A.62.040.E of the *Salt Lake City Code* (Definitions), shall be, and hereby is, amended amend the definition of "PLANNED DEVELOPMENT" to read as follows:

PLANNED DEVELOPMENT: -- A type of land development that requires more planning flexibility than is otherwise allowed under a strict application of zoning requirements and/or lot configuration, in order to create a development that achieves/implements adopted development policies/goals of the City. A planned development is controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the character of which is compatible with adjacent parcels and the intent of the zoning district or districts in which it is located. The planned development maintains the same density that is permitted by the underlying zone.

SECTION 23. 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 _____, 2009.

_____
CHAIRPERSON

ATTEST AND COUNTERSIGN:

_____
CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____Approved. _____Vetoed.

_____

MAYOR

_____

CITY RECORDER

(SEAL)

Bill No. _____ of 2009.
Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date: OCTOBER 26, 2009

By: _____
Paul C. Nielson, *Senior City Attorney*

HB_ATTY-#10311-v2-Ordinance_-_Planned_Development_Revisions.DOC

3. NOTICE OF CITY COUNCIL HEARING

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering petition PLNPCM2009-00749, a proposal to amend the City's Zoning Ordinance related to Planned Developments. The proposed text amendment applies Citywide. The proposal includes the following changes:

- Remove Planned Development regulations from the Conditional Use Chapter of the Zoning Ordinance, thereby creating a stand-alone chapter entitled "Planned Developments";
- Enhance the "Purpose Statement" and the desired "Objectives" of the Planned Development land use process;
- Reduce the minimum net lot area required for Planned Development eligibility, and;
- Better define "Planned Development" in the definitions chapter in the Zoning Ordinance.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During this hearing, 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: Room 315
City & County Building
451 South State Street
Salt Lake City, Utah

If you have any questions relating to this proposal or would like to review the file, please call Lex Traughber at 535-6184 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at lex.traughber@slcgov.com

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Division at (801) 535-7757; TDD (801) 535-6021.

4. MAILING LABELS

LESLIE REYNOLDS-BENNS, PHD
WESTPOINTE CHAIR
1402 MIAMI ROAD
SALT LAKE CITY UT 84116

VICKY ORME
FAIRPARK CHAIR
159 NORTH 1320 WEST
SALT LAKE CITY UT 84116

POLLY HART
CAPITOL HILL CHAIR
355 NORTH QUINCE STREET
SALT LAKE CITY UT 84103

BILL DAVIS
PEOPLE'S FREEWAY CHAIR
332 WEST 1700 SOUTH
SALT LAKE CITY UT 84115

JIM FISHER
LIBERTY WELLS CHAIR
PO BOX 522318
SALT LAKE CITY, UT 84152

DIANE BARLOW
SUNNYSIDE EAST CHAIR
859 SOUTH 2300 EAST
SALT LAKE CITY UT 84108

MARIELLA SIRAA/MARGARET BRADY
EAST LIBERTY PARK CO-CHAIRS
EMAIL ONLY, SEE City Council site

OAK HILLS CHAIR
Vacant

SUNSET OAKS CHAIR
Vacant

RON JARRETT
ROSE PARK CHAIR
1441 WEST SUNSET DR
SALT LAKE CITY UT 84116

MIKE HARMAN
POPLAR GROVE CHAIR
1044 WEST 300 SOUTH
SALT LAKE CITY UT 84104

WAYNE F GREEN
GREATER AVENUES CHAIR
371 E 7TH AVENUE
SALT LAKE CITY UT 84103

THOMAS MUTTER
CENTRAL CITY CHAIR
EMAIL ONLY/ ON LISTSERVE

LISETTE GIBSON
YALECREST CHAIR
1764 HUBBARD AVENUE
SALT LAKE CITY UT 84108

ELLEN REDDICK
BONNEVILLE HILLS CHAIR
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SALT LAKE CITY UT 84108

ARCADIA HEIGHTS/BENCHMARK CHAIR
Vacant

KEVIN JONES
EAST BENCH CHAIR
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SALT LAKE CITY, UT 84108

INDIAN HILLS CHAIR
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JORDAN MEADOWS CHAIR
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SALT LAKE CITY UT 84116

RANDY SORENSON
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1184 SOUTH REDWOOD DR
SALT LAKE CITY UT 84104

D. CHRISTIAN HARRISON
DOWNTOWN CHAIR
336 WEST BROADWAY, #308
SALT LAKE CITY UT 84101

JOEL BRISCOE
EAST CENTRAL CHAIR
PO BOX 58902
SALT LAKE CITY UT 84158

GREG MORROW
WASATCH HOLLOW CHAIR
EMAIL ONLY/ON LISTSERVE

MICHAEL AKERLOW
FOOTHILL/SUNNYSIDE CHAIR
1940 HUBBARD AVE
SALT LAKE CITY UT 84108

MAGGIE SHAW
SUGAR HOUSE CHAIR
1150 WILSON AVE
SALT LAKE CITY UT 84105

ST. MARY'S CHAIR
Vacant

LAST UPDATED 10/30/2008 CZ

Downtown Alliance
Bob Farrington, Director
175 East 400 South #100
Salt Lake City, UT 84111

S.L. Chamber of Commerce
175 East 400 South, Suite #100
Salt Lake City, UT 84111

Attn: Carol Dibblee
Downtown Merchants Assn.
10 W. Broadway, Ste #420
P.O. Box
Salt Lake City, UT 84101

Sugar House Merchant's Assn.
C/o Barbara Green
Smith-Crown
2000 South 1100 East
Salt Lake City, UT 84106

Hispanic Chamber of Commerce
P.O. Box 1805
Salt Lake City, UT 84110

Vest Pocket Business Coalition
P.O. Box 521357
Salt Lake City, UT 85125-1357

Westside Alliance
C/o Neighborhood Housing Svs.
Maria Garcia
622 West 500 North
Salt Lake City, UT 84116

5. PLANNING COMMISSION

A. Newspaper Notice and Postmark

September 9, 2009

Bill Peperone
Planning Director
P.O. Box 145480

PUBLIC HEARING NOTICE

Salt Lake City Planning Division
451 South State Street, Room 406
PO Box 145480
Salt Lake City UT 84114

STATEMAIL SVCS 09/10/2009 08:

FIRST CLASS

MAILED FROM ZIP CODE 84116
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0004277032 SEP 09 2009
PITNEY BOWES
UNITED STATES POSTAGE

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 two (2) minutes per person, per item. A spokesperson who has already been asked by a group to summarize their concerns will be allowed five (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 Commission
   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. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. The Salt Lake City Corporation complies will all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at 535-7757; TDD 535-6220.

Salt Lake City, UT 84114

SALT LAK_ _ITY PLANNING COMMISSION MEETI_ AGENDA
In Room 326 of the City & County Building at 451 South State Street
Wednesday, September 23, 2009 at 5:45 p.m.

The field trip is scheduled to leave at 4:00 p.m. Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. **Work Session**—The Planning Commission may discuss project updates and other minor administrative matters and proposed changes to alcohol regulations. This portion of the meeting is open to the public for observation.

Approval of Minutes from Wednesday, September 9, 2009

Report of the Chair and Vice Chair

Report of the Director

1. **Petition 410-08-44; Saxton Grove Time Extension**—a request for a one year extension for the Saxton Grove planned development, Petition 410-08-44 (Staff contact: Doug Dansie at 801.535.6182 or **doug.dansie@slcgov.com**).

Public Hearings

2. **River Glen Phase 1**—a request by Iverson Homes LLC for an amendment to a previously approved residential conditional use planned development and residential subdivision. The proposal is located at approximately 1368 South Dokos Lane located in an R-1-7000 Single Family Residential zoning district. The property is located in Council District Two, represented by Van Turner (Staff contact: Doug Dansie at 801.535.6182 or **doug.dansie@slcgov.com**).

    a. **PLNSUB 2009-00293; Conditional Use /Planned Development Amendment**—The request is to eliminate the east/ west public access strip between Dokos Lane and the Jordan River surplus canal.

    b. **PLNSUB 2009-00292; Residential Subdivision Amendment**—an amendment to the subdivision is required to reflect the elimination of the east/west public access strip.

3. **Petition PLNPCM2009-00171; Citywide Historic Preservation Plan Rehearing**—a request by the Historic Landmark Commission to reconsider recommendation of the Citywide Historic Preservation Plan to the City Council. This is a city-wide project that was previously considered by the Planning Commission on July 8, 2009. However, adequate public notice was not provided at that time (Staff contact: Janice Lew at 801.535.7625 or **janice.lew@slcgov.com**).

4. **PLNPCM2009-00749; Planned Development Zoning Text Amendment**—The Planning Division is proposing to amend the City's Zoning Ordinance related to Planned Developments. The proposal includes the following changes:

    - Remove Planned Development regulations from the Conditional Use Chapter of the Zoning Ordinance, thereby creating a stand-alone chapter entitled "Planned Developments";
    - Enhance the "Purpose Statement" and the desired "Objectives" of the Planned Development land use process;
    - Reduce the minimum net lot area required for Planned Development eligibility, and;
    - Better define "Planned Development" in the definitions chapter in the Zoning Ordinance.

    The proposed zoning text amendment would apply citywide (Staff contact: Lex Traughber at .801.535.6184 or **lex.traughber@slcgov.com**).

5. **PLNPCM2009-00807; Deseret Industries Thrift Store Sugar House Conditional Use**—a request by The Church of Jesus Christ of Latter-Day Saints, represented by Craig Ames of PGAW Architects, for conditional use approval to convert the former Circuit City building located at approximately 724 East 2100 South and the lot at 774 East 2100 South into a Deseret Industries thrift store and donation center. The conditional use is required to expand the structure by approximately 7,000 square feet and combining an adjacent lot. This property is located in City Council District Seven, represented by Soren Simonsen (Staff contact: Casey Stewart at 801.535.6260 or **casey.stewart@slcgov.com**)

6. **PLNPCM2009-00870 The Road Home Conditional Use Permit**—a request by The Road Home for a conditional use approval to allow a Homeless Shelter to be located in the St. Vincent de Paul Center for housing of the homeless each year from October 1 to April 15. St. Vincent de Paul Center is located at approximately 437 West 200 South in the D-3 Downtown Zone. The property is in Council District 4, represented by Luke Garrott (Staff contact: Bill Peperone at 801.535.7214 or **bill.peperone@slcgov.com**).

Visit the Planning Division's website at www.slcgov.com/CED/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.

4770 S. 5600 W.
P.O. POX 704005
WEST VALLEY CITY, UTAH 84170
FED.TAX I.D.# 87-0217663

The Salt Lake Tribune MEDIA One OF UTAH A NEWSPAPER AGENCY COMPANY Morning News

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CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
PLANNING DIVISION, 451 SOUTH STATE STREET, ROOM 406 SALT LAKE CITY UT 84111	9001394298	9/10/2009

ACCOUNT NAME	
PLANNING DIVISION,	
TELEPHONE	ADORDER# / INVOICE NUMBER
8015356184	0000494074 /
SCHEDULE	
Start 09/09/2009	End 09/09/2009
CUST. REF. NO.	
Petition PLNPCM2009-0074	
CAPTION	
SALT LAKE CITY PLANNING COMMISSION ZONIN	
SIZE	
36 Lines	1.00 COLUMN
TIMES	RATE
2	
MISC. CHARGES	AD CHARGES
	TOTAL COST
	50.00

SALT LAKE CITY PLANNING COMMISSION ZONING ORDINANCE TEXT AMENDMENT HEARING

On Wednesday, September 23, 2009, at 5:45 P.M., the Salt Lake City Planning Commission will hold a public hearing to take public comment and consider Petition PLNPCM2009-00749, an amendment to the Salt Lake City Zoning Ordinance (Title 21) related to Planned Developments. All persons interested and present will be given an opportunity to be heard in this matter. The hearing will be held in Room 326 of the Salt Lake City and County Building, 451 South State Street. Accessible parking and entrance are located on the east side of the building. Hearing impaired individuals who wish to attend this meeting should contact our TDD service number, (801) 535-6220, four days in advance so that an interpreter can be provided. For further information regarding this hearing, call Lex Traughber 801-535-6184.
494074 UPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY CORPORATION LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF SALT LAKE CITY PLANNING COMMISSION ZONIN FOR PLANNING DIVISION, WAS PUBLISHED BY THE NEWSPAPER AGENCY CORPORATION, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH.

PUBLISHED ON Start 09/09/2009 End 09/09/2009

SIGNATURE Jenny Craft

9/10/2009

Notary Public
ELIZABETH G. CORDOVA
6462 West 4200 South
West Valley City, Utah 84128
My Commission Expires
January 16, 2010
State of Utah

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
PLEASE PAY FROM BILLING STATEMENT

Elizabeth Cordova

5. PLANNING COMMISSION

B. Staff Report

September 23, 2009

PLANNING COMMISSION STAFF REPORT

Zoning Text Amendment
Planned Development
Petition PLNPCM2009-00749
September 23, 2009

Planning and Zoning Division
Department of Community and Economic Development

Applicant: Salt Lake City Council

Staff: Lex Traughber
(801) 535-6184
lex.traughber@slcgov.com

Tax ID: NA

Current Zone: NA

Master Plan Designation:
NA

Council District: Citywide

Lot Size: NA

Current Use: NA

Applicable Land Use Regulations:
- 21A.54 – Conditional Uses
- 21A.54.150 - Planned Developments
- 21A.62 - Definitions

Notification
- Notice mailed on 9/8/09
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites and in the newspaper on 9/9/09

Attachments:
A. Draft – Chapter 21A.55 – Planned Development
B. Planned Development Definition
C. ZAP Task Force Notes
D. Open House Sign-In Sheet & Public Comments

Request

The Planning Division is requesting that the Planning Commission make a recommendation to the City Council to amend the text of the Zoning Ordinance related to Planned Developments: The purpose of the request is to:

- ☒ Remove Planned Development regulations from the Conditional Use Chapter;
- ☒ Enhance the "Purpose Statement" and the desired "Objectives" of the Planned Development tool;
- ☒ Reduce the minimum net lot area required for Planned Development eligibility, and;
- ☒ Better define "Planned Development" in the list of terms in the Definitions Chapter of the Zoning Ordinance.

Staff Recommendation

Based on the analysis and findings listed in the staff report, it is Planning Staff's opinion that the Planning Commission transmit a positive recommendation to the City Council regarding amending the text of the Zoning Ordinance as it relates to Planned Developments for the following reasons:

1. The proposed amendments are consistent with the general purpose and intent of the Zoning Ordinance as stated in Zoning Ordinance section 21A.02.030;
2. The proposed amendments are generally consistent with the factors of consideration for zoning amendments found in Zoning Ordinance Section 21A.50.050; and

E. City Dept/Division Comments F. August 26, 2009 Planning Commission Minutes	***Options*** 1. The Planning Commission may adopt the findings and recommendations of the Planning Division, and send a recommendation to the City Council to approve the zoning text amendments. The Planning Commission may also recommend specific changes to the proposed text to the City Council as part of this option, or; 2. The Planning Commission may find that the proposal does not comply with the factors to be considered for text amendments, and send a recommendation to the City Council to deny the zoning text amendment, or; 3. The Planning Commission may continue the item if it determines that not enough information is available to make a recommendation to the City Council.

Background

Project Description

In 2005, Petitions were initiated by the City Council and the Planning Commission to analyze the feasibility of lowering the minimum land size required for Planned Development eligibility and to allow increased density through the Planned Development process. In addition to these issues, Planning Staff has been aware of other items related to the planned development process that have proven problematic in the past, and has been working to make the Zoning Ordinance regulations more clear and effective.

The current proposal is an effort to resolve issues as they relate to the planned development process, keeping in mind that further revision is necessary in order to accomplish the overall task (subsequent phase of revision). As noted on page one of this staff report, there are four main objectives addressed in this round of revisions. The following is an explanation of each of the four main items addressed:

1. Remove Planned Development regulations from the Conditional Use Chapter.
Currently, the City's Planned Development regulations (Section 21A.54.150) are a sub-section of the Conditional Use Chapter (21A.54). As such, for every Planned Development request that the City receives, the proposal is evaluated in terms of the Planned Development standards and the Conditional Use standards. Most often, Planned Development requests are reviewed for "design" related issues as opposed to "use" related issues. In other words, a Planned Development does not always involve a question of the "use", and therefore should not be consistently reviewed on the basis of "use". Attached to this staff report is the proposed text for the Planned Development chapter (Exhibit A).

To illustrate this concept, an applicant may request a relaxation of a setback requirement through the Planned Development process for a residential development in a residential zone. This type of request would be a "design" issue. The applicant's request is not a "use" issue as a residential use is allowed in a residential zone. In terms of review, the implications of the current regulation configuration would require that Planning Staff and the Planning Commission review a request of this nature in terms of "design" (through the Planned Development process) and in terms of "use" (through the Conditional Use process). This type of review is awkward and unnecessary as the request relates to "design" and not "use", and therefore the standards for conditional use are not applicable. In other words, it is awkward to review a request of this nature for the "use" through the Conditional Use process, when the "use" is permitted in the zone.

Certainly, there will be project requests involving both a Conditional Use and a Planned Development. In such instances, under the proposed ordinance configuration, where there would be a stand alone chapter on Conditional Uses and a stand alone chapter on Planned Developments, a project request would be subject to the regulations of both chapters.

2. Enhance the "Purpose Statement" and the desired "Objectives" of the Planned Development tool.
The Purpose Statement has been revised to be more specific; providing additional information regarding the Planned Development tool. The reference in the current Purpose Statement indicating that a Planned Development is a distinct category of Conditional Use has been removed. The Objectives of the Planned Development tool have also been revised and enhanced. Specifically, an additional objective is proposed to include development amenities that are in the interest to the general public, as well as objectives encouraging development of affordable housing and utilization of "green" building techniques.

The primary motivation for amending the Purpose Statement and Objectives sections of this chapter is to minimize the utilization of the Planned Development tool as a way to skirt or undermine adopted development standards, and to encourage development that is appropriate and compatible. It is in the best interest of the City to have a well defined process for Planned Development such that the resulting product is a benefit to the community and the City as a whole.

3. Reduce the minimum net lot area required for Planned Development eligibility.
The rationale behind a reduction in the minimum net lot area required for Planned Development consideration is to open the possibility of the Planned Development process to a greater number of property owners. As the City becomes more developed and dense, it is critical to have a mechanism for development that provides some flexibility when needed. The reduction in the minimum net lot area required for Planned Development consideration will most likely result in the possibility for a larger number of parcels across the City to be eligible for this important land use tool. By amending and enhancing the entire Planned Development chapter, and by lowering the net lot minimum, the City increases the potential for development that is consistent with and compatible with existing development.

4. Better define "Planned Development" in the list of terms in the Definitions Chapter of the Zoning Ordinance.
The purpose behind this proposed amendment is to have a definition for Planned Development that is consistent with the overall proposed Planned Development text amendment being proposed. The proposed amendment to this definition is primarily a "house keeping matter", in order to realize a Code that is consistent. Please see Exhibit B for the proposed definition.

Master Plan Information

The proposed amendment addressing Planned Development has potential implications for all parcels of property within Salt Lake City. Therefore, all existing Citywide Plans, Community Master Plans, and Small Area Master Plans are pertinent and relevant to any request for a Planned Development. The proposed Planned Development text requires any given request for a planned development to be consistent with any adopted City plan.

Comments

Public Comments

On June 30, 2009, Planning Staff met with the Zoning Amendment Project (ZAP) Task Force to discuss proposed changes to planned developments. Notes reflecting comments from the participants at this meeting are attached for review (Exhibit C). In response to the discussion that took place, Planning Staff re-evaluated and made appropriate revisions to the reduced width public street provision, the minimum area sizes for planned development eligibility for the SR-1/ SR-1A, SR-3, and R-2 Zoning Districts, and included all the zones in the "Table of Minimum Lot Sizes for Planned Development." In general, the ZAP Task Force was very supportive of the proposed changes.

Other comments received from the ZAP Task Force included using planned development regulations to encourage historic preservation, allowing older structures (built prior to 1927 when zoning was adopted) the opportunity to go through the planned development process as opposed to the variance process, density bonuses, and off-street parking requirements if a density bonus is realized. These issues, while valid, are not addressed in this phase of planned development amendment. Issues of this nature will be considered in a subsequent phase of planned development revision.

On August 20, 2009, an Open House was held. One member of the public attended the Open House in regard to Planned Development (Exhibit D). Planning Staff also received one email of comments from the general public regarding the proposed changes (Exhibit D). The issues raised in this email are of interest, and perhaps could be utilized in a future phase of revision as the City explores ways to grant density bonuses as part of the planned development process.

AUG 26 - PC ISSUES ONLY

City Department Comments

The comments received from pertinent City Departments/Divisions are attached for review (Exhibit E). The most prominent concern received was that of the reduced width public street provision which has been subsequently revised. In general, the applicable City Departments/Divisions support the proposed changes.

Analysis and Findings

Options

With regard to zoning text amendments, the Planning Commission makes a recommendation to the City Council who has final decision making authority. The Planning Commission has the discretion to recommend the changes as proposed by Planning Staff, or to make modifications to the proposal by Planning Staff, or recommend to the City Council not to amend the proposed changes.

Analysis

Section 21A.50.050. A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the city council should consider the following factors:

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 amendment to the Planned Development text includes a requirement that a proposed planned development be consistent with any adopted policy set forth in the citywide, community and/or small are master plans. The purpose of this provision is to strengthen the role that adopted plans play in the administration of the zoning ordinance, to improve the decision making process, and to implement the adopted master plan policies.

Finding: The proposed text amendment is consistent with the purposes, goals, objectives and policies of the adopted master plans of the City.

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

Discussion: The proposed text amendment is not site specific, rather it applies citywide. The standards proposed for planned development are intended to implement city planned development objectives, implement master plan policies, and ensure compatibility with the character of a given site, adjacent properties, and existing development within the vicinity.

Finding: The proposed text amendment provides a framework of standards to ensure compatibility between existing and new development.

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

Finding: The proposed text amendment is not site specific, rather it applies citywide. The planned development standards proposed are intended to minimize adverse impacts on adjacent properties.

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

Discussion: The intention of the proposed amendments is not to create any inconsistency or conflict with applicable overlays zoning districts. Applicable overlay zoning districts would still apply to any parcel of land that is a part of any planned development proposal. Overlay zoning districts were not reviewed as part of this proposal.

Finding: The overlay zoning districts will not be impacted by the proposed changes to the planned development ordinance.

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 wastewater and refuse collection.

Finding: The proposed text amendment is not site specific, rather it applies citywide.

Exhibit A –

Draft Planned Development Text – Chapter 21A.55

Chapter 21A.55

PLANNED DEVELOPMENTS

21A.55.010 Purpose Statement:

A planned development is intended to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of development. Further, a planned development implements the purpose statement of the zoning district in which the project is located, utilizing an alternative approach to the design of the property and related physical facilities. A planned development will result in a more enhanced product than would be achievable through strict application of land use regulations, while enabling the development to be compatible and congruous with adjacent and nearby land developments. Through the flexibility of the planned development regulations, the city seeks to achieve any of the following specific objectives:

A. Combination and coordination of architectural styles, building forms, building materials, and building relationships;

B. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;

C. Preservation of buildings which are architecturally or historically significant or contribute to the character of the city;

D. Use of design, landscape, or architectural features to create a pleasing environment;

E. Inclusion of special development amenities that are in the interest of the general public;

F. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation;

G. Inclusion of affordable housing with market rate housing; or

H. Utilization of "green" building techniques in development.

21A.55.020 Authority:

The planning commission may approve planned developments for uses listed in the tables of permitted and conditional uses for each category of zoning district or districts. The approval shall be in accordance with the standards and procedures set forth in this chapter and other regulations applicable to the district in which the property is located.

21A.55.030 Authority To Modify Regulations:

In approving any planned development, the planning commission may change, alter, modify or waive any provisions of this title or of the city's subdivision regulations as they apply to the proposed planned development; however, additional building height may not be approved in the FR, R-1, SR, or R-2 zoning districts. In zoning districts other than the FR, R-1, SR, or R-2

districts, the Planning Commission may approve up to five feet (5') maximum of additional building height in accordance with the provisions of this title if it further achieves one or more of the objectives in Section 21A.55.010.

21A.55.040 Limitation:

No change, alteration, modification or waiver authorized by Section 21A.55.040 of this Chapter shall authorize a change in the uses permitted in any district or a modification with respect to any standard established by this section, or a modification with respect to any standard in a zoning district made specifically applicable to planned developments, unless such regulations expressly authorize such a change, alteration, modification or waiver.

21A.55.050 Standards for Planned Developments:

The Planning Commission may approve, approve with conditions, or deny a Planned Development based upon written findings of fact according to each of the following standards. It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance with the following standards:

A. Planned Development Objectives: The Planned Development shall meet the purpose statement for a planned development (Section 21A.55.010) and will achieve at least one of the objectives stated in said Section;

B. Master Plan And Zoning Ordinance Compliance: The proposed planned development shall be:

1. Consistent with any adopted policy set forth in the citywide, community, and/or small area master plan and future land use map applicable to the site where the planned development will be located, and,

2. Allowed by the zone where the planned development will be located or by another applicable provision of this title.

C. Compatibility: The proposed planned development shall be compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located. In determining compatibility, the planning commission shall consider:

1. Whether the street or other means of access to the site provide the necessary ingress/egress without materially degrading the service level on such street/access or any adjacent street/access;

2. Whether the planned development and its location will create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected, 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 are likely to encourage street side parking for the planned development which will adversely impact the reasonable use of adjacent property;

iii. Hours of peak traffic to the proposed planned development and whether such traffic will unreasonably impair the use and enjoyment of adjacent property.

3. Whether the internal circulation system of the proposed planned development will be designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic;

4. Whether existing or proposed utility and public services will be adequate to support the proposed planned development at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources;

5. Whether appropriate buffering or other mitigation measures, such as, but not limited to, landscaping, setbacks, building location, sound attenuation, odor control, will be provided to protect adjacent land uses from excessive light, noise, odor and visual impacts and other unusual disturbances from trash collection, deliveries, and mechanical equipment resulting from the proposed planned development, and;

6. Whether the intensity, size, and scale of the proposed planned development is compatible with adjacent properties.

D. Landscaping: Existing mature vegetation on a given parcel for development shall be maintained. Additional or new landscaping shall be appropriate for the scale of the development, and shall primarily consist of drought tolerant species;

E. Preservation: The proposed Planned Development shall preserve any historical, architectural, and environmental features of the property;

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

21A.55.060 Minimum Area:

A planned development proposed for any parcel or tract of land under single ownership or control in certain zoning districts shall have a minimum net lot area as set forth in table 21A.55.060 of this section.

Table 21A.55.060

PLANNED DEVELOPMENTS

DISTRICT	MINIMUM PLANNED DEVELOPMENT SIZE
Residential Districts	
FR-1/43,560 Foothills Estate Residential District	5 acres
FR-2/21,780 Foothills Residential District	5 acres
FR-3/12,000 Foothills Residential District	5 acres
R-1/12,000 Single-Family Residential District	24,000 square feet
R-1/7,000 Single-Family Residential District	14,000 square feet
R-1/5,000 Single-Family Residential District	10,000 square feet
SR-1 and SR1-A Special Development Pattern Residential District	10,000 square feet
SR-2 Special Development Pattern Residential District	Reserved
SR-3 Interior Block Single-Family Residential District	4,000 square feet
R-2 Single- And Two-Family Residential District	10,000 square feet
RMF-30 Low Density Multi-Family Residential District	9,000 square feet
RMF-35 Moderate Density Multi-Family Residential District	9,000 square feet
RMF-45 Moderate/High Density Multi-Family Residential District	9,000 square feet
RMF-75 High Density Multi-Family District	9,000 square feet
RB Residential/Business District	No minimum required
R-MU-35 Residential/Mixed Use District	9,000 square feet
R-MU-45 Residential/Mixed Use District	9,000 square feet
R-MU Residential/Mixed Use District	No minimum required
RO Residential/Office District	No minimum required
Commercial Districts	
CN Neighborhood Commercial District	No minimum required
CB Community Business District	No minimum required

CS Community Shopping District	No minimum required
CC Corridor Commercial District	No minimum required
CSHBD Sugar House Business District	No minimum required
CG General Commercial District	No minimum required
TC-75 Transit Corridor District	No minimum required
Manufacturing Districts	
M-1 Light Manufacturing District	No minimum required
M-2 Heavy Manufacturing District	No minimum required
Downtown Districts	
D-1 Central Business District	No minimum required
D-2 Downtown Support Commercial District	No minimum required
D-3 Downtown Warehouse/Residential District	No minimum required
D-4 Downtown Secondary Central Business District	No minimum required
Special Purpose Districts	
RP Research Park District	No minimum required
BP Business Park District	No minimum required
FP Foothills Protection District	32 acres
AG Agricultural District	10 acres
AG-2 Agricultural District	4 acres
AG-5 Agricultural District	10 acres
AG-20 Agricultural District	40 acres
A Airport District	No minimum required
PL Public Lands District	No minimum required
PL-2 Public Lands District	No minimum required
I Institutional District	No minimum required
UI Urban Institutional District	No minimum required
OS Open Space District	No minimum required
MH Mobile Home Park District	No minimum required
EI Extractive Industries District	No minimum required
MU Mixed Use District	No minimum required

21A.55.070 Density Limitations:

Residential planned developments shall not exceed the density limitation of the zoning district where the planned development is proposed. The calculation of planned development density may include open space that is provided as an amenity to the planned development. Public or private roadways located within or adjacent to a planned development shall not be included in the planned development area for the purpose of calculating density.

21A.55.080 Consideration Of Reduced Width Street Dedication:

A residential planned development application may include a request to dedicate the street to Salt Lake City for perpetual use by the public. The request will be reviewed and evaluated individually by appropriate departments, including transportation, engineering, public utilities, public services and fire. Each department reviewer will consider the adequacy of the design and physical improvements proposed by the developer and will make a recommendation for approval or describe required changes. Items such as adequate vehicular access, public safety access, pedestrian and bicycle access, adequate parking, and urban design elements will be considered as part of this review. A synopsis will be incorporated into the staff report for review and decision by the planning commission.

21A.55.090 Specific Standards for Planned Development in Certain Zoning Districts:

Planned developments within the TC-75 District, RB District, R-MU District, MU District, CN District, CB District, CSHBD District, South State Street Corridor Overlay District and CS District (when the CS District is adjacent to an area of more than sixty percent (60%) residential zoning located within 300 feet of the subject parcel to be development, either on the same block or across the street), may be approved subject to consideration of the following general conceptual guidelines (a positive finding for each is not required):

A. The development shall be primarily oriented to the street, not an interior courtyard or parking lot;

B. The primary access shall be oriented to the pedestrian and mass transit;

C. The facade shall maintain detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction;

D. Architectural detailing shall emphasize the pedestrian level of the building;

E. Parking lots shall be appropriately screened and landscaped to minimize their impact on the neighborhood;

F. Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods;

G. Dumpsters and loading docks shall be appropriately screened or located within the structure, and;

H. Signage shall emphasize the pedestrian/mass transit orientation.

21A.55.100 Perimeter Setback:

If the planned development abuts a residential lot or a lot in a residential zoning district whose side and rear yard setback requirements are greater than the planned development lot's requirements, then the side and rear yard setback requirements of the subject planned development parcel shall be equal to the side and rear yard setback requirements of the abutting residentially used property or residentially zoned parcel.

21A.55.110: Development Plan:

The applicant must file an application for planned development approval with the Zoning Administrator.

A. Application Requirements: The planned development application shall be submitted on a form provided by the Zoning Administrator accompanied by such number of copies of documents as the Zoning Administrator may require for processing of the application, and shall include at least the following information set forth below:

1. General Information:

i. The applicant's name, address, telephone number and interest in the property;

ii. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;

iii. The street address and legal description of the subject property;

iv. The zoning classification, zoning district boundaries and present use of the subject property;

v. A vicinity map with north arrow, scale, and date, indicating the zoning classifications and current uses of properties within eighty five feet (85') (exclusive of intervening streets and alleys) of the subject property; and

vi. The proposed title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner or engineer on the project.

2. Planned Development Plan: A planned development plan at a scale of twenty feet to the inch (20' = 1") or larger, unless otherwise approved by the Zoning Administrator, setting forth at least the following, unless waived by the Zoning Administrator:

i. The location, dimensions and total area of the site;

ii. The location, dimensions, floor area, type of construction and use of each proposed building or structure;

iii. The number, the size and type of dwelling units in each building, and the overall dwelling unit density;

iv. The proposed treatment of open spaces and the exterior surfaces of all structures, with sketches of proposed landscaping and structures, including typical elevations;

v. Architectural graphics, if requested by the Zoning Administrator, including typical floor plans and elevations, profiles and cross sections;

vi. The number, location and dimensions of parking spaces and loading docks, with means of ingress and egress;

vii. The proposed traffic circulation pattern within the area of the development, including the location and description of public improvements to be installed, including any streets and access easements;

viii. A traffic impact analysis (if required by the City Transportation Division);

ix. The location and purpose of any existing or proposed dedication or easement;

x. The general drainage plan for the development tract;

xi. The location and dimensions of adjacent properties, abutting public rights of way and easements, and utilities serving the site;

xii. Significant topographical or physical features of the site, including existing trees;

xiii. Soils and subsurface conditions, if requested;

xiv. The location and proposed treatment of any historical structure or other historical design element or feature;

xv. One copy of the development plan colored or shaded (unmounted) for legibility and presentation at public meetings; and

xvi. A reduction of the development plan to eight and one-half by eleven inches (8 1/2 x 11"). The reduction need not include any area outside the property lines of the subject site.

3. Plat Of Survey: A plat of survey of the parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions of the parcel, lot, lots, block, blocks, or portions thereof, according to the registered or recorded plat of such land.

4. A Preliminary Subdivision Plat, If Required: A preliminary subdivision plat showing that the planned development consists of and is conterminous with a single lot described

in a recorded subdivision plat, or a proposed resubdivision or consolidation to create a single lot or separate lots of record in suitable form ready for review.

5. Additional Information: The application shall also contain the following information as well as such additional information, drawings, plans or documentation as may be requested by the Zoning Administrator or the Planning Commission if determined necessary or appropriate for a full and proper consideration and disposition of the application:

i. When the proposed planned development includes provisions for common open space or recreational facilities, a statement describing the provision to be made for the care and maintenance of such open space or recreational facilities;

ii. A written statement showing the relationship of the proposed planned development to any adopted General Plan of the City;

iii. A written statement with supporting graphics showing how the proposed planned development is compatible with other property in the neighborhood.

B. Review Procedure: Upon the review of a planned development application, the applicable City Department/Division shall notify the applicant of any deficiencies and or modifications necessary to complete the application.

1. Public Hearing: Upon receiving site plan review and recommendation from the applicable City Department(s)/Division(s), and completing a staff report, the planning commission shall hold a public hearing to review the planned development application in accordance with the standards and procedures set forth in part II, chapter 21A.10 of this title.

2. Planning Commission Action: Following the public hearing, the planning commission shall decide, on the basis of the standards contained in subsection 21A.55.050 whether to approve, approve with modifications or conditions, or deny the application.

3. Notification Of Decision: The planning director shall notify the applicant of the decision of the planning commission in writing, accompanied by one copy of the submitted plans marked to show such decision and a copy of the motion approving, approving with modifications, or denying the development plan application.

21A55.120 Appeal of the Planning Commission Decision:

Any party aggrieved by the decision of the planning commission may file an appeal to the land use appeals board.

21A.55.130 Time Limit On Approved Planned Development:

No planned development approval shall be valid for a period longer than one year unless a building permit has been issued or complete building plans have been submitted to the Division of Building Services and Licensing. The Planning Commission may grant an extension of a Planned Development for up to one (1) additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted prior to the expiration of the planned development approval.

21A.55.140 Effect Of Approval Of Planned Development:

The approval of a proposed planned development by the planning commission shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the city, including, but not limited to, a building permit, a certificate of occupancy and subdivision approval.

21A.55.150 Regulation During And Following Completion Of Development:

Following planned development approval, the development plan, rather than any other provision of this title, shall constitute the use, parking, loading, sign, bulk, space and yard regulations applicable to the subject property, and no use or development, other than home occupation and temporary uses, not allowed by the development plan shall be permitted within the area of the planned development.

21A.55.160 Modifications To Development Plan:

A. New Application Required For Modifications And Amendments: No substantial modification or amendment shall be made in the construction, development or use without a new application under the provisions of this title. Minor modifications or amendments may be made subject to written approval of the planning director and the date for completion may be extended by the planning commission upon recommendation of the planning director.

B. Minor Modifications: The planning director may authorize minor modifications to the approved development plan pursuant to the provisions for modifications to an approved site plan as set forth in chapter 21A.58 of this part, when such modifications appear necessary in light of technical or engineering considerations. Such minor modifications shall be limited to the following elements:

1. Adjusting the distance as shown on the approved development plan between any one structure or group of structures, and any other structure or group of structures, or any vehicular circulation element or any boundary of the site;

2. Adjusting the location of any open space;

3. Adjusting any final grade;

4. Altering the types of landscaping elements and their arrangement within the required landscaping buffer area;

5. Signs;

6. Relocation or construction of accessory structures; or

7. Additions which comply with the lot and bulk requirements of the underlying zone.

Such minor modifications shall be consistent with the intent and purpose of this title and the development plan as approved pursuant to this section, and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such modifications would result in a violation of any standard or requirement of this title.

C. Major Modifications: Any modifications to the approved development plan not authorized by subsection 21A.55.160(2) of this section shall be considered to be a major modification. The planning commission shall give notice to all property owners consistent with notification requirements located in chapter 21A.10 of this Code. The planning commission may approve an application for a major modification to the approved development plan, not requiring a modification of written conditions of approval or recorded easements, upon finding that any changes in the plan as approved will be in substantial conformity with the approved development plan. If the commission determines that a major modification is not in substantial conformity with the approved development plan, then the commission shall review the request in accordance with the procedures set forth in this subsection.

21A.55.170 Disclosure Of Private Infrastructure Costs For Planned Developments:

Planned developments, approved under this title after January 1, 1997, shall include provisions for disclosure of future private infrastructure maintenance and placement costs to unit owners.

A. Infrastructure Maintenance Estimates: Using generally accepted accounting principles, the developer of any planned development shall calculate an initial estimate of the costs for maintenance and capital improvements of all infrastructure for the planned development including roads, sidewalks, curbs, gutters, water and sewer pipes and related facilities, drainage systems, landscaped or paved common areas and other similar facilities ("infrastructure"), for a period of sixty (60) years following the recording of the subdivision plat for the estimated date of first unit occupancy of the planned development, whichever is later.

B. Initial Estimate Disclosure: The following measures shall be incorporated in planned developments to assure that owners and future owners have received adequate disclosure of potential infrastructure maintenance and replacement costs:

1. The cost estimate shall be recorded with and referenced on the recorded plat for any planned development. The initial disclosure estimate shall cover all private infrastructure items and shall be prepared for six (6) increments of ten (10) years each.

2. The recorded plat shall also contain a statement entitled "Notice to Purchasers" disclosing that the infrastructure is privately owned and that the maintenance, repair,

replacement and operation of the infrastructure is the responsibility of the property owners and will not be assumed by the city.

3. The cost estimate shall be specifically and separately disclosed to the purchaser of any property in the planned development, upon initial purchase and also upon all future purchases for the duration of the sixty (60) year period. [Recorded on property]

C. Yearly Maintenance Statements: The entity responsible for the operation and maintenance of the infrastructure shall, at least once each calendar year, notify all property owners in the planned development of the estimated yearly expenditures for maintenance, repair, operation or replacement of infrastructure, and at least once each calendar year shall notify all property owners of the actual expenditures incurred, and shall specify the reason(s) for any variance between the estimated expenditures and the actual expenditures.

D. Maintenance Responsibilities: The property owners in a planned development shall be collectively and individually responsible, on a pro rata basis, for operating, maintaining, repairing and replacing infrastructure to the extent necessary to ensure that access to the planned development is available to the city for emergency and other services and to ensure that the condition of the private infrastructure allows for the city's continued and uninterrupted operation of public facilities to which the private infrastructure may be connected or to which it may be adjacent.

Changes to other Sections of the code

Conditional Use Chapter – Eliminate planned development statements

◆◆ 4, 5 (Exh. A), 2005: Ord. 12-05 ◆ 1, 2005: Ord. 3-05 ◆◆ 9 (Exh. A), 10, 2005: Ord. 71-04 ◆ 27 (Exh. G), 2004: Ord. 13-04 ◆◆ 36, 37 (Exh. K), 2004: Ord. 77-03 ◆ 8, 2003: Ord. 73-02 ◆ 19 (Exh. G), 2002: Ord. 70-02 ◆ 4, 2002: Ord. 14-00 ◆ 15, 2000: Ord. 35-99 ◆◆ 96-99, 1999: Ord. 17-99 ◆ 1, 1999: Ord. 52-97 ◆ 1, 1997: Ord. 88-95 ◆ 1 (Exh. A), 1995: Ord. 26-95 ◆ 2(27-15), 1995)

Exhibit B –

Planned Development Definition

PLANNED DEVELOPMENT: ~~A lot or contiguous lots of a size sufficient to create its own character where there are multiple principal buildings on a single lot, where not otherwise authorized by this title, or where not all of the principal buildings have frontage on a public street.~~ -- **A type of land development that requires more planning flexibility than is otherwise allowed under a strict application of zoning requirements and/or lot configuration, in order to create a development that achieves/implements adopted development policies/goals of the City.** A planned development is controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the character of which is compatible with adjacent parcels and the intent of the zoning district or districts in which it is located. **The planned development maintains the same density that is permitted by the underlying zone.**

Exhibit C –

ZAP Task Force Notes

2009 Zoning Text Amendment Project

July 13, 2009

Task Force Meeting

Members Present

Cindy Cromer, Sydney Fonnesbeck, Barbara Green, Jerry Green, Esther Hunter, Virginia Hylton, Vasilios Priskos, Lon Richardson, Judi Short, Dave Richards, Grace Sperry, Bill Nighswonger

Discussion of proposed amendments to Planned Development Regulations (phase I)

- Skinny streets are problematic:
  - safety issue / fire truck access
  - walkable issues,
  - likelihood that they will request the public sector take over substandard streets.
- Analyze whether the City should continue the policy of allowing these.
- Maybe able to address the public safety issue relating to Fire Truck access by requiring fire sprinklers in the construction.
- Density currently must be consistent with underlying zoning.
- Benefits to the Planned Development are
  - Allow higher density in more areas of the City (Will review of Phase II of the Planned Development Amendment Project)
  - Affordability
  - If want more density, the property must be rezoned.
  - Planned Developments equate to better developments. The process allows more people to be involved.
  - The developments are better projects than they would have been if the development had just followed the underlying zoning regulations.
  - Planned Developments lead to a better designed project.
    - The City has much more input on what the project looks like
    - The planned development process is a great benefit to both the City and the developer.
- Future discussion (on phase II) will include discussion on whether a density bonus should be allowed through the planned development process.
- City has not been good at requiring amenities (for increased height).

- Need better regulations.
- Could use the planned development process to encourage historic preservation
  - Get more development potential if preserve the structure. Currently density potential in historic districts (due to existing lot size) is minimal.
- The Rocky Mountain Power substation planned development did not work well. The neighborhood and City did not get much back for the modification of the regulations.
- With a conditional use you have a "right" to approval. Removing the Planned Development from the Conditional Use process is a good step.
- Don't allow the street to be narrowed. Just decrease the required setbacks etc.
- The flexibility helps get development on lots that are difficult to develop.
- What is the existing minimum lot size required for a planned development?
  - Look at the lot sizes that are common in the zoning district to determine what the minimum lot size for a planned development process should be.
  - It is a good idea to have the minimum lot size for a planned development to be two times the minimum lot size required in the zoning district.
  - If have building built prior to 1927 (when the city first adopted zoning), the property should be able to go through the planned development process. Variances are too hard to get. This could be an incentive for historic preservation. If they go this route, require them to meet the preservation guidelines.
  - Currently people add onto the front, ruining historic facades because the rear yard is small and the existing front yard setback is large.
- If add more units, how can they meet off-street parking requirements?
- Are there problems with planned developments if the lot is too small?
- Is there a way to limit the internal subdivision of historic structures?
  - If don't allow the division of historic structures, then the building is less economically viable and may deteriorate.
  - Are there uses that could be allowed that lessen the amount of partitions in the interior? (Such as boarding houses with shared bathrooms etc.?)
- List all zones in the table of the minimum lot size for planned developments. It makes it easier to use even if there is no minimum requirement.
- Is there anything in the preservation plan that discusses this type of incentive?
- Against the five foot height bonus. This blocks light and has impacts to view protections and solar access (all residential zones).
  - Need to look at whether there should be a height bonus on a case by case / neighborhood by neighborhood basis.
- Is the Planned development meant to deal with split zoned parcels?

Exhibit D –

Open House Sign-In Sheet & Public Comments

SIGN IN SHEET

MEETING FOR: **Petition PLNPCM2009-00749, Zoning Ordinance Amendment – Planned Developments**

DATE: **August 20, 2009**

PLEASE PRINT

FULL NAME	MAILING ADDRESS (INCLUDE ZIP CODE)	PHONE #
Esther Hunter	1049 Nom's Place 84102	583-9804

Traughber, Lex

From: Mike and Kristina Heintz [mikeheintz@msn.com]
Sent: Tuesday, August 11, 2009 3:42 PM
To: Traughber, Lex
Cc: Simonsen, Soren; Mayor
Subject: Re: PLNPCM2009-00749; Zoning Text Amendment

Categories: Other

Hi Mr. Traughber,

The draft looks great. It looks like people have put quite a bit of thought and energy into this proposal. I especially like the attention to building preservation, green building, mass transit/pedestrian orientation, light pollution mitigation and giving the public perpetual use of the streets already proposed. keep up the good work!

I would like to just add a few comments/suggestions for the Open House. I think that all developments need to have a range of mixed housing for all socio-economic levels-from $50,000 studio condos and upwards. I would also suggest zoning changes that support open-space, community and urban gardens, Leeds building certification, pedestrian/bike only ways, gray-water and rain harvesting infrastructure and solar energy infrastructure support since we are a designated "solar city". I would like to suggest that all future planned developments strive for carbon neutrality(ie no gas-powered lawn equipment, high efficiency standards, on- site solar energy production) and require low-water landscaping (other than food gardens) restricting lawn sizes and pesticide use and encourage and promote urban agriculture (goats/chickens/bees/gardens). I would like to offer that zoning be a mix of retail and residential to allow for neighborhood bars, green grocers and restaurants.

Thank you for passing on our comments.

Kristina and Mike Heintz

---- Original Message -----

From: Traughber, Lex
To: Mike and Kristina Heintz
Sent: Tuesday, August 11, 2009 8:55 AM
Subject: RE: PLNPCM2009-00749; Zoning Text Amendment

Ms. Heintz:

Thank you for your interest. Please see the attached draft text.

Lex Traughber
Principal Planner
Salt Lake City Planning Division

From: Mike and Kristina Heintz [mailto:mikeheintz@msn.com]
Sent: Monday, August 10, 2009 5:01 PM
To: Traughber, Lex
Subject: PLNPCM2009-00749; Zoning Text Amendment

Greetings Mr. Traughber,
Is there by chance more specific information on the proposed changes so that we may better comment?

Exhibit E –

City Department/Division Comments

Traughber, Lex

TRANSPORTATION

From: Walsh, Barry
Sent: Tuesday, August 11, 2009 5:41 PM
To: Traughber, Lex
Cc: Young, Kevin; Smith, Craig; Garcia, Peggy; Itchon, Edward; Butcher, Larry
Subject: RE: Petition PLNPCM2009-00749, Planned Developments Text Amendment

Categories: Other

July 7, 2009

Lex Traughber, Planning

Re: Draft Zoning Ordinance Amendment - Planned Development.
PLNPCM2009-00749
Draft text Chapter 21A.55 - Planned Developments.

The division of transportation review comments and recommendations are as follows:

In Section 21A.55.010 Purpose statement:
D. .... create a pleasing environment;
There needs to be a definition and explanation of WHO determines a pleasing environment.

In section 21A.55.030 Authority
....the planning commission may change, alter, ... Etc. any provisions of this or of the city's regulations....
Why write anything else, just let the planning commission do whatever they want.

In section 21A.55.050 Standards for
C. Compatibility
1. .... Without materially degrading... What is meant by this?
2. ....
ii. Parking to be fully provided on site with area locations .....
iii. who determines what "unreasonably impair" means.

These items 1, 2, 3, 4, 5, & 6 are issues that should be included in the "Traffic Impact Report" if required by transportation.

Section F. notes, Compliance With Other Applicable Regulations: .... Shall comply... conflicts with 55.030 Authority.

Section 21A.55.080 Consideration Of Road Width .... minimum width of twenty feet (20') of pavement... should be subject to Fire review for public safety issues, whether a public or private roadway.

Section 21A.55.090
G .... located within the structure, all maneuvering to be provided on site, and;

Section 21A.55.110 Development Plan
1. General Information:
v. A vicinity map - with north arrow, scale, and date, indicating..... (commas)

2. Planned Development Plan: A .....

viii. A traffic impact analysis (if required by the City Transportation division)... is redundant in that issues to be addressed are noted in section 050 C.

Please call and discuss the above items and their intent, our number is 535-6630.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Craig Smith, Engineering
Peggy Garcia, Public Utilities
Ted Itchon, Fire
Larry butcher, Permits
File

Traughber, Lex

From: Butcher, Larry
Sent: Tuesday, August 11, 2009 1:24 PM
To: Traughber, Lex
Subject: RE: Petition PLNPCM2009-00749, Planned Developments Text Amendment

Bldg Svcs

Categories: Other

Lex:

A couple of comments:

- Create the method of calculating maximum density. Shall we continue to just count the total number of units on site or should we assess density by structure use (such as triplex, fourplex, etc.)
- Specify how the 60% abutting residential area is determined (area, lineal distance?)

LB

Traughber, Lex

From: Brede, Richard
Sent: Monday, August 10, 2009 12:00 PM
To: Traughber, Lex
Subject: RE: Petition PLNPCM2009-00749, Planned Developments Text Amendment

PONCE

Categories: Other

No comment.

Traughber, Lex

FIRE

From: Itchon, Edward
Sent: Monday, July 06, 2009 11:18 AM
To: Traughber, Lex
Cc: Ellis, Martha; Roberson, Tom; Berg, Wyman (Thomas)
Subject: Draft Zoning ordinance Planned Development.

Categories: Other

Lex,

I have a few comments regarding this proposal. In the past I have witnessed firsthand some difficult sites which have grade issues. Many of which is well over the capability of the city's fire apparatus. Couple this with fire access roads which do not meet the minimum width of 20 feet, (measured from the lip of the waterway pan to the opposite lip of waterway pan of the combination curb and gutter) and dead end fire access roads greater than 150 feet without a turn-around. This may be OK for the plan development but when this development gets older we find that the communities asking the city to accept them in a dedication.

I understand that at this time we have that problem. I do not know if there is a way you can tackle these concerns for us in this Draft of the Ordinance.

Ted

Traughber, Lex

From: Stoker, Justin
Sent: Wednesday, July 01, 2009 2:15 PM
To: Traughber, Lex
Cc: Garcia, Peggy
Subject: Draft Zoning Ordinance - Planned Developments

PUBLIC UTILITIES

Categories: Other

The proposed ordinance for planned developments looks great. We don't have any comments to add.

Thanks,
Justin

Justin D. Stoker, PE, LEED® AP
Salt Lake City Public Utilities
1530 S. West Temple, SLC, UT 84115
ph. (801) 483-6786 - justin.stoker@slcgov.com


Please consider the environment before printing this e-mail

Traughber, Lex

ENGINEERING

From: Drummond, Randy
Sent: Tuesday, June 30, 2009 11:37 AM
To: Traughber, Lex
Cc: Weiler, Scott; Smith, Craig
Subject: Draft Review - Zoning Ordinance - Planned Developments - PLNPCM2009-00749 - Engineering Comments

Categories: Other

Lex, we have reviewed the proposed language for the new Planned Development Chapter, and find that it will have no negative impact on our review and development process. We would recommend that it be adopted as drafted.
Randy

Exhibit F –

August 26, 2009 Planning Commission Minutes

Chair Woodhead inquired if any Commissioners had objections to the additional language. She noted that the Commission did not have objections.

5:49:03 PM Modification to ordinance conditions of the City Creek Inn **Zoning Map Amendment Petition PCM2008-00918**, located at approximately 230 West North Temple Street.

Mr. Sommerkorn stated that regarding the City Creek Inn Zoning Map Amendment, the City Council staff was concerned that the ordinance that was presented to them did not reflect everything that was in the motion from the Planning Commission. He stated that some of the conditions included were not subject to the approval. He introduced Nole Walkingshaw as staff representative regarding this matter.

Mr. Walkingshaw stated that this petition involved a minor subdivision and a zoning map amendment. He stated that the existing use of the property that was occupied was the City Creek Inn, which is a non-conforming use. He stated that some of the conditions that were included in the staff report that were now in question was a non-conforming use, which was really a finding of fact rather than a condition. He stated that when the City Attorney prepared the ordinance he prepared it without that finding. The City Council's office wanted the Commission to clarify they were aware that finding of fact was not going to be included as a condition.

Chair Woodhead inquired if the Commission agreed with that. She noted that the Commission did not have any objections.

5:50:30 PM **Motion**

Commissioner Gallegos made a motion to not include the mention that the City Creek Inn is a non-conforming use, as a condition of approval pertaining to the Zoning Map Amendment.

Commissioner Wirthlin seconded the motion.

All in favor voted, "Aye". The motion passed unanimously.

Briefings

5:51:03 PM **Planned Development Amendments Phase I.** The Planning Commission will receive a briefing on proposed amendments to the Planned Development Regulations. A public hearing will be scheduled for a later date.

Chair Woodhead recognized Lex Traughber as staff representative.

Mr. Traughber stated back in 2005 the City Council initiated a petition for staff to look at planned developments, and specifically the possibility of reducing the minimum lot acreage, so that anyone could be eligible for a planned development. He stated that the Planning Commission also initiated a petition in 2005 for staff to look at possibilities for increasing density through the planned development process. He stated that staff proposed that the planned development standards be removed from the conditional use chapter. He stated that typically a planned development design played more of a role than use; however, because the planned

development standards were currently in the conditional use chapter, both needed to be addressed, which sometimes made these petition awkward.

Mr. Traughber stated that language was written to enhance the purpose statement of planned developments. He stated that the objective portion of the text was also enhanced, and staff reduced the minimum lot area required for planned development eligibility. He noted that planned developments needed to be better defined and the following changes were drafted:

> PLANNED DEVELOPMENT: ~~A lot or contiguous lots of a size sufficient to create its own character where there are multiple principal buildings on a single lot, where not otherwise authorized by this title, or where not all of the principal buildings have frontage on a public street.~~ **–A type of land development that requires more planning flexibility than is otherwise allowed under a strict application of zoning requirements and/or lot configuration, in order to create a development that achieves/implements adopted development policies/goals of the City.** A planned development is controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the character of which is compatible with adjacent parcels and the intent of the zoning district or districts in which it is located. **The planned development maintains the same density that is permitted by the underlying zone.**

Commissioner Dean inquired about enforceability along the lines of sustainable building and what that would mean to an applicant, would there be set energy standards.

Mr. Traughber stated that was not a standard, but an objective the City would like to see developers put forth some effort in.

Commissioner Muir inquired on page 5, paragraph 80, why City slope standards were not used for the minimum criteria for private roads. He stated that the Commission just saw an issue regarding this up in the Avenues.

Mr. Traughber stated that one of the comments from the Transportation Division as well the Fire Department was to look at this issue and give staff suggestions, because there had been instances where that was problematic.

5:59:32 PM **Life on State—Our Street Our Vision** – a presentation and discussion by Ted Knowlton, of The Planning Center, on recommendations derived from a collaborative planning effort aimed at turning State Street into an economic and community center for the Salt Lake Valley.

Chair Woodhead recognized Christopher Clifford, from The Planning Center.

Mr. Clifford gave a PowerPoint presentation regarding the future of State Street.

Commissioner Chambless stated that the State capitol made the north end of the view corridor of State Street very interesting, but when looking south there was nothing. He suggested looking at the blighted areas to make them interesting and to also increase walkability.

5. PLANNING COMMISSION

C. Agenda & Minutes

September 23, 2009

AMENDED SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA
In Room 326 of the City & County Building at 451 South State Street
Wednesday, September 23, 2009 at 5:45 p.m.

The field trip is scheduled to leave at 4:00 p.m. Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. **Work Session**—The Planning Commission may discuss project updates and other minor administrative matters and proposed changes to alcohol regulations. This portion of the meeting is open to the public for observation.

Approval of Minutes from Wednesday, September 9, 2009

Report of the Chair and Vice Chair

Report of the Director

1. **Petition 410-08-44; Saxton Grove Time Extension**—a request for a one year extension for the Saxton Grove planned development, Petition 410-08-44 (Staff contact: Doug Dansie at 801.535.6182 or **doug.dansie@slcgov.com**).

2. **Petition 410-08-52; Metropolitan Landing Condominiums Planned Development Time Extension**—a request for a time extension for the Metropolitan Landing Condominium Planned Development located at approximately 961 South Redwood Road. (Staff contact: Casey Stewart at 801.535.6260 or **casey.stewart@slcgov.com**)

Public Hearings

3. **River Glen Phase 1**—a request by Iverson Homes LLC for an amendment to a previously approved residential conditional use planned development and residential subdivision. The proposal is located at approximately 1368 South Dokos Lane located in an R-1-7000 Single Family Residential zoning district. The property is located in Council District Two, represented by Van Turner (Staff contact: Doug Dansie at 801.535.6182 or **doug.dansie@slcgov.com**).

    a. **PLNSUB 2009-00293; Conditional Use /Planned Development Amendment**—The request is to eliminate the east/ west public access strip between Dokos Lane and the Jordan River surplus canal.

    b. **PLNSUB 2009-00292; Residential Subdivision Amendment**—an amendment to the subdivision is required to reflect the elimination of the east/west public access strip.

4. **Petition PLNPCM2009-00171; Citywide Historic Preservation Plan Rehearing**—a request by the Historic Landmark Commission to reconsider recommendation of the Citywide Historic Preservation Plan to the City Council. This is a city-wide project that was previously considered by the Planning Commission on July 8, 2009. However, adequate public notice was not provided at that time (Staff contact: Janice Lew at 801.535.7625 or **janice.lew@slcgov.com**).

5. **PLNPCM2009-00749; Planned Development Zoning Text Amendment**—The Planning Division is proposing to amend the City's Zoning Ordinance related to Planned Developments. The proposal includes the following changes:

    - Remove Planned Development regulations from the Conditional Use Chapter of the Zoning Ordinance, thereby creating a stand-alone chapter entitled "Planned Developments";
    - Enhance the "Purpose Statement" and the desired "Objectives" of the Planned Development land use process;
    - Reduce the minimum net lot area required for Planned Development eligibility, and;
    - Better define "Planned Development" in the definitions chapter in the Zoning Ordinance.

    The proposed zoning text amendment would apply citywide (Staff contact: Lex Traughber at 801.535.6184 or **lex.traughber@slcgov.com**).

6. **PLNPCM2009-00807; Deseret Industries Thrift Store Sugar House Conditional Use**—a request by The Church of Jesus Christ of Latter-Day Saints, represented by Craig Ames of PGAW Architects, for conditional use approval to convert the former Circuit City building located at approximately 724 East 2100 South and the lot at 774 East 2100 South into a Deseret Industries thrift store and donation center. The conditional use is required to expand the structure by approximately 7,000 square feet and combining an adjacent lot. This property is located in City Council District Seven, represented by Soren Simonsen (Staff contact: Casey Stewart at 801.535.6260 or **casey.stewart@slcgov.com**)

7. **PLNPCM2009-00870 The Road Home Conditional Use Permit**—a request by The Road Home for a conditional use approval to allow a Homeless Shelter to be located in the St. Vincent de Paul Center for housing of the homeless each year from October 1 to April 15. St. Vincent de Paul Center is located at approximately 437 West 200 South in the D-3 Downtown Zone. The property is in Council District 4, represented by Luke Garrott (Staff contact: Bill Peperone at 801.535.7214 or **bill.peperone@slcgov.com**).

Visit the Planning Division's website at www.slcgov.com/CED/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.

MEETING GUIDELINES

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 two (2) minutes per person, per item. A spokesperson who has already been asked by a group to summarize their concerns will be allowed five (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 Commission
   451 South State Street, Room 406
   Salt Lake City UT 84114
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. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. Salt Lake City Corporation complies will all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at 535-7757; TDD 535-6220.

On Tuesday, September 15, 2009 I personally posted copies of the foregoing notice within the City and County Building at 451 South State Street at the following locations: Planning Division, Room 406; City Council Bulletin Board, Room 315; and Community Affairs, Room 345. A copy of the agenda has also been faxed/e-mailed to all Salt Lake City Public Libraries for posting and to the Salt Lake Tribune and Deseret News.

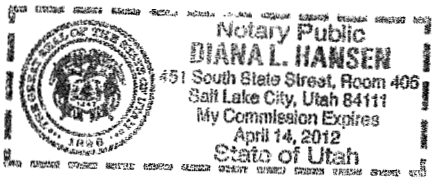
Signed: _____
Tami Hansen

STATE OF UTAH)
:SS
COUNTY OF SALT LAKE)

SUBSCRIBED AND SWORN to before me this day September 15, 2009

_____

NOTARY PUBLIC residing in Salt Lake County, Utah



SALT LAKE CITY PLANNING COMMISSION MEETING

In Room 326 of the City & County Building

451 South State Street, Salt Lake City, Utah

Wednesday, September 23, 2009

Present for the Planning Commission meeting were Chair Mary Woodhead Vice Chair Susie McHugh; Commissioners Michael Gallegos, Michael Fife, Prescott Muir, Tim Chambless, and Matthew Wirthlin. Commissioners Frank Algarin, Angela Dean and Babs De Lay were excused.

A field trip was held prior to the meeting. Planning Commissioners present were: Tim Chambless and Michael Fife. Staff members present were: Joel Paterson, Casey Stewart, and Doug Dansie.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Woodhead called the meeting to order at 5:48 p.m. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time. Planning staff members present at the meeting were: Joel Paterson, Programs Manager; Cheri Coffey, Programs Manager; Lynn Pace, Deputy City Attorney; Doug Dansie, Senior Planner; Lex Traughber, Principal Planner; Janice Lew, Principal Planner; Casey Stewart, Principal Planner, Bill Peperone, Principal Planner; Tami Hansen, Senior Secretary; and Angela Hasenberg, Senior Secretary.

6:15:32 PM **PLNPCM2009-00749; Planned Development Zoning Text Amendment**—The Planning Division is proposing to amend the City's Zoning Ordinance related to Planned Developments. The proposal includes the following changes:

- Remove Planned Development regulations from the Conditional Use Chapter of the Zoning Ordinance, thereby creating a stand-alone chapter entitled "Planned Developments";
- Enhance the "Purpose Statement" and the desired "Objectives" of the Planned Development land use process;
- Reduce the minimum net lot area required for Planned Development eligibility, and;
- Better define "Planned Development" in the definitions chapter in the Zoning Ordinance.

The proposed zoning text amendment would apply citywide.

Chair Woodhead recognized Lex Traughber as staff representative.

Mr. Traughber noted the Planning Commission heard this as an Issues Only item at the August 26, 2009 meeting. He stated some of the changes made since that time included the reduction of street widths, which the Transportation Division and the Fire Department helped to revise. He stated the 20 foot minimum street width language was eliminated and revised to allow review of a proposed reduced public street width which would be part of the Planning Commission's purview to make decisions on those matters.

Mr. Traughber stated the ZAP Taskforce asked that staff include all the zones in the table of minimum lot sizes for planned developments, which was done. And, to look at the minimum lot area

sizes that were proposed for the SR-1, SR-1A, SR-3, and R2 zones, which were revised slightly as well. He stated that at the September 22, City Council meeting there was a petition to reduce the appeal timeframe regarding Planning Commission decisions from 30 days to 10 days, which would have an effect on particular chapters regarding planned developments, specifically the proposed section 21A.55.120, regarding those types of appeals. It is anticipated the City Council will adopt this, at which time that new language would be asserted into this proposed language.

Commissioner Chambless inquired if there were a maximum number of structures allowed in a planned development.

Mr. Traughber stated no.

Commissioner Fife stated in the purpose statement it mentioned this language would assist in the preservation of buildings, which were architecturally or historically significant, and inquired of what an example of this would be.

Ms. Coffey stated if a developer had a building of this definition, the Commission might for instance modify a setback in order to preserve that building.

Commissioner Fife inquired if that meant one building could become a planned development.

Ms. Coffey stated it could be a large piece of property with a historic building on it, so to make it economically feasible the developer might want to add a few more buildings, but in order to do that they might need some setback modifications or other exceptions that might be inhibited by the zoning.

Commissioner Muir stated another way to look at this would be legalizing a non-complying structure and through the PUD that setback would be approved.

Commissioner Fife stated he was also concerned with the Commission approving streets which do not meet the minimum requirements of Salt Lake City, because inevitably those private streets may be given back to the City in the future, so the minimum should be required.

Mr. Traughber stated the purpose of the planned development process was to allow flexibility, if it was warranted, the Commission would have the authority to make a decision in regards to that; however, when it came to those streets the City Departments and Divisions may not support it, it just allowed the possibility of looking at an alternative to what the City required as a minimum.

Ms. Coffey stated the ZAP Taskforce wanted this process separated from the conditional use process, because it was difficult to deny a conditional use, and this would make it easier for the Commission to choose to deny it.

Public Hearing

Chair Woodhead opened the public hearing.

The following person spoke or submitted a card in *support* of the petition: **Judy Short** (862 Harrison) stated the requirements regarding planned developments should require the size of lots in parts of the City, which developed prior to 1927. She stated there should possibly be a separate

section to would deal with this, and one incentive for historic preservation would be to waive the acre requirements in all City and National Register districts, there was no acre requirement for a planned development in the TC zone, and historic properties should have access to the same flexibility that other buildings do.

Chair Woodhead closed the public hearing.

Mr. Traughber referred Commissioners to Page 4, second paragraph of the staff report. He stated there were other comments listed that were received from the ZAP Taskforce, including *using planned development regulations to encourage historic preservation, allowing older structures built prior to 1927when zoning was adopted, the opportunity to go through the planned development process as opposed to the variance process.* He stated these were issues staff was aware of which would be addressed in a subsequent phase for this planned development amendment.

Chair Woodhead inquired if that meant it was not appropriate for these thoughts and ideas to be expressed in this portion of the document.

Ms. Coffey stated the planned development amendments would be in two phases. The easy stuff first in phase one and then phase two would include more complex issue as well as density bonuses, affordable housing, environmentally sound structures, etc.

Commissioner Fife stated the minimum planned development sizes, especially for single-family developments, were way too small. He stated it seemed that this would be used to get around zoning regulations.

Ms. Coffey stated this was tightened so a developer would have to meet one of the objectives in order to go through this planned development process.

Commissioner Fife stated that one of the objectives was a pleasing environment, and that did not seem like a high hurdle to get over.

Commissioner Muir stated the underlying intent was to enable infill development and be more flexible to help encourage density. He stated if that was achieved, it was a good thing.

Mr. Traughber stated that staff paid close attention to that when re-writing the purpose statement so this was not strictly a relaxation of standards for any given developer. He stated this should be used as a tool to entertain development that may be appropriate for the area, but could not meet the exact standard of any given zone, but could be a great project that would benefit the community and City.

Commissioner Gallegos inquired if the second phase of this process would address Home Owners Associations, more so than just the disclosure of infrastructure cost.

Ms. Coffey stated if the Commission wanted staff to look at that as part of phase two they would.

6:37:59 PM **Motion**

Commissioner Muir made a motion regarding Petition PLNPCM2009-00749, based on analysis and findings listed in the staff report and heard at the public hearing, the Planning

Commission forwards a positive recommendation to the City Council regarding amending the text of the Zoning Ordinance as it relates to Planned Developments, for the following reasons:

1. **The proposed amendments are consistent with the general purpose and intent of the Zoning Ordinance as stated in Zoning Ordinance section 21A.02.030;**

2. **The proposed amendments are generally consistent with the factors of consideration for zoning amendments found in Zoning Ordinance Section 21A.50.050.**

Commissioner Hill seconded the motion.

Commissioners Hill, Chambless, Gallegos, Muir, and Wirthlin voted, "Aye". Commissioner Fife and McHugh voted, "No". The motion passed.

The meeting adjourned at 10:05 p.m.

This document, along with the digital recording, constitute the official minutes of the Salt Lake City Planning Commission held on September 23, 2009.

Go to FTR Gold at ftp://ftrftp.slcgov.com/FTRPlayerPlusV21.exe ***to download the digital recording.***

_____

Tami Hansen

6. ORIGINAL PETITION

REMARKS

Petition No. 400-05-18

By City Council

Is requesting a petition to analyze the feasibility of lowering the minimum size of planned development for various zoning districts.

Date Filed

Address

The City Council of Salt Lake City, Utah, met in Regular Session on Tuesday, April 5, 2005, at 7:00 p.m. in Room 315, City Council Chambers, City County Building, 451 South State.

The following Council Members were present:

Carlton Christensen	Van Turner	Nancy Saxton
Jill Remington Love	Eric Jergensen	Dave Buhler
Dale Lambert		

Mayor Ross C. "Rocky" Anderson; Cindy Gust-Jenson, Executive Council Director; and Scott Crandall, Deputy City Recorder; were present.

Councilmember Lambert presided at and Councilmember Turner conducted the meeting.

#1. The Council led the Pledge of Allegiance.

#2. Councilmember Christensen moved and Councilmember Love seconded to **approve the minutes** of the Salt Lake City Council meeting held **March 15, 2005,** which motion carried, all members voted aye. **(M 05-3)**

PUBLIC HEARINGS

#1. Accept public comment and consider adopting:

a. an ordinance **amending Section 21A.24.150,** Salt Lake City Code, pertaining to **RMF-75 high density multifamily residential district,** pursuant to Petition No. 400-04-17.

b. an ordinance **amending Table 21A.54.150E2,** Salt Lake City Code, pertaining to **minimum planned development size** within the zoning districts throughout the City, pursuant to Petition No. 400-04-19.

Councilmember Lambert moved and Councilmember Christensen seconded to **close the public hearing,** which motion carried, all members voted aye.

Councilmember Jergensen moved and Councilmember Saxton seconded to:

a. **adopt Ordinance 11 of 2005 amending the zoning text to allow for single-family detached and single-family attached homes in the**

RMF-75 zoning district and

b. **adopt Ordinance 12 of 2005 amending the zoning text to decrease the minimum amount of property required for a planned unit development in the RMF-75 district.**

Councilmember Christensen said the staff report included an additional option to have Planning evaluate square footage requirements for residential. Councilmember Jergensen said he would amend the motion to include the additional option **requesting the Administration re-evaluate the zoning text regarding the minimum amount of property required for a planned development in the RMF-45 zoning district to reduce the minimum from 20,000 square feet to 9,000 square feet.**

Councilmember Saxton seconded the amended motion. Councilmember Turner called for the question, which motion carried, all members voted aye.
(P 05-6) (P 05-7)

COMMENTS TO THE CITY COUNCIL

Douglas Cotant said documents produced by the City were difficult to read and needed larger print.

Lonnie Pursifull thanked the City Attorney/Police Department for professional conduct and fair application of the law during the LDS Church conference.

Donna Mirabelli and **Elaine Brinkerhoff** spoke concerning the need to replace a fence located at 2229-2279 South 1700 East. Councilmember Lambert said the fence was owned by the City and was in disrepair. He said the issue would be discussed during the Capital Improvement Program (CIP) budget.

Nicole Meyer spoke concerning a resolution to relocate an elephant from Lincoln Park Zoo to a sanctuary.

The following spoke or submitted written comments concerning sewage damage to property located on 900 South. **Mike Estrada, Elizabeth Sollis, Kendall Sollis, Melissa Weber,** and **Micah Ewart.** Comments included tree root damage, City owned trees, insurance denial, personal property losses, irreplaceable items, sentimental value, following national cleanup standards, health and liability issues, no fault occurrence, and making government accountable.

Councilmember Love said she would present recommendations to the Council to address concerns relating to this issue.

UNFINISHED BUSINESS