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## SALT LAKE CITY COUNCIL STAFF REPORT

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**DATE:** February 6, 2004

**SUBJECT:** Petition No. 400-02-20

**AFFECTED COUNCIL DISTRICTS:** If approved, the proposed changes will affect all Council Districts

**STAFF REPORT BY:** Patricia Comarell, Planning Consultant

**ADMINISTRATIVE DEPT. AND CONTACT PERSON:** Community and Economic Development – Planning Division  
Joel Paterson, Senior Planner

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### Key Elements

1. The City adopted a new Zoning Ordinance in April 1995. At that time, it was understood that adjustments to the Zoning Ordinance would be necessary once it had been implemented, and people had an opportunity to work with it. This is the third round of amendments presented by the Administration (the first two were presented in December 1995 and April 1999).
2. The nearly fifty changes to the Zoning Ordinances presented at this time are referred to as “fine-tuning.” The definition of “fine-tuning” is those changes related to correcting the ordinance -- typographical errors, incorrect references to other parts of the zoning ordinance, or omissions.
3. The Administration’s transmittal provides a detailed background relating to the proposed zoning ordinance changes and findings of fact to support their recommendations. **The City Council Consultant has prepared a chart attached to this memo which outlines the problem and proposed actions for each change.** This chart refers to the original Planning Staff memo to the Planning Commission (October 17, 2002).
4. These changes were reviewed at an Open House on July 31, 2002 to receive public comment on the suggested changes. All community council chairs received a copy of the proposed amendments and were invited to the open house. Three people attended the meeting. Those attending asked questions and suggested some change to the proposed fine-tuning. (See notes in transmittal packet).
5. The Planning Commission public hearing was held October 17, 2002 (this date is not a typo, it was indeed over a year ago). Minutes of this meeting including comments of the public are included in the transmittal.

6. Since Planning Commission review, the Administration has determined that six sections need further discussion and development, and they are recommending these sections be deleted from Council consideration at this time.

- #1 Zoning Certificate requirements (21A.08.030)
- #18 Restoration of damaged or destroyed non-complying structures (21A.38.090.C.1)
- #22 Fence Height restrictions (21A.40.120.D)
- #24 Definition of “awning sign” (21A.46.020.B)
- #26 Purpose statement for sign regulations (21A.46.010.A) and Prohibition of certain off-premise signs (21A.46.060.J)
- #37 Alterations or modification of conditional uses (21A.54.030.C.2)

7. Most of the issues outlined in the Planning Staff memo are correcting errors – typographical errors, incorrect references to other parts of the zoning ordinance, and omissions (The straightforward ones are #3 - 6, 10 - 12, 17, 19, 29, 31 - 5, 38 - 40, 42a-j). The Council Consultant has bolded these numbers on the chart to make the simple changes more identifiable.

## Issues

1. As mentioned above, the zoning certificate issue was removed (Issue #1) at the request of the Administration. In this issue, the Planning Staff recommended changing the zoning provision to require zoning certificates only for “principal building or a change in status of an existing building or site.” This recommendation also deleted zoning certificates being required for any development activity requiring a building permit, temporary uses, nonconforming uses, site development permit, and subdivision of any parcel of land.

In their transmittal to the City Council, the Planning Staff asked this issue (Issue #1) be deleted for further review, yet Issues #20 and #25 relate to the zoning certificate and assume the change recommended in Issue #1. **Shouldn't the Council agree with Issue #1 before deleting the requirement elsewhere?**

This was discussed with the Planning Staff, who indicated agreement that these issues should be pulled from discussion at this time.

2. **Delete Issue #10** from discussion as it has already been addressed by the Administration. This relates to a typographical error which made dining inside a club a conditional use and dining outside a permitted use. It needed to be reversed so that outside dining was the conditional use. In the transmittal from the Planning Staff is a letter dated September 11, 2002 from the City Attorney's office recommending this issue be addressed immediately. The Administration has already addressed this change, and therefore it should be deleted from discussion or action at this time.

3. **Policy Consideration: Recommended change in ordinance relating to the Code Criteria for Zoning Text and Zoning Map Amendments**

Section 21A.50.050: Standards for General Amendments provides factors to consider when considering amendments to the zoning text or the zoning maps. These factors are provided in the Planning Staff memo as the basis for the City's Findings of Fact.

These factors are:

- A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City. **(relates to both map and text)**
- B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property **(related to map)**
- C. The extent to which the proposed amendment will adversely affect adjacent properties **(related to map)**.
- D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards **(relates to text)**.
- E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection **(related to map)**.

**Recommended Change:** It might be more effective to have the zoning ordinance criteria separate from zoning map as they look at different things. This separation would have two advantages:

- A. All factors considered for that particular amendment would be applicable, and
- B. More questions (than presently in the ordinance) could be raised while considering that type of amendment.

**For example, for the zoning “map” amendment, these questions might be asked:**

- A. Is the proposed amendment consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City?
- B. If different from the General Plan (or neighborhood plans), what conditions have changed since the General Plan was adopted that would make this change reasonable, e.g., the neighborhood is in transition?

- C. Is the proposed amendment harmonious with the overall character of existing development in the immediate vicinity of the subject property?
- D. To what extent will the proposed amendment adversely affect adjacent properties?
- E. Is the timing proper for the proposed rezoning?
- F. Are public facilities and services intended to serve the subject property adequate (including, but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection)?
- G. Will the proposed development place an undue financial burden on the City?

**For the zoning “text” amendments:**

- A. Does this change serve a legitimate public purpose, and not only address the needs of one or a few?
- B. Was there a mistake made in the development of the original zoning ordinance that needs to be corrected?
- C. Is the proposed amendment consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City?
- D. Is the proposed amendment consistent with the provisions of any applicable overlay zoning districts which may impose additional standards?
- E. Is the change based on reasonable assumptions, trends, study?

(If this idea is to be pursued, one assumes the Planning Staff would want to add to, delete or change the questions listed above. The Council may wish to request further analysis and feedback from the Administration and Planning Commission regarding this issue.)

**MASTER PLAN CONSIDERATIONS**

The Land Use Development and Management Act (UCA Title 10, Sec. 10-9-303) authorizes the local governing body to decide whether land use regulations must be consistent with the community’s general (master) plan. Section 10-9-403 provides the process for the legislative body to consider rezonings or amendments to the zoning ordinance. This section specifies that amendments must be reviewed by the Planning Commission before being considered by the legislative body and requires appropriate notification and public hearings before both groups.

The current Salt Lake City Zoning Ordinance specifies that “All master plans or general plans adopted by the Planning Commission and City Council for the City or for an area of the City, shall serve as an advisory guide for land use decision. Amendments to the text of this title or zoning map should be consistent with the purposes, goals, objectives and policies of the applicable adopted master plan or general plan of Salt Lake City.” (21A.02.040 - Effect of Adopted Master Plans or General Plans)

The City’s comprehensive citywide master plan or general plan was last provided in one document in 1967. The City’s general plan now consists of a series of plans, and elements, i.e. community plans, small area plans, block plans, specific plans such as transportation, open space, urban design, etc. After 1967, the City was divided into seven planning communities. Plans have been developed for the individual planning communities that address general land use policies and objectives with consideration given to particular issues in the community. Special plans have been developed to address specific issues applicable to limited areas. As an example, in the Central City planning community there have been approximately nineteen special purpose plans developed (since the first community plans) in addition to the community plan.

The Administration’s transmittal notes that the proposed “Fine Tuning” changes are “intended to clarify or further advance the purposes, goals, objective and policies of the adopted general plan (master plans) of Salt Lake City.” The Administration indicates that the proposed amendments:

- are not site specific;
- will not interfere with the character of specific properties;
- support polices relating to compatibility and preservation of neighborhood character;
- are consistent with overlay zones; and
- will not impact public facilities and services.”

## Chronology

The Administration’s transmittal provides a complete chronology of events relating to the proposed “Fine Tuning” changes. Key meeting dates are listed below. Please refer to the Administration’s chronology for full details.

- July 31, 2002 – Open House to present changes to the community councils
- September 5, 2002 – Fine-tuning packet delivered to the Planning Commission
- September 19, 2002 – Planning Commission discussion of petition
- October 17, 2002 – Planning Commission public hearing. Planning Commission voted to forward a positive recommendation to the City Council.

cc: Rocky Fluhart, Sam Guevara, DJ Baxter, Ed Rutan, Lynn Pace, Lee Martinez, David Dobbins, Louis Zunguze, Brent Wilde, Doug Wheelwright, Craig Spangenberg, Larry Wiley, Elizabeth Giraud, Joel Paterson

File Location: Community and Economic Development Department, Planning Division, Zoning