

## PLANNING COMMISSION STAFF REPORT

March 25, 2009

**Petition #PLNPCM2009-00105:** Zoning Text verses Map Amendments

**Staff:** Bill Peperone (535-7214, [bill.peperone@slcgov.com](mailto:bill.peperone@slcgov.com))



**Address:** N/A City Wide

**Type of Request:** Zoning Text Amendments

**Current Zoning:** N/A City Wide

**Lot Size:** N/A

### ***Request***

The Salt Lake City Council has requested that the Planning Division bring forward amendments to Section 21A.50.050 of the city's Zoning Ordinance. The purpose is to differentiate between proposed amendments to the ordinance text and proposed amendments to the city's zoning map.

### ***Recommendation***

Based on the comments and analysis given in the staff report, the Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to adopt the proposed text amendments for Standards for General Amendments.

### ***Potential Motions***

**Approval:** I move to forward a positive recommendation to the City Council for approval of PLNPCM2009-00105 for the proposed amendments to Section 21A.50.050 of the Salt Lake City Zoning Ordinance, based on the following findings:

1. That distinguishing between zoning text amendments and zoning map amendments is beneficial to the city; and
2. That the current language of Section 21A.50.050 of the Zoning Ordinance makes no such distinction.

**Denial:** I move to forward a recommendation to the City Council for denial of petition PLNPCM2009-00105 for the following reasons:

- 1.
- 2.
- 3.

## ***Vicinity Map***

Because this amendment is of city-wide application, there is no vicinity map.

## ***Project Information***

### **Reasons for proposed changes**

- Current ordinance contains five criteria that are largely geographically based
- Geographically-based standards relate well to map amendments but not to text amendments
- Text amendments frequently are not site specific
- Map amendments are always site specific
- Map amendments should consider compliance with Master Plan goals and objectives as they relate to surrounding uses and neighborhood compatibility
- Text amendments are typically evaluations of policy or philosophy
- Text amendments should consider compliance goals and objectives of the policy statements of Master Plans

The proposed Ordinance 21A.50.050 is attached to this staff report as Exhibit “A” in a “strike and bold” format to make comparison to the existing ordinance easier.

Additionally, a summary of the proposed changes, in table form, has been attached to this report as Exhibit “B”.

### **Current Ordinance – Section 21A.50.050 Standards for General Amendments**

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; ***The general idea of this standard is valuable and applicable to both text and map amendments, but staff is proposing modification to the language to make it more applicable to statements of policy made by the city. Also, because Salt Lake City has no General Plan but has multiple area-specific Master Plans, the proposed language was modified to apply better to Salt Lake City.***

B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property; ***This criteria is geographically based and overlaps with the next criteria. The proposed ordinance deletes this standard, as it related to text amendments, and broadens the wording of the next criteria for consideration of map amendments.***

C. The extent to which the proposed amendment will adversely affect adjacent properties; ***This criteria was kept in the proposed ordinance for map amendments, with the removal of the word “adversely”. The affects of a proposed map amendment can be either positive or negative and staff felt that both should be considered by the Planning Commission and City Council.***

D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards; and *This criteria can apply to both text and map amendments. The proposed ordinance modifies this wording slightly.*

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, stormwater drainage systems, water supplies and wastewater and refuse collection. *This criteria is geographically based and has value, so the proposed ordinance uses this wording for map amendments but not for text amendments. In addition, the proposed changes for text amendments include criteria to evaluate whether the proposed changes are supported by the purpose statements of the zoning district and whether the proposed text amendment furthers best professional practices of urban planning.*

## **Background Information**

### **Project History**

On March 9, 2004, the City Council adopted Ordinance 13 of 2004 which included a “request that the Administration and Planning Commission advance an update to the zoning ordinance to establish separate criteria for analyzing amendments to the zoning text and zoning maps.” In 2004, the City Council felt that having evaluation criteria that would differentiate between map and text amendments would be helpful, so they initiated this code amendment.

### **Department Input**

This proposed amendment was routed to Public Utilities, Engineering, Transportation, Permits, City Attorney and Property Management. No comments were received from these departments.

### **Public Participation**

#### **Community Council Meeting**

Because this is an issue of city-wide impact, the Community Councils were made aware of this petition through advertisement of an open house that was held at the city hall on February 19, 2009. Notice of this open house was also sent to those individuals and organizations included on the Planning Division’s List Serve and notice of the open house was posted on the city’s web site. There were no comments received directly related to this issue at the open house.

A Task Force was also created with representatives of many stake-holders within the city. The Task Force was presented the proposed amendment on February 9, 2009. The Task Force had only one substantial suggestion; to add a standard under the text amendment section that would prompt consideration of economic impact a proposed amendment may have on existing or future commercial or industrial businesses. Staff felt that an economic evaluation of a proposed amendment could become too labor-intensive and complex to complete in a timely manner. Rather than pursue an economic evaluation, after taking input from the Business Advisory Board, it was decided to give longer notice to the BAB so they could evaluate the potential for impact an amendment may have on existing or future businesses.

In order to address the concern of timely notice, staff met with the Business Advisory Board on March 11, 2009 to discuss better methods for obtaining input from the Board, and other business organizations within the city. It was proposed by the BAB that the staff send notice of development applications and zoning text amendments to the BAB on the same schedule that these types of notices are sent to the

Community Councils. The BAB will form a subcommittee that will filter the applications and requests that they receive from the Planning Division and the subcommittee will decide which items will warrant discussion by the entire Board. This practice will be instituted by the Planning Division.

## **Public Comments**

As of the time of writing this staff report, no comments from the general public had been received regarding this petition.

## ***Analysis***

### **Standards of Review**

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 community master plan land use policies generally define neighborhood, community and regional land-use locations and characteristics. They do not specifically address the level of detail that amendments that are part of text amendments would address. Certainly, it is an implicit goal of the community master plan to allow for orderly growth. The purpose of this proposed amendment is to allow for more effective evaluation of map and text amendments to determine the extent of their impact.

**Finding:** That no conflict exists between the proposed code amendment and the city's adopted master plans and that the proposed amendment will serve to better protect neighborhoods by improving the standards for evaluating map and text amendments.

#### **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 amendments are not site specific. Therefore, they will not interfere with the character of specific properties. The proposed amendments will help ensure adequate evaluation criteria are adopted so that future amendments will be in harmony with the area.

**Finding:** The proposed amendments are part of a city-wide maintenance approach and do not impact the overall character of existing development.

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

**Discussion:** Because this standard is geographically specific and this proposal is for text amendment of city-wide influence, this standard is not applicable.

**Finding:** The text amendments, as proposed, will have no affect on specific properties but will allow for more careful evaluation of future map amendments, which could adversely affect adjacent properties.

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

**Discussion:** The proposed text amendments do not specifically relate, nor impact, provisions of any adopted overlay zone.

**Finding:** The proposed text amendments are consistent with the provisions of all applicable overlay zoning districts that may impose additional standards.

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

**Discussion:** The proposed text amendments do not relate to provisions governing public facilities and services.

**Finding:** The proposed amendments will not impact the adequacy of public facilities and/or services.

***Notification***

On March 10, 2009, the March 25, 2009 Planning Commission agenda was published on the Planning Division's website and listserv, and the State of Utah's Public Meeting Notice website. The subject property was posted with notice on March 20, 2009. The staff report was published on March 20, 2009.

***Attached Exhibits***

- A. Exhibit "A" Proposed ordinance, Section 21A.50.050
- B. Exhibit "B" Table summary of the proposed changes

***Attachment A***

Proposed Ordinance, Section 21A.5.050

## 21A.50.050 Standards for general amendments.

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. ~~In making its decision concerning a proposed text amendment, the city council should consider the following factors:~~
  - 1. ~~Whether the a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City~~ **City as stated through its various adopted planning documents;**
  - 2. **Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;**
  - 3. ~~Whether the a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and~~
  - 4. **The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.**
- B. ~~In making a decision to amend the zoning map, the city council should consider the following:~~
  - 1. ~~Whether the a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City~~ **City as stated through its various adopted planning documents;**
  - 2. **Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance;**
- ~~B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property;~~
- C. ~~3. The extent to which the a proposed map amendment will adversely affect adjacent properties;~~
- D. ~~4. Whether the a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and~~
- E. ~~5. 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, stormwater drainage systems, water supplies, and wastewater and refuse collection. (Ord. 26-95 2(25-4), 1995)~~

***Attachment B***

Table summary of proposed changes

