

2009 Zoning Text Amendment Project

March 2, 2009

Task Force Meeting

Members Present

Jim Ack, Betsy Burton, Cindy Cromer, Alison Einerson,, Lisette Gibson, Sandra Hatch, Ron Jarrett, Gregg Morrow, Bill Nighswonger, Helen Peters, Vasilios Priskos, , Dave Richards,, Judi Short, Ray Whitchurch, Carla Wiese, Esther Hunter; Tom DeVroom; Jim Fisher; Jeremy Witham; Shane Carlson; Lori Gutierrez; Lisette Gibson; Michael Polacek; Grace Sperry;

Members Absent

Rex Olsen Barbara Green, Gerald Green; David Fitzsimmons; Mary Corporon; Tracy Oulman; Jim Jenkin; Sydney Fonnesebeck , Bob Lund, Maria Garcia; Steven Rosenberg; Ellen Reddick; Bob Evans; Margaret Brady; Kirk Huffaker;

Staff Present

Wilf Sommerkorn, Planning Director; Cheri Coffey, Planning Manager; Nick Norris, Senior Planner; Bob Farrington, Economic Development Director;

Changes to Summary Notes from February 9, 2009 meeting.

There were no suggested changes to the Summary Notes.

General Notes about the meeting

- A. The lecture style format of the room makes face to face dialogue difficult. Look at using a similar format to the first task force meeting, but in a room where it is easier to hear and where everyone can fit at the table.

Discussion relating to existing Zoning District Purpose Statements

1) General Notes relating to all zoning districts

- A. Need to sharpen the language of all districts: what does “provide for” mean? Do we want to encourage or require (carrot vs., the stick?) Which way is more effective?
 - a. City needs to take lead on addressing the impact issues;
- B. Need language that has teeth (use shall, not should or may);
- C. Adequate enforcement needs to be maintained by City (unit legalizations);
 - a. City needs to follow up: once a decision is made, ensure implemented through inspections, etc. (Note: this is more related to administration of the ordinance, and not necessarily the purpose statement.)
- D. Need to make violator prove they are not violating rather than make the person filing the complaint do it. (Note: This is likely an unconstitutional approach to ordinance enforcement. Generally, defendants are considered innocent until proven guilty.)
- E. Allow non residential in historic structures to ensure they are preserved;
- F. Be explicit about what the issues are.
- G. Obstacles between developing mixed use projects include a lack of local developers who can do it, insurance issues, financing issues, code (including building codes) issues.
 - a. Insurance costs differ depending on type of use (retail costs more to insure than office)
 - b. Market is also an issue (overbuilt housing or overbuilt office space
 - c. Market realities change
 - d. Carrying capacity created by zoning and land area may be greater than the market can handle.
 - e. Too ambitious, won’t happen all at once.
 - f. We zone some areas as if there is no limit to demand.
- H. General Issue throughout is dealing with the interface between different land uses.
- I. Include Sustainability in all zones

2) Residential Zoning Districts

- A. General Notes relating to all residential districts
 - 1. Define what is meant by low, moderate, medium, high density.
 - 2. Mix of styles so the structures do not all look the same (suburbia i.e. don’t have residential that is so homogenous.)
 - 3. Look at ratio of lot size to building size.
 - 4. Don’t focus on need to gentrify areas of the City. It is good to keep diverse neighborhoods.
 - 5. Need to consider alternatives to housing choices, both in size, type, cost, owner occupied, etc.
- B. Foothill Districts
 - 1. Provide protection for view corridors looking to the foothills from the rest of the City
- C. R-1 Districts
- D. SR Districts

E. R-2 Districts

F. RMF Districts

1. Is there a way to include a specific ratio for mixed uses in order to distinguish between RMF and RMU zones?

G. RB

1. Exterior treatment of structures is important; pedestrian and street orientation;
2. The zone provides locations for business incubators;
3. Lack of buffering (i.e. light trespass, noise, service vehicles) between businesses and adjacent residential uses is an issue;
4. RB zone takes away housing from neighborhood;
5. Great zone for neighborhood business;
6. Essential to the lifecycle of the city. Allows a small business in a home on a busy road until a future date when a conversion to another use is viable;
7. Preserves property;
8. California Avenue would be a good spot for additional RB zoning;
9. The purpose statement should indicate that the RB zone is a transition zone;
10. Include how to mitigate impacts when small businesses become really successful;
11. Parking and traffic are real issues with small businesses due to impacts on abutting residential; ; Allow non residential in historic structures to ensure they are preserved;

H. RMU Zones

1. Is the goal to create mixed use in one building or spread it out through a district? It is sometimes difficult to have in one building. One example (which was developed under the former R-6 zoning district) was a structure at 960 E 100 South. It was originally developed as part office and part residential. Both the residential and offices were condominiums. However, the office part of the structure didn't work out and so that was eventually converted to residential as well.

I. RO District

1. Use of zone is spotty; a lot of parcels in this district are split zoned.
2. Is the use trying to encourage the reuse of existing buildings for a specific reason?

2) Commercial Zoning Districts

A. Commercial Zones General Comments

1. Put Portland language in place of commercial intent statements;
2. Identify commercial zoning as an economic asset to the community

B. CN District

1. May be too intensive for small corner areas; standards may be too broad;
2. Need another zone that better fits those former small business lots (former grocery store lots);
3. Impacts of new parking regulations on neighborhood; parking, delivery impacts etc.;

4. Address how the businesses are serviced (alleys access has an impact on residential uses);
 5. Hard to find a business that can survive strictly on pedestrian traffic. Must address vehicles;
 6. Cumulative impact: Eggs in the City restaurant and proposed new development on NE corner of 1300 S 1700 E gets back to percentage of uses in a mixed use area. Is there a way to base uses off of trip generation? Can this be done by reducing vehicle miles traveled; increased density, sustainability?
 7. How to deal with the success of small neighborhood businesses?
- C. CB District
1. CB maybe utilize this zone differently. See the University Commercial area. It is the same zoning as Smiths on 9th and 9th.
 2. CB and CN have similar impacts, but because of the size allowed in CB the cumulative impacts are greater.
 3. Look at carrying capacity of adjacent roads.
- D. CC District
- E. CG District
1. Pedestrian access needs to be thought about for uses like Big Box retail. Can be geared toward the car and oriented to the street and still take into account the pedestrian
 2. Address connectivity issues with adjacent and nearby residential uses and find ways to penetrate the property without using cars.
- F. TC-75 District
1. The purpose statement doesn't emphasize housing although the standards in the zone do.
 2. Issues with zoning in general are that it doesn't take into account compatibility regulations with abutting uses.
 3. There is a fine balance between incentives and regulation.
 4. Problem is that it addresses a corridor versus a node.
 5. Node concept could be applied to North Temple and West Temple as well.
- 3) **Manufacturing Zoning Districts**
- A. M-1 District & M-2
1. Include services that provide a convenience to the employees working in the manufacturing industries.
- 4) **Downtown Zoning Districts**
- A. D1 District
1. Nothing about housing in D1, D-2.
 2. Increase entertainment, tourism, hospitality in D-1;
- B. D-2 District
1. Nothing about housing D-2.
- C. D-3 District

D. D-4 District

1. D-4 may be becoming the hospitality/entertainment district;

5) **Gateway Zoning District**

A. GMU District

1. Incorporate gateway neighborhood into downtown better.
 - a. Perhaps add the gateway zone as a downtown zone?

6) **Special Purpose Zoning Districts**

A. I District

1. How to deal with buffering these uses when they are in neighborhoods (Westminster College, Judge Memorial, etc)
2. Include the word private by public and semi public so it matches UI district language.

B. EI District

1. Typically abut open space or manufacturing.
2. Include regulations relating to impacts on adjacent properties and users.

C. MH mobile home park: mobile homes provide for low income housing and should be preserved.

D. Other Special Purpose districts that did not generate specific comments

1. RP research park
2. BP business park
3. FP foothill protection
4. AG agricultural
5. AG-2 agricultural
6. AG-5 agricultural
7. AG-20 agricultural
8. A airport
9. PL public lands
10. PL-2 public lands
11. UI urban institutional
12. OS open space
13. NOS natural open space
14. MU

7) **Next Steps**

- A. Draft Purpose Statement Language to address issues
- B. Review of Draft language by task force
- C. Review of Draft language by public at open house.
- D. Review of draft language by Planning Commission
- E. Planning Commission Public Hearing
- F. Proposed language transmitted to City Council
- G. City Council briefing

H. City Council Public Hearing and adoption