



CITY COUNCIL STAFF REPORT

MEETING DATE: 1 April 2015
APPLICANT: South Salt Lake City
PROJECT NUMBERS: Z-15-001 and Z-15-002

REQUESTS: **Z-15-001: A recommendation to the City Council to amend the City's Land Use Ordinance and Zoning Map to consolidate the Business Commercial District and Commercial General District into the Commercial General District**

Z-15-002: A recommendation to the City Council to amend the City's Land Use Ordinance and Zoning Map to remove density bonus language from the Municipal Code, and to amend development standards in the Transit-Oriented Development Overlay District and to establish a new zoning district called Transit-Oriented Development Overlay – Core.

PREPARED BY: Francis Xavier Lilly, AICP

SYNOPSIS: As part of the effort to update the City's Land Use Ordinances and Zoning Map, South Salt Lake is petitioning the Planning Commission and City Council to consolidate the Business Commercial District and Commercial General District into one district, called Commercial General. In 2012, the City consolidated the Business Commercial and Commercial General districts in the land use ordinance, and currently, the land use ordinance refers only to a Commercial General District. This petition will bring the zoning map into compliance with the existing land use code.

South Salt Lake City is also petitioning the Planning Commission and City Council to amend development standards in the TOD Overlay District, and to create a new TOD Overlay – Core (TOD-C) for properties that fall roughly within a quarter mile of the Millcreek and Meadowbrook TRAX Stations. This petition is intended to encourage larger-scale medium-density residential development where feasible along the corridor, while facilitating smaller, higher-density projects closer to the light rail stations. Both overlay districts are intended to support commercial activity and mixed-use neighborhoods.

PLANNING COMMISSION RECOMMENDATION:

On 19 February 2015, the South Salt Lake City Planning Commission voted unanimously to recommend that the City Council consolidate the Business Commercial and Commercial General Districts into the Commercial General District.

On 5 March 2015, the South Salt Lake City Planning Commission voted unanimously to recommend that the City Council remove density bonus language from the Municipal Code, to amend development standards in the Transit-Oriented Development Overlay District, and to establish a new zoning district called Transit-Oriented Development Overlay – Core.

SUMMARY:

- The City recommends consolidating the Business Commercial and Commercial General Districts into one district called Commercial General. A handful of residential uses formerly allowed in the Business Commercial district prior to its repeal in 2012 would no longer be allowed if the districts are consolidated.
- Any commercial or residential uses legally established prior to the adoption of the proposed changes will be considered legally nonconforming, or grandfathered. Nonconforming uses can continue in uses where they are not allowed, subject to the standards established in Chapter 17.23 of the Municipal Code.
- The South Salt Lake City General Plan Future Land Use Map recommended consolidating TOD areas around existing stations, rather than along the entire corridor.
- TOD areas are envisioned by the General Plan to include vibrant commercial uses. The City recognizes that many of the corridors in the TOD areas are and will remain commercial in nature. The General Plan also includes a number of goals, objectives, and policies to encourage business growth and retention. Current TOD standards include potential reductions in parking requirements that have benefitted commercial users in TOD areas.
- South Salt Lake City believes that the use restrictions and development standards in the existing TOD overlay have improved the neighborhoods between 300 West and Main Street.
- Residential development can occur along the corridor, but it should be of a scale and density to affect a positive neighborhood transformation.
- Residential development nearer transit could be smaller-scale, higher-density because of proximity to transit stations and quality pedestrian connections.
- Recognizing that higher density projects are only appropriate in areas near transit and that the new residential design, parking, and landscaping standards are supporting the creation of quality projects, the City recommends eliminating the density bonus provisions from the land use ordinance as part of this proposal.
- The Community and Economic Development Department hosted an open house on Thursday, 12 February 2015 and spoke with nearly 50 property and business owners as part of this proposal. As a result of these discussions, staff is not recommending any changes to the land use matrix for the new TOD-C overlay zone. The City proposes that uses that are currently allowed in the TOD overlay zone will be allowed in the TOD-C overlay zone. The only proposed changes address residential development standards and density.
- This petition is made by the city primarily to address inconsistencies between the zoning map and ordinance, to bring the zoning map into compliance with the General Plan, and to facilitate residential development near transit stations as the market supports it. There are no proposed residential redevelopment projects in the proposed TOD-C districts, other than those that have already been reviewed by the Planning Commission or City Council. South Salt Lake City is not pursuing the creation of a redevelopment area in the proposed TOD-C districts.

STAFF ALTERNATIVES

Hearing/Motion 1:

1. A recommendation to the City Council to amend the City's Land Use Ordinance and Zoning Map to consolidate the Business Commercial District and Commercial General District into the Commercial General District.
2. Continuance, due to issues raised during the staff presentation.

Hearing/Motion 2:

1. A recommendation to the City Council to amend the City's Land Use Ordinance and Zoning Map to remove density bonus language from the Municipal Code, and to amend development standards in the Transit-Oriented Development Overlay District and to establish a new zoning district called Transit-Oriented Development Overlay – Core.
2. Continuance, due to issues raised during the staff presentation.



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Synopsis:

As part of the effort to update the City's Land Use Ordinances and Zoning Map, South Salt Lake is petitioning the Planning Commission and City Council to consolidate the Business Commercial District and Commercial General District into one district, called Commercial General. In 2012, the City consolidated the Business Commercial and Commercial General districts in the land use ordinance, and currently, the land use ordinance refers only to a Commercial General District. This petition will bring the zoning map into compliance with the existing land use code.

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South Salt Lake City supports the creation of viable mixed-use neighborhoods near transit, and finds that these changes along with existing provisions of our code regulating design standards and nonconforming uses will support the continued growth of businesses in the corridor.

Figure 1: Proposed Zoning Changes – Business Commercial to Commercial General and TOD Overlay – Core

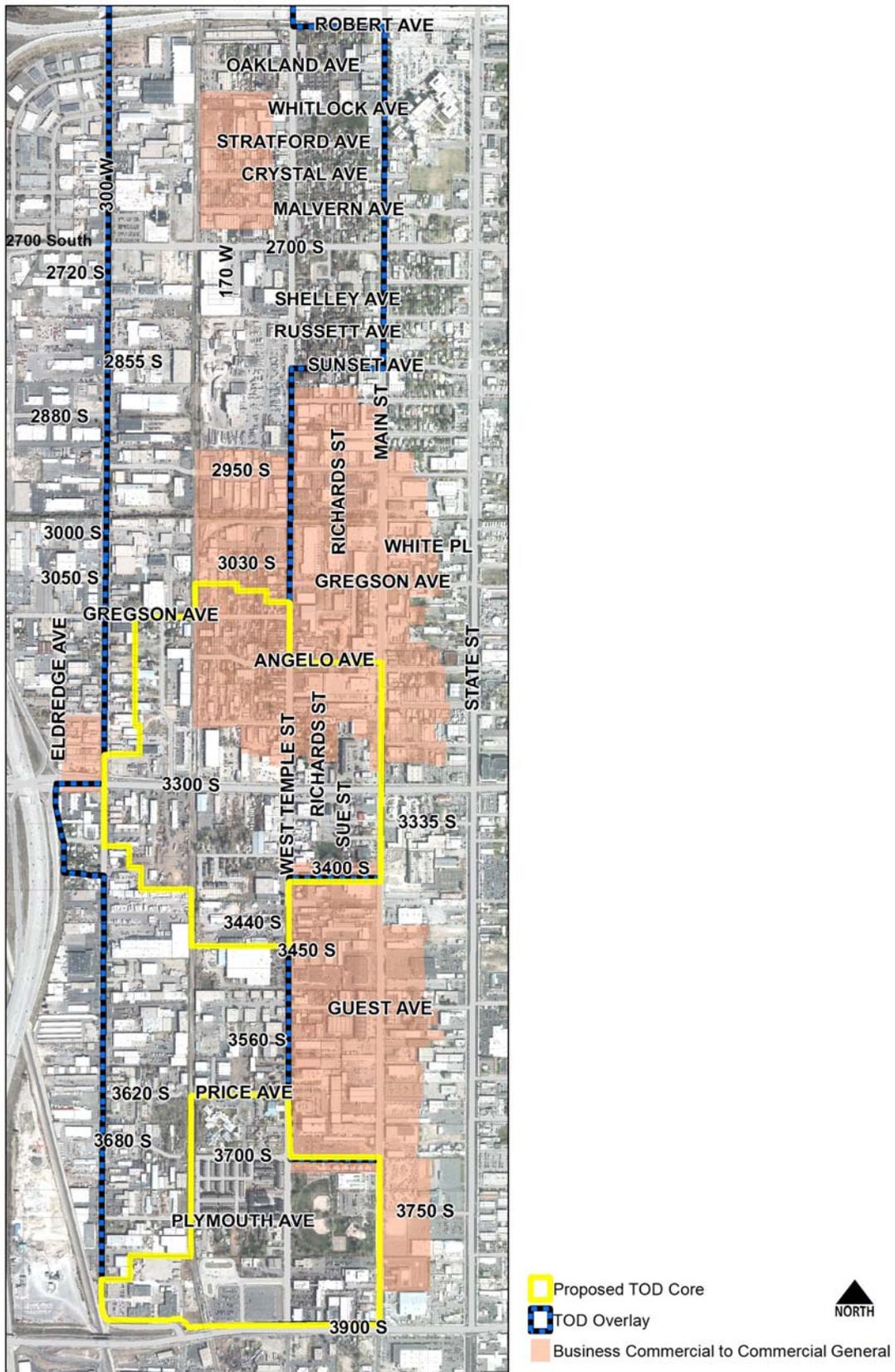
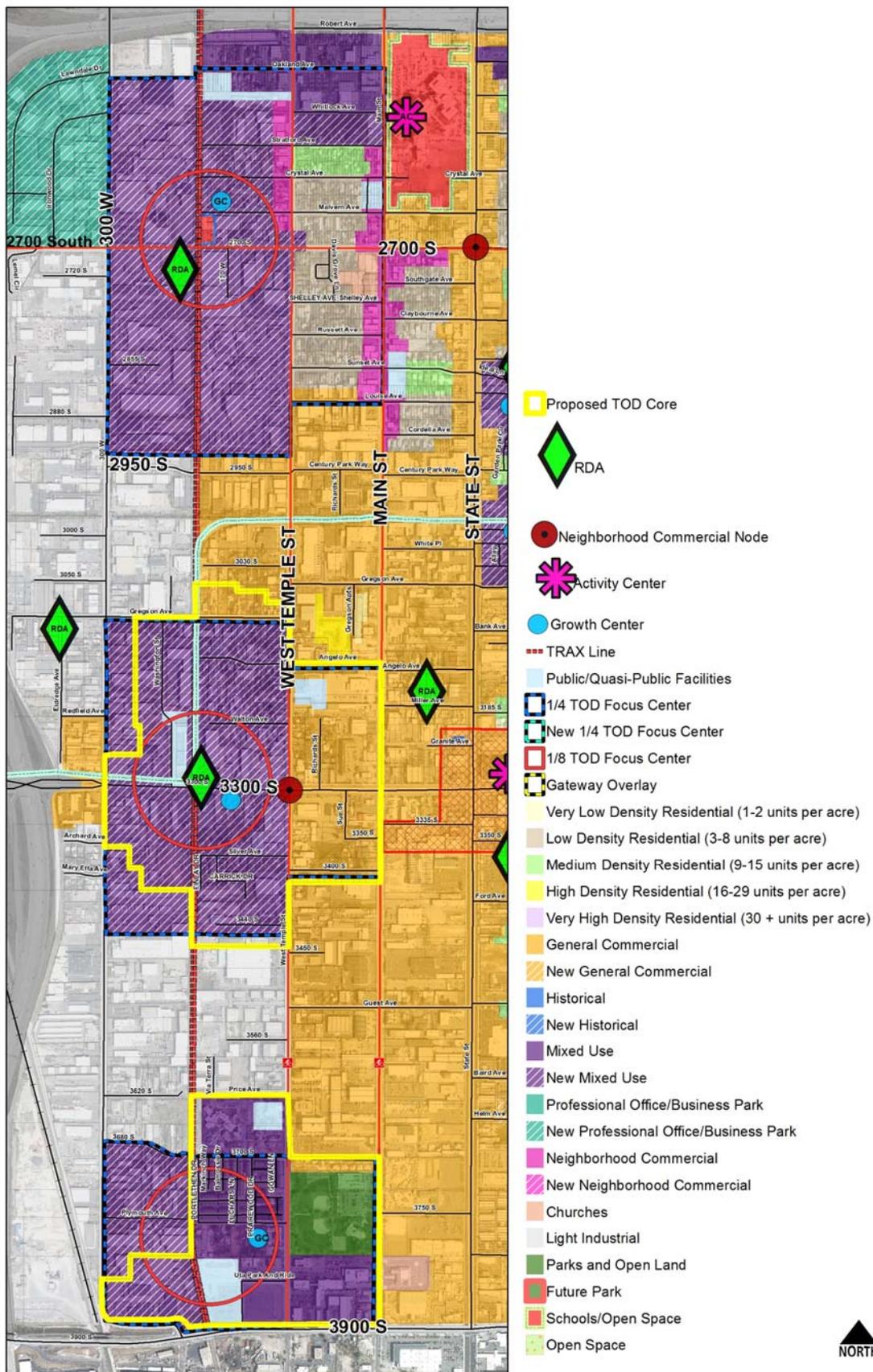


Figure 2: Future Land Use Map and Potential TOD Core Overlay



General Plan Considerations:

By creating a provision for approving a master plan as part of a land-use district designation, this ordinance could further several goals of the General Plan, depending on where the district is located and what uses are proposed. Relevant General Plan goals include:

Goal LU-1. Regulate land uses based on compatibility with surrounding uses, residential areas and economic feasibility. Maintain residential, business and industrial areas that are vibrant and where the health and safety of all are protected.

Policy LU 1-2.1. Only allow residential uses in business areas that are compatible with surrounding uses by type, scale, and size.

Goal LU-4. Capitalize on South Salt Lake's vast transit options by creating specific transit-oriented development land use plans, using current best practices.

Objective LU-4.1. Implement existing TOD plans as part of the General Plan Update.

Goal LU-7. Protect low-density residential areas adjacent to businesses districts.

Goal LU-8. Accommodate higher density housing in appropriate areas.

Policy LU-8.1.2. Locate higher density housing in TOD areas and areas abutting other forms of mass transit as well as on major arterial corridors. *(Note: South Salt Lake City's residential land use matrix requires that residential along major arterial corridors include a commercial component as part of the development, either on the ground floor of a multi-story mixed-use building or on a separate structure along the frontage.)*

Goal TE-4. Enhance the transit options available to South Salt Lake residents.

Objective TE-4.1. Build on opportunities at TRAX stations: Central Pointe, Millcreek, and Meadowbrook

Policy TE-4.1.1. Continue to encourage transit-oriented development on properties surrounding the TRAX stations and surrounding neighborhoods within ¼ mile.

Goal HE-2. Improve the overall quality of existing housing stock.

Goal ES-3. Enhance the quality of life in South Salt Lake by improving the community's appearance, safety, education, positive outlook, gathering places and positive momentum.

Ordinance Requirements and Considerations:**Land Use Amendment Procedure:****17.01.150 Amendments.**

- A. Amendments to the Zoning Map. Amendments to the zoning map shall be made in compliance with the provisions of this chapter and Utah State Code Annotated.
- B. Initiating Amendments and Corrections. Any citizen, property owner, the planning commission, the city council, or the community development director may initiate proposals for change or amendment of the South Salt Lake General Plan or any chapter or regulation of this code or the official city zoning map.
- C. Application. Any person seeking an amendment to the land use code or zoning map shall submit an application with the community development department indicating the change desired and how the change will further promote the goals and objectives of the general plan. Application will be processed and noticed to the public, when applicable, according to this code and Utah Code Annotated. Applications will be processed in an efficient manner in order to not cause the applicant unwarranted delays.
- D. Planning Commission. The planning commission shall:
 1. Fulfill all duties outlined in state statute that are to be performed by the planning commission.
 2. Prepare and recommend to the city council the general plan or amendments to the general plan, any proposed land use ordinance or ordinances and a zoning map, and amendments thereto that represent the planning commission's recommendation for regulating the use and development of land within all or any part of the area of the municipality.
 3. Hold a public hearing on a proposed land use ordinance or zoning map amendment.
- E. City Council. The city council:
 1. May adopt or amend:
 - a. The number, shape, boundaries, or area of any zoning district on the official city zoning map;
 - b. Any regulation of or within the zoning district; or
 - c. Any provision of the development code.
 2. The municipal legislative body shall consider each proposed land use ordinance and zoning map recommended to it by the planning commission, and, after providing notice as indicated in this code and Utah State Code Annotated and holding a public meeting, the legislative body may adopt or

reject the ordinance or map either as proposed by the planning commission or after making any revision the municipal legislative body considers appropriate. The city council is not bound by any recommendation from the planning commission.

17.05.110 Purpose of the land use code.

- A. The purposes of this title are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the city of South Salt Lake and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the city's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values.
- B. To accomplish the purposes of this chapter, the city may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that it considers necessary or appropriate for the use and development of land within the city, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.
- C. This code is adopted to implement the city of South Salt Lake's general plan and to promote public health, safety, convenience, aesthetics, welfare, stable land values, efficient land use, sustainable land use and building practices, crime prevention, transportation and accessibility, and efficiency in land use review and administration.
- D. The land use code is also established to facilitate orderly growth and development in the City of South Salt Lake and to enhance the lives of the citizens of the city.
- E. The land use code intends to establish a fair and efficient process for development and land use applications, as accomplished through the delegation of powers among city officials and a transparent review process.

17.15.010 Commercial and Residential Land Uses - Purpose and applicability.

- A. Purpose. The land use matrix and standards are intended to:
 - 1. Allow a mixture of complimentary land uses that may include retail, offices, commercial services, civic uses and industrial uses to create economic and social vitality;
 - 2. Encourage a diversity of businesses to expand and locate to the city;

3. Continue to support the business areas as regional employment centers;
4. Develop districts that encourage walking as an alternative to driving.

Analysis

South Salt Lake is petitioning the above changes to resolve an inconsistency between the zoning map and the land use ordinance and to achieve the general plan goals of supporting higher density residential redevelopment where it is appropriate.

Consolidation of the Business Commercial and Commercial General Districts

In 2012, the South Salt Lake City Council adopted Chapters 17.11 and 17.13 of the Land Use Code. This amendment eliminated the Business Commercial District and maintained the Commercial General District. At the time, the districts were virtually identical, but the Business Commercial District included a number of residential uses that were not allowed in Commercial General District: assisted living facilities, residential condominiums, senior living, and multifamily apartment buildings.

In both districts, the commercial uses were the same. Since the zoning update, the City has received no applications for residential uses in the Business Commercial Districts that are indicated on the zoning map.

South Salt Lake seeks to amend the zoning map to designate the Business Commercial Districts as Commercial General. The district boundaries will not be modified as part of this proposal. South Salt Lake finds that this change supports the General Plan goal to regulate land uses based on compatibility with surrounding uses, residential areas and economic feasibility. Maintain residential, business and industrial areas that are vibrant and where the health and safety of all are protected.

Amending Development Standards in the Existing TOD Overlay District

The General Plan recommended consolidating TOD areas in South Salt Lake. Rather than supporting a corridor along the main TRAX line, the Plan recommends creating TOD cores around the existing transit stations. However, South Salt Lake City has found that the use restrictions in the existing TOD Overlay district have made a positive impact for the neighborhood between 300 West and Main Street, allowing it to act as a buffer between the industrial to the west and the residential to the east.

South Salt Lake recognizes that the neighborhoods within the existing TOD overlay are largely commercial in nature, and that the most successful residential development (Waverly Station and The Lofts at Meadowbrook) has occurred immediately adjacent to existing transit stations. A number of informal proposals and one formal application have recommended smaller-scale residential projects at various locations along the corridor, many of which lacked the scale to successfully transform the neighborhoods in question. The proposals tended to be small with narrow street frontages, reliant on private lanes. In consultation with the Planning Commission and City Council, staff recommends amending the development standards in the TOD overlay district to support housing that is more likely to induce the creation of true mixed-use neighborhoods.

The specific recommendations are as follows:

Residential Development Standards for the TOD Overlay District		
	Current Standard	Proposed Standard
Maximum Density:	65 units/acre	15 units/acre
Minimum Lot Area: Townhomes	None	2,500 square feet, for townhomes that have private yard areas.
Minimum Lot Area: Single Family	6,000 square feet	6,000 square feet
Minimum Development Area for Residential Subdivisions	None	1 acre, unless every lot in the subdivision or PUD fronts a public street.
Build-To Zone	5 to 15 feet	Build-To Zones for residential buildings on public rights-of-way to be 15 feet, unless modified by the Land Use Authority.
Density Bonus	At discretion of Land Use Authority	None

All other standards pertaining to lot width and multifamily residential development will remain the same.

The changes recommended above are intended to promote development that is of sufficient scope to create residential neighborhoods in the TOD Overlay District, on streets where the character is currently commercial. Staff does not believe that small infill projects will create that same impact.

While the general plan recommends that the TOD districts be consolidated, staff supports the preservation of the TOD overlay along the corridor as a means of improving development standards between 300 West and Main Street, and enhancing the appearance of the corridor itself.

The proposed maximum density would be in line with the General Plan's definition of medium-density residential.

No other land use changes are proposed as part of this petition.

Establishing a Transit-Oriented Development Overlay – Core (TOD-C) District

South Salt Lake seeks to establish a Transit-Oriented Development Overlay – Core district, primarily to establish a different set of residential development standards and to allow for higher-density smaller projects within a quarter-mile of the Millcreek and Meadowbrook TRAX stations. Because the proposed districts contain significant business activity, staff is not recommending changing any land uses. All uses that are currently allowed in the TOD Overlay districts will be allowed in the TOD-C districts.

The district designations are intended to roughly align with the future land use map designations for the TOD cores. However, staff reviewed these district boundaries and

found existing uses and development conditions, particularly along 300 West, to be incompatible with the proposed TOD-C designation. Until pedestrian connections better connect these areas to the existing transit stations, staff does not recommend including them in the TOD core.

The specific development standards for the TOD-C districts are described below:

Residential Development Standards for the TOD Core District	
	Proposed Standard
Maximum Density:	None
Minimum Lot Area: Townhomes	None
Minimum Lot Area: Single Family	6,000 square feet
Minimum Development Area for Residential Subdivisions	None
Density Bonus	None

All other standards pertaining to lot widths and multifamily rental development will remain the same as in the current TOD district.

This district proposes to remove a maximum density for residential projects near transit stations. Staff believes that the design, parking, and landscaping standards are robust enough to support market-driven densities, and that the open space and parking requirements will act as an effective check on densities much higher than 70 units per acre.

Except for the removal of the density bonus, all other standards listed above are the same as what is currently allowed in the TOD Overlay. Creating a new overlay zone allows the city to allow higher densities in areas that are well-connected to transit through accessible bicycle and pedestrian paths, while establishing standards in other areas along the corridor that will facilitate the creation of mixed-use neighborhoods that are appropriate in scale and type.

Staff initially proposed calling these districts TOD Neighborhoods, and notified residents of a series of land use changes that would occur as part of the proposal. However, in response to concerns expressed from area businesses, staff is proposing referring to these districts as TOD Cores. Recognizing the strength and vibrancy of the commercial uses in the corridor, no other land uses are proposed to be changed as part of this district designation. All uses that are currently allowed in the TOD Overlay will be allowed in the TOD Core under this new proposal.

The intent of this proposal is to focus higher-density redevelopment where it is most appropriate, in keeping with the General Plan policy to locate higher density housing in TOD areas and areas abutting other forms of mass transit as well as on major arterial corridors. Since the General Plan recommends consolidating these areas to approximately one quarter mile surrounding the transit stations, the proposed TOD Core district is proposed

Other Changes

This proposal seeks to remove density bonus language from the Residential Multiple, Commercial Corridor, Professional Office, Gateway West, TOD Overlay, and Mixed Use districts. Staff finds that higher densities should only be supported in areas that are proximate to light rail or streetcar facilities, or are part of a master planned mixed use district.

Planning Commission and Staff Recommendation:

Staff finds that the proposed changes meet the intent of the General Plan to consolidate land use districts, to support strong business areas, and to support high density housing in areas that are appropriate for it.

The Planning Commission voted unanimously to recommend adoption of both proposals.

Motion 1:

A motion to establish the East Streetcar Corridor Land Use District and to adopt the East Streetcar Corridor Form Based Code as an amendment to the South Salt Lake City Land Use Code.

Motion 2:

A motion to amend the City's Land Use Ordinance and Zoning Map to remove density bonus language from the Municipal Code, and to amend development standards in the Transit-Oriented Development Overlay District and to establish a new zoning district called Transit-Oriented Development Overlay – Core.

Attachments:

Attachment 1: Proposed Ordinance Amendments. Note that changes are highlighted.

Attachment 2: Planning Commission Meeting Minutes

**ATTACHMENT 1: PROPOSED ORDINANCE
AMENDMENTS**

**ATTACHMENT 2: PLANNING COMMISSION
MEETING MINUTES**