

ERIN MENDENHALL  
Mayor



DEPARTMENT of COMMUNITY  
and NEIGHBORHOODS

Blake Thomas  
Director

## CITY COUNCIL TRANSMITTAL

Jill Love

Jill Love (May 5, 2024 09:13 MDT)

Jill Love, Chief Administrative Officer

**Date Received:** 05/09/2024

**Date sent to Council:** 05/09/2024

**TO:** Salt Lake City Council  
Victoria Petro, Chair

**DATE:** 05/07/24

**FROM:** Blake Thomas, Director, Department of Community & Neighborhoods



**SUBJECT:** PLNPCM2024-00155 - Form Based Zone Corrections Text Amendment

**STAFF CONTACT:** Noah Elmore, Associate Planner  
[noah.elmore@slcgov.com](mailto:noah.elmore@slcgov.com) or (801) 535-7971

**DOCUMENT TYPE:** Ordinance

**RECOMMENDATION:** That the City Council adopt the ordinance as recommended by the Planning Commission.

**BUDGET IMPACT:** None

**BACKGROUND/DISCUSSION:** Mayor Erin Mendenhall has initiated a zoning text amendment to correct sections in Chapter 21A.27 - Form Based Districts.

The code currently contains language exempting certain building additions from development standards that regulate building form such as setback, height, density, and design standards. Exempting additions from the zoning district's regulations would effectively negate the intent of the chapter, which is to regulate building form. This had been corrected in this proposal.

Changes to existing buildings that do not affect a building entrance should not trigger compliance with entry features standards, and small additions should not trigger open space area requirements. The standard for residential balconies is also revised to clarify that balconies must be looking out over a public street as opposed to a side yard.

Other revisions will be made to correct errors that occurred inadvertently through previously adopted text amendments. First, there are specific street corners called out in the zoning ordinance which permit additional building height. A footnote will be revised to identify the correct street references. Additionally, the chapter regulating fences, walls, and hedges inadvertently excludes form based zoning districts in the list of the “non-residential” districts. This amendment will revise that section to clarify which chapters fall under “non-residential”, including the form based zoning districts. Finally, the proposal includes reinsertion of a deleted requirement to screen dumpsters.

## **PUBLIC PROCESS:**

**Community Council Notice:** A notice of application was sent to all recognized community organizations on February 8, 2024, per City Code Chapter 2.60 with a link to the online open house webpage. The recognized organizations were given 45 days to respond with any concerns or to request staff to meet with them and discuss the proposed zoning amendment. The 45-day public engagement period ended on March 25, 2024.

**Public Open House:** An online open house was held from February 12, 2024 to March 25, 2024. No public comment was received.

**Planning Commission Meeting:** The Planning Commission held a public hearing on April 10, 2024. The Planning Commission forwarded a positive recommendation to City Council on the proposed amendment.

## **Planning Commission (PC) Records**

- a) [PC Agenda of April 10, 2024](#) (Click to Access)
- b) [PC Minutes of April 10, 2024](#) (Click to Access)
- c) [Planning Commission Staff Report of April 10, 2024](#) (Click to Access Report)

## **EXHIBITS:**

- 1) Project Chronology
- 2) Notice of City Council Public Hearing
- 3) Original Petition

Project Title: Form Based Zone Corrections

Petition No.: PLNPCM2024-00155

Version: 1

Date Prepared: April 29, 2024

Planning Commission Action: Recommended 4/10/24

<b>APPROVED AS TO FORM</b> Salt Lake City Attorney's Office Date: <u>April 29, 2024</u> By: <u>Katherine D. Pasker</u> Katherine D. Pasker, Senior City Attorney
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This proposed ordinance makes the following amendments to Title 21A. Zoning:

- Deletes subsection 21A.27.020.C;
- Amends subsection B, C.1 and C.2 of 21A.27.030 to include exemptions to existing structures;
- Amends table 21A.27.050.C.3, footnote 1.c containing an incorrect street intersection;
- Amends subsections D.2 and E.1.a(4) of 21A.40.120 to make technical changes.

Underlined text is new; text with strikethrough is proposed to be deleted. Modifications made as part of the Planning Commission recommendation are highlighted in yellow. All other text is existing with no proposed change.

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1. *Deletes Subsection 21A.27.020.C*

C. ~~Building Form Standards:~~

- ~~1. The provisions of this section shall apply to all properties located within the Form Based Districts as indicated on the maps in each Form Based District.~~
- ~~2. Building form and street type standards apply to all new buildings and additions when the new construction related to the addition is greater than twenty five percent (25%) of the footprint of the structure or one thousand (1,000) square feet, whichever is less. Refer to Section 21A.27.030 of this chapter on the building configuration standards for more information on how to comply with the standards. The graphics included provide a visual representation of the standards as a guide and are not meant to supersede the standards in the tables. Only building forms identified in the table are permitted.~~

2. *Amends Subsection 21A.27.030.B as follows:*

B. Building Entry: Refer to the building entrance standards in Subsection 21A.37.050.D of this title. In the case of an existing structure, this standard shall only apply if changes are made to the building entrance.

[No amendment to the tables or illustrations in said subsection.]

3. *Amends Subsection 21A.27.030.C.1 as follows:*

1. Open Space Area: A minimum of ten percent (10%) of the lot area shall be provided for open space area, unless a different requirement is specified in the building form regulation. Individual districts may require additional open space area requirements. Open space area may include landscaped yards, patio, dining areas, common balconies, rooftop gardens, and other similar outdoor living spaces. Private balconies shall not be counted toward the minimum open space area requirement. Required parking lot landscaping or perimeter parking lot landscaping shall also not count toward the minimum open space area requirement. Additions to existing buildings are exempt from this standard when the addition is less than twenty-five percent (25%) of the footprint of the structure or one thousand (1,000) square feet, whichever is less.
4. *Amends Subsection 21A.27.030.C.2 as follows:*
2. Residential Balconies: ~~All street facing residential units above the ground floor or level shall contain a usable balcony facing the street that is a minimum of four feet in depth. Balconies may overhang any required yard.~~ All dwelling units located above the first story and on a street-facing façade shall include a balcony. The balcony shall be accessible from the dwelling unit and project a minimum of four feet from the street-facing façade. Balconies may project into a required front yard setback. In the case of an addition to an existing structure, this standard shall only apply to portions added along street-facing elevations.
5. *Amends Footnote 1.c to Table 21A.27.050.C.3 as follows:*
- c. For legally existing parcels or lots as of January 1, 2023 located on the corners of 200 West Temple at Fayette Avenue;
6. *Amends Subsection 21A.40.120.D.2 as follows:*
2. Nonresidential ~~d~~Districts (~~e~~Chapters 21A.26 through 21A.34 of this title: ~~commercial districts, manufacturing districts, downtown districts, gateway districts, special purpose districts and overlay districts~~):
7. *Amends Section 21A.40.120 to adopt Subsection 21A.40.120.E.1.a(4) as follows:*
- (4) All refuse disposal and recycling dumpsters shall be screened on all sides by a solid wood fence, masonry wall, or an equivalent opaque material to a height of not less than 6 feet but not more than 8 feet.

[END]

## **1. CHRONOLOGY**

# Project Chronology

**Petition:** PLNPCM2024-00155

- February 6, 2024 Petition initiated by Mayor Mendenhall.
- February 6, 2024 Petition assigned to Noah Elmore, Associate Planner.
- February 2024 – March 2024 Staff drafted language to support goals of the petition.
- February 8, 2024 Notice of petition sent to all city recognized community organizations.
- February 12, 2024 Petition posted to the Planning Division's Online Open House webpage. Public comment period ended March 25, 2024
- March 28, 2024 Planning Commission agenda posted to the website and emailed to the listserv.
- April 4, 2024 Staff Report posted to Planning's webpage.
- April 10, 2024 Planning Commission meeting and public hearing held. A positive recommendation was forwarded to the City Council.
- April 30, 2024 Ordinance received from City Attorney's office.

## **2. NOTICE OF CITY COUNCIL HEARING**

## NOTICE OF CITY COUNCIL HEARING

The Salt Lake City Council is considering Petition **PLNPCM2024-00155** – Mayor Erin Mendenhall has initiated a zoning text amendment to correct sections in Chapter 21A.27 - Form Based Districts. Form Based Districts were adopted in 2016 and most recently amended in 2023. Over time, staff has found certain standards to be incorrect, inconsistent, or otherwise incompatible with the intent of the chapter. Related provisions of Title 21A may also be amended as part of this petition. (Staff Contact: Noah Elmore at (801) 535-7971 or [noah.elmore@slcgov.com](mailto:noah.elmore@slcgov.com))

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During the hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The Council may consider adopting the ordinance the same night of the public hearing. The hearing will be held:

**DATE:**

**TIME:** 7:00 pm

**PLACE:** Electronic and in-person options.  
451 South State Street, Room 326, Salt Lake City, Utah

**\*\* This meeting will be held via electronic means, while also providing for an in-person opportunity to attend or participate in the hearing at the City and County Building, located at 451 South State Street, Room 326, Salt Lake City, Utah. For more information, including WebEx connection information, please visit [www.slc.gov/council/virtual-meetings](http://www.slc.gov/council/virtual-meetings). Comments may also be provided by calling the 24-Hour comment line at (801) 535-7654 or sending an email to [council.comments@slcgov.com](mailto:council.comments@slcgov.com). All comments received through any source are shared with the Council and added to the public record.**

If you have any questions relating to this proposal or would like to review the file, please call Noah Elmore at (801) 535-7971 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, or via e-mail at [noah.elmore@slcgov.com](mailto:noah.elmore@slcgov.com). The application details can be accessed at <https://citizenportal.slcgov.com/>, selecting the “Planning” tab, and entering petition number PLNPCM2024-00155.

People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the City Council Office at [council.comments@slcgov.com](mailto:council.comments@slcgov.com), (801) 535-7600, or relay service 711.



### **3. ORIGINAL PETITION**



# MEMORANDUM

PLANNING DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Mayor Erin Mendenhall

Cc: Rachel Otto, Chief of Staff; Blake Thomas, Department of Community and Neighborhoods Director;  
Michaela Oktay, Deputy Planning Director

From: Nick Norris, Planning Director

Date: February 2, 2024

Re: Zoning Amendments to correct standards in Chapter 21A.27 - Form Based Districts

The Planning Division is requesting that you initiate a text amendment to modify sections in Chapter 21A.27 - Form Based Districts that are incorrect or inconsistent with the purpose of the district. More specifically:

- **Subsection 21A.27.020.C Building Form Standards**  
The section contains language that exempts certain building additions from development standards, such as setback, height, density and design standards. We propose to delete this section because it conflicts with the purpose and intent of the zoning ordinance, and it is inconsistent with the purpose of the district.
- **Section 21a.27.030: Building Configuration and Design Standards**  
Some exemption to building additions is warranted and will be included in this section. For example, changes to existing buildings not affecting a building entrance will not require compliance with entry features standards, and small additions will not trigger open space area requirements.
- **Footnotes in Table 21a.27.050.C.3**  
A recent amendment inadvertently changed the streets identified in the footnote and which allowed additional building height at a block corner. The error is clear because the street intersection now identified in the code is outside of the Form Based district.

Any other inconsistent regulations or incorrect regulations that are identified as part of the project will also be included in the proposal.

A public process will be conducted to gauge public input on the proposed changes and the proposal will follow the same required steps of any other text amendment, including notification to recognized community organizations, a public hearing with the Planning Commission and a decision from City Council.

This memo includes a signature block to initiate the petition if that is the decided course of action. If the decided course of action is to not initiate the application, the signature block can remain blank. Please notify the Planning Division when the memo is signed or if the decision is made not to initiate the petition.

Please contact me at ext. 6173 or [nick.norris@slcgov.com](mailto:nick.norris@slcgov.com) if you have any questions. Thank you.

***Concurrence to initiate the zoning text amendment petition as noted above.***



Erin Mendenhall (Feb 6, 2024 16:24 MST)

**Erin Mendenhall, Mayor**

02/06/2024

**Date**

# Form Based Zone Corrections - Petition Initiation

Final Audit Report

2024-02-06

Created:	2024-02-02
By:	Mayara Balhego De Lima (mayara.lima@slcgov.com)
Status:	Signed
Transaction ID:	CBJCHBCAABMOX6huP8OLsbboRImuXLt9b1Yoz-CxY7b

## "Form Based Zone Corrections - Petition Initiation" History

**f:l** Document created by Mayara Balhego De Lima (mayara.lima@slcgov.com)  
2024-02-02 - 4:26:20 PM GMT

**g** Document emailed to Erin Mendenhall (erin.mendenhall@slcgov.com) for signature  
2024-02-02 - 4:26:52 PM GMT

**f:l** Email viewed by Erin Mendenhall (erin.mendenhall@slcgov.com)  
2024-02-03 - 5:45:37 AM GMT

**0o** Document e-signed by Erin Mendenhall (erin.mendenhall@slcgov.com)  
Signature Date: 2024-02-06 - 11:24:25 PM GMT - Time Source: server

**9** Agreement completed.  
2024-02-06 - 11:24:25 PM GMT



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