

County Council Zoning Meeting

Public Meeting Agenda

Tuesday, May 17, 2016 4:00 P.M.

LOCATION: SALT LAKE COUNTY GOVERNMENT CENTER

2001 SOUTH STATE STREET, ROOM N1-110

NORTH BUILDING, MAIN FLOOR

(385) 468-6700

UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707.

TTY USERS SHOULD CALL 711.

The County Council Public Meeting is a public forum where the Council receives comment and recommendations from applicants, the public, applicable agencies and County staff regarding land use applications and other items on the Council's agenda. In addition, it is where the Council takes action on Zoning related items. Action may be taken by the Council on any item listed on the agenda which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

Street Vacation – 2nd Reading –

29863 – Ryan Lusty is requesting for the County to vacate a portion of the alley running through the Lincoln Addition No. 2 Subdivision (Magna Mosquito Abatement District compound).

Location: 2611 South 9080 West. **Zone:** R-2-6.5. **Community Council:** Magna. **Planner:** Tom Zumbado

Ordinance Amendment –To be Heard –

29748 – Amend Chapter 19.78 of the Salt Lake County Zoning Ordinance – Planned Unit Developments (PUD). **Presenter:** Max Johnson

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OFFICE OF TOWNSHIP SERVICES

Planning and Development Services
2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050
Phone: (385) 468-6700 • Fax: (385) 468-6674
www.pwpds.slco.org

File # 29863

Alley Vacation Summary and Recommendation

Public Body: Salt Lake County Council – To Be Set
Parcel ID: 1419454030
Property Address: 2611 South 9080 West, Magna UT
Request: Alley Vacation

Meeting Date: May 10, 2016
Current Zone: R-2-6.5

Community Council: Magna Township Council
Planner: Thomas C. Zumbado

Township/Unincorporated: Magna Township

Planning Commission Recommendation: Recommendation for Approval
Township Council Recommendation: Recommendation for Approval
Planning Staff Recommendation: Recommendation for Approval
Applicant Name: Ryan Lusty (Magna Mosquito Abatement District)

PROJECT DESCRIPTION

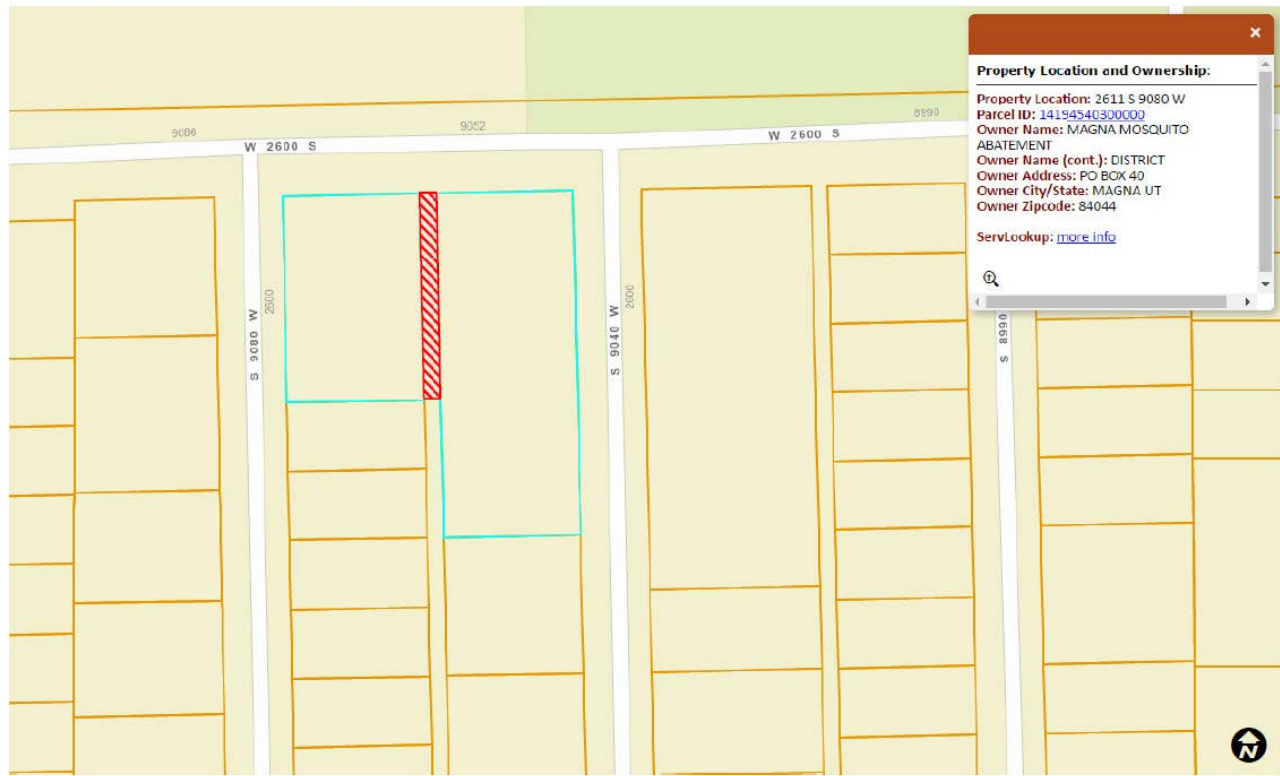
Ryan Lusty is requesting for the County to vacate a portion of the alley running through the Lincoln Addition No. 2 Subdivision (Magna Mosquito Abatement District compound).

SITE & VICINITY DESCRIPTION (see attached map)

The Magna Mosquito Abatement District (MMAD) was organized to protect the public in and around the district from mosquitoes and mosquito borne disease. They are located on a ≈1 acre compound at the intersection of 2600 South and South 9040 West.

Magna MAD Proposed Alley Vacation

Parcel : Teal Outline
Alley Section: Red Crosshatch



GENERAL PLAN CONSIDERATIONS

Magna General Plan

Objective 6.2: Encourage development that provides services in a logical, orderly manner such that adequate streets, water, sewer, drainage facilities, schools, and other essential services can be economically provided.

NEIGHBORHOOD RESPONSE

As of March 30 2016, there has been no neighborhood response to File #29863.

TOWNSHIP COUNCIL RESPONSE

At their regularly scheduled meeting on December 3 2016, the Magna Township Council unanimously recommended approval for the parent file #29695 and its condition for the MMAD to seek the proposed alley vacation in File #29863.

PLANNING COMMISSION RESPONSE

At their regularly scheduled meeting on December 17 2016, the Magna Planning Commission unanimously recommended approval for the parent file #29695 and its condition for the MMAD to seek the proposed alley vacation in File #29863.

PLANNING STAFF ANALYSIS

14.48.010 – Street Vacations Purpose.

The purpose of this chapter is to provide a consistent standard regarding compensation to the county for the vacation and/or transfer of its interest in public streets. Vacation of the county's interest in streets should be viewed as a transfer of a substantial property right for which the public should be compensated. To prevent windfall enrichment to abutting property owners at public expense, such transfer should not be made without compensation being paid to the county.

Staff has reviewed the ordinances involving street vacations to ensure all procedures will be followed correctly.

14.48.030 - Conditions for vacation.

Petitions for vacation of public streets shall be considered on the basis of the following:

A. Alleys, Walkways and Trails. Alleys, walkways and trails are not generally within the current planning and maintenance policies of the county. Vacation of an alley, walkway or trail relieves the county from present or future obligations to maintain such alley, walkway or trail. This benefit to the county is declared to be adequate compensation for the county's interest. Where appropriate, the county may require conditions precedent to the vacation of any alley, walkway or trail such as installation of landscaping, fencing or other improvements which must be completed or bonded for prior to the transfer of county property interests.

Staff has verified that the MMAD facility meets the conditions for an alley vacation.

14.48.040 - Fees and advertising costs.

No petition for vacation of a county street shall be considered unless accompanied by a fee of three hundred dollars to cover costs of review by county personnel. The petitioner shall pay all advertising costs for public notices required for vacation hearings.

Staff has verified that all fees have been paid.

14.48.050 - Legal interest of county.

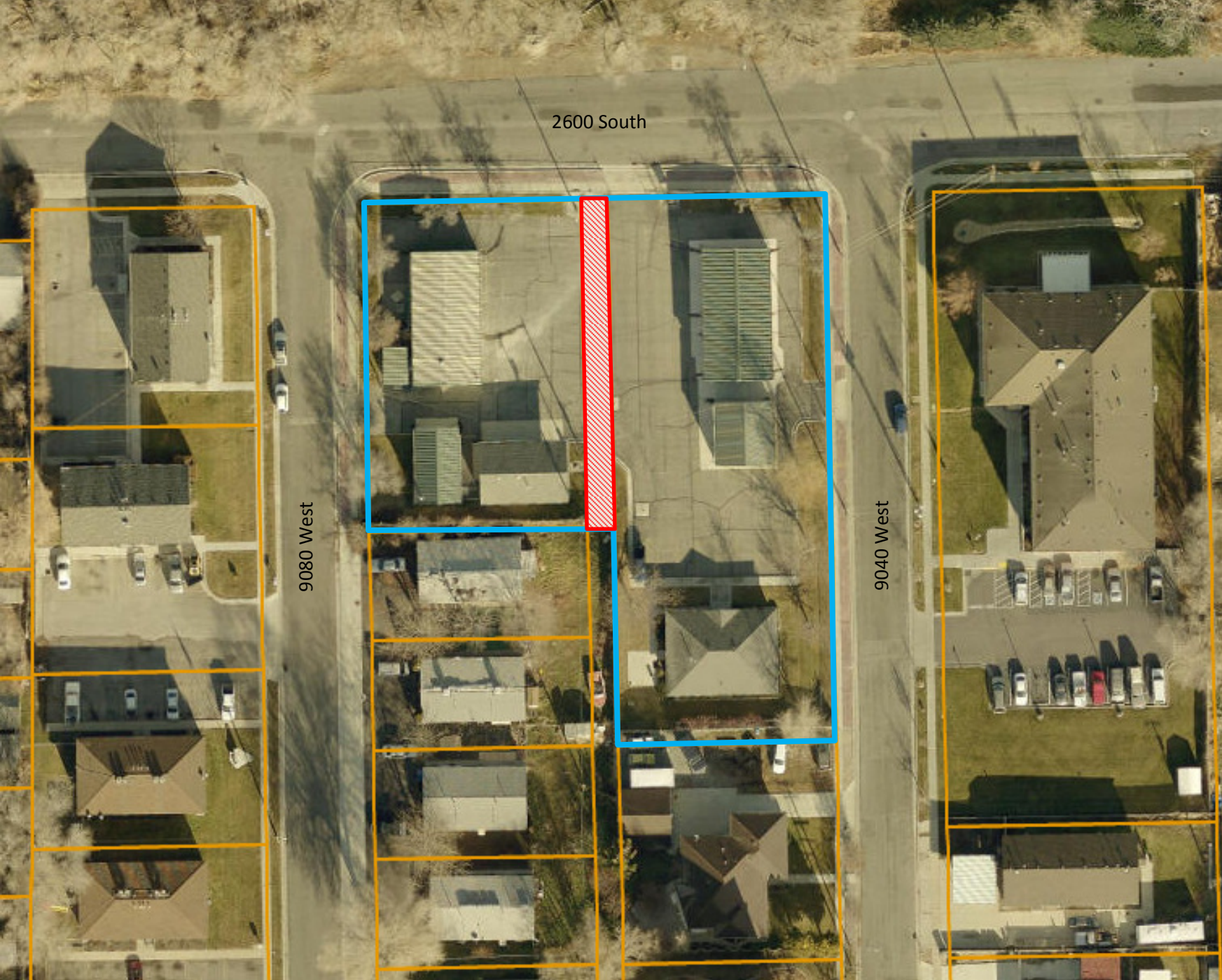
No action shall be taken on any petition to vacate a street until the county real estate section identifies and verifies the specific manner in which the county acquired its interest in the street and the attorney determines the legal interest of the county in the street.

Staff has received documentation from both the SLCo Real Estate Department and District Attorney's Office stating that the County has no financial or legal interest in the proposed alley vacation.

PLANNING STAFF RECOMMENDATION

It is the recommendation of Staff that the County Council approve the MMAD's request for an alley vacation, thus correcting the situation of a publicly-owned alley running through the middle of their facility and meeting the condition of approval put forth by the Magna Planning Commission in parent file #29695.

File #29863: Alley Vacation Aerial View (2611 South 9080 West, Magna UT)





SALT LAKE COUNTY

BEN McADAMS
Salt Lake County Mayor

Sarah Brenna
Administrative Services
Department Director

FACILITIES MANAGEMENT

Rory Payne
Facilities Management
Division Director
rpayne@slco.org


Salt Lake County
Government Center
2001 South State Street
Suite S3-110
Salt Lake City, UT 84114-4575

385 / 468-0332
385 / 468-0366 fax

MEMORANDUM

Date: March 31, 2016

To: Thomas Zumbado, Planning and Development Services

From: 
Gary C. Ladle, Staff Appraiser/Reviewer

RE: File #29863
Alley Vacation – Lincoln Addition No 2

Address: 2611 South 9080 West, Magna, Utah

AP#: 14-19-454-030

This memo is generated to comply with County Ordinance 14.48.050 which states that the County Real Estate Section identifies and verifies the specific manner in which the County acquired its interest in the subject alley.

The alley being addressed in this memo is 12 feet wide and runs a total distance of 500 feet within Block 3, Lincoln Addition No 2. (See attached subdivision plat map for illustration of detail).

The portion being vacated (north 150 ft) abuts lots 23-28 which are on the west and lots 29-34 which are on the east. The sole abutting owner is Magna Mosquito Abatement District.

Lincoln Addition No 2 was recorded on August 8, 1918 and appears in Book H of plats on page 12.

The owner's dedication statement for the subdivision dedicates for the perpetual use of the public all parcels of land designated in the Surveyor's Certificate and shown on the plat map as intended for public use. This includes the subject alley.

The Lincoln Addition No 2 subdivision is within the jurisdiction of Salt Lake County who is the custodian for the public.

Thence this identifies the specific manner in which the County acquired its interest in the subject alley.

PLAT OF LINCOLN ADDITION NO 2

BEING A SUBDIVISION OF A PART OF THE SE 4 OF SEC 19
AND THE NE 4 OF SEC. 30, T.15, R.2 W, S.L.B. & M

Scale: 100 feet = 1 inch

399298

State of Utah, County of Salt Lake
Filed and Recorded at request of
John L. Reynolds
Aug 2nd 1918 At 9:01 o'clock A.M.
In book "H" of Plats Page 12
Fee \$25.00
Geo. H. Reynolds
Surveyor

SURVEYOR'S CERTIFICATE

I hereby certify that the tract of land shown on this map and owned by the Utah Copper Company, a corporation, is bounded and described as follows, to wit: Beginning at a point which bears S 0° 01' W 58' 8" and N 88° 49' E. 5337.6' from the W Sec. Cor. between Secs. 19 and 30, T.15, R.2 W, S.L.B. & M, and running thence N 88° 49' E. 7091' E, thence N 0° 29' W 630' E, thence S 88° 49' W 3185' E, thence S 0° 01' W 4651' E, thence N 88° 49' E. 11142' E, thence S 1° 09' E. 165' E to the place of beginning.

That I have by the authority of said owner thereof subdivided the same into Blocks, Lots, Streets, and Alleys to be known as "LINCOLN ADDITION NO 2", that the same has been correctly surveyed and established on the ground by the placing of 6 1/2" concrete monuments at the block corners, as shown, and, that the steel tape used in making the survey was of standard measure.

All lots are as shown on this plat, drawn to a scale of 100 E. = 1 inch.

NAMES AND DIMENSIONS OF PARCELS OF LAND DESIGNATED FOR PUBLIC USE.
North Center St. 50 ft. wide, is 630' E. long, First East St. 50 ft. wide, is 630' E. long, and Second East St. 50 ft. wide, is 630' E. long. All alleys are as shown on this map.

Geo. H. Reynolds
Surveyor

OWNER'S DEDICATION

Know all men by these presents that the Utah Copper Company, a corporation duly organized under the laws of the State of New Jersey, does hereby certify and declare that it is the owner of the above described tract of land, that it caused the same to be subdivided into Blocks, Lots, Streets, and Alleys to be hereafter known as "LINCOLN ADDITION NO 2", that it does hereby dedicate for the perpetual use of the public all parcels of land designated in the Surveyors Certificate and shown on this map as intended for public uses.

In witness whereof I have hereunto set my hand and affixed the official seal of said Company this 2nd day of August, A.D. 1918.

Utah Copper Company
By *J. L. Reynolds*
Attorney in Fact

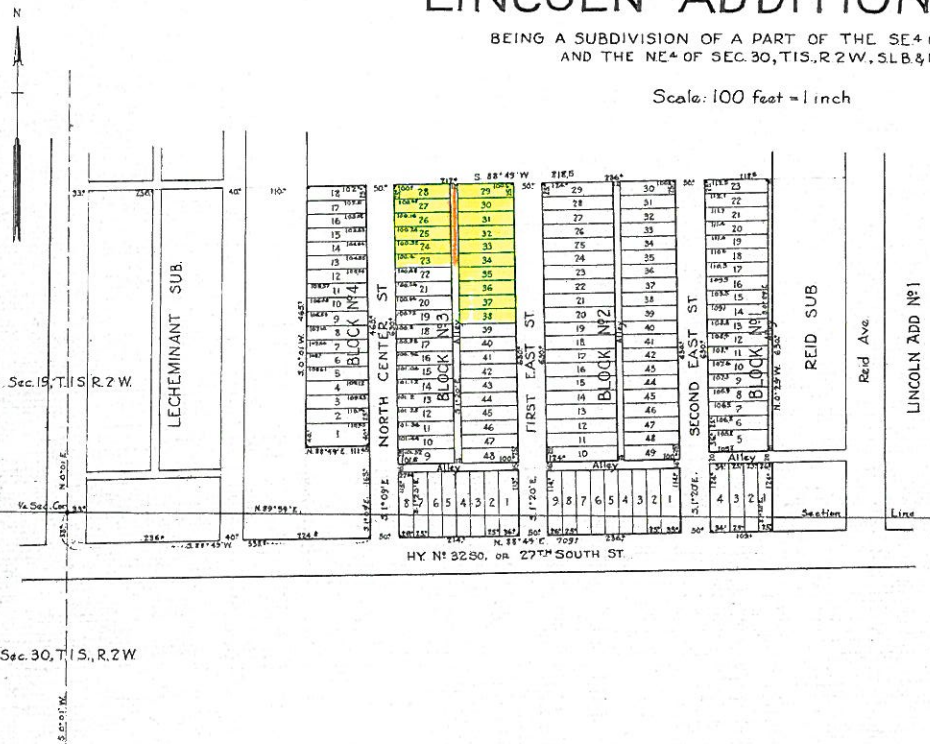
ACKNOWLEDGEMENT

State of Utah,
County of Salt Lake } ss:

On this 2nd day of August, A.D. 1918, personally appeared before me, the undersigned, a notary in and for said County of Salt Lake of said State of Utah, H. C. Smith of Magna, Utah, who being first duly sworn, did say that he is the true and lawful Attorney in Fact for the Utah Copper Company, the owner of the property known as "LINCOLN ADDITION NO 2", and that he signed and executed the foregoing instrument in behalf of said Corporation by authority of a Power of Attorney, authorized by a resolution of its Board of Directors; and the said H. C. Smith acknowledged to me that the said Corporation executed the same.

My commission expires Feb. 24, 1920.

John L. Reynolds
Notary Public



COUNTY SURVEYOR'S CERTIFICATE

I hereby certify that I have examined and checked on the ground the dimensions given on this map and found the same correct.

Date: August 6, 1918.

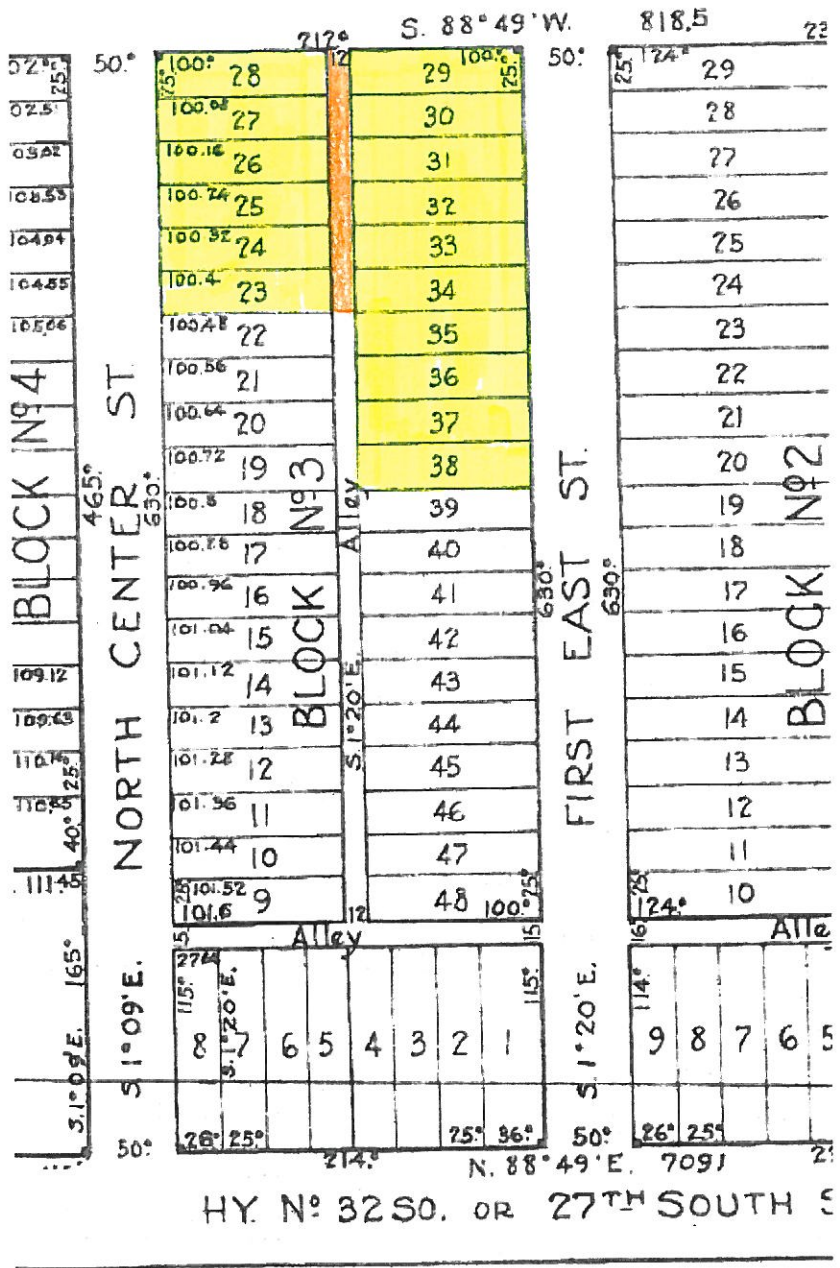
R. E. Reed
County Surveyor

Approved by the Board of County Commissioners
this 7th day of August, A.D. 1918.

Frank Thomas
County Clerk

H 12

H-12



INSERT

NAME MAGNA MOSQUITO ABATEMENT NEW/UPDT TAX DIST ??
CONT DISTRICT ASR DATE 00/00/0000
C/O,AT % RYAN LUSTY ACREAGE 0.92
STREET PO BOX 40 NO: EDIT ADDR SUPPRESS
CITY MAGNA UT ZIP 84044004040 COUNTRY
LOCATE 9061 W 2600 S EDIT CERTIFY ASSR BATCH NO 0 SEQ 00
SUBDIV LINCOLN ADDN 2 EDIT N

PROPERTY DESCRIPTION

DESC 1 LOTS 23 THRU 38, BLK 3, LINCOLN ADD #2. 5180-0781 WORK CRD
DESC 2 6622-2934,2936 PRINTED

2 DESC
LINES

MORE

OLD PARCEL NUMBERS

14-19-454-001-0000 14-19-454-002-0000 14-19-454-010-0000 14-19-454-011-0000
14-19-454-012-0000 14-19-454-013-0000

MORE TOTAL 6

Attachment B

Affected Parcels:

14-19-454-001
14-19-454-002
14-19-454-010
14-19-454-011
14-19-454-012
14-19-454-013

New Description after Lot Consolidation

All of Lots 23 through 38, Block No. 3, Lincoln Addition No. 2 as recorded in the Office of the Salt Lake County Recorder in Book H at Page 12. Together with a 12.00 foot wide alley between Lots 23 through 28 and Lots 29 through 34, Block 3, of said Lincoln Addition No. 2, more particularly described as:

Beginning at a point which is S 00°08'51" W 88.21 feet and N 88°53'00" E 584.10 feet and N 01°07'00" W 510.75 feet from the South Quarter Corner of Section 19, T1S, R3W (Ferron Corner) to the point of beginning; thence N 01°09'00" W 150.00 feet; thence N 88°49'00" E 212.00 feet; thence S 01°20'00" E 250.00 feet; thence S 88°49'00" W 100.00 feet; thence N 01°20'00" W 100.00 feet; thence S 88°49'00" W 112.48 feet to the point of beginning.

Contains 41,835.85 SF or 0.96 AC

From: [Chris Preston](#)
To: [Thomas Zumbado](#)
Subject: RE: File #29863: Questions about a street vacation...
Date: Friday, April 01, 2016 2:44:16 PM
Attachments: [image001.jpg](#)
[1993 Deed.pdf](#)

Yep. Having reviewed Gary's Memo dated March 31, 2016, I conclude that the alley was dedicated to the public pursuant to the Lincoln Addition No. 2 plat recorded on August 8, 1918. The county's legal interest in the alley was as a dedicated public right-of-way. Public use of this right-of-way has been abandoned for a long time - at least 1993 when the Magna Mosquito Abatement District acquired title to Lots 35 through 38 of the Lincoln Addition No. 2 subdivision (I have attached this deed). In any event, it does not appear that the alley is presently in public use.

Chris Preston
Deputy District Attorney
(385) 468-7782

From: Thomas Zumbado
Sent: Friday, April 01, 2016 2:00 PM
To: Chris Preston <RPreston@slco.org>
Subject: RE: File #29863: Questions about a street vacation...

Sweet.

Here's what Real Estate sent me earlier in the week. Will this help?

Tom C. Zumbado
Urban Planner
Salt Lake County Township Services
Cell: 385.249.7437
Tw: @Geographer_Tom

From: Chris Preston
Sent: Friday, April 01, 2016 1:50 PM
To: Thomas Zumbado
Subject: RE: File #29863: Questions about a street vacation...

Tom,

I am waiting to get some documents from real estate, but it looks to me like the County has not used this alley as a public easement for a long time. It does not appear that the alley has been used as anything other than the parking lot for the Magna Mosquito Abatement District for a long time. At this point, I do not foresee that this request to vacate the alley will be a problem. We will need to prepare an ordinance approving the vacation.

Chris Preston



UNITED
Fence Co.
800-854-7663



**SALT LAKE COUNTY
ORDINANCE**

ORDINANCE NO. _____, 2016

AN ORDINANCE VACATING PUBLIC INTEREST IN A PORTION OF A
PLATTED ALLEY WITHIN THE LINCOLN ADDITION NO. 2 SUBDIVISION
LOCATED WITHIN THE UNINCORPORATED COUNTY.

The County legislative body of Salt Lake County, State of Utah, ordains as follows:

Section I: (1) A portion of the platted alley, which is more fully described in Exhibit A attached hereto and incorporated herein by reference, is hereby vacated.

(2) The purpose of the vacation is to allow the Magna Mosquito Abatement District to incorporate the land into its existing parcel.

(3) This ordinance is based upon a determination by the County Legislative Body following a public hearing on May 3, 2016, that due and proper notice of the hearing to vacate the platted alley segment was duly given according to law; that no objection was made to the proposed vacation; that good cause exists for the vacation; and that neither the public interest nor any person will be materially injured by the vacation; that fair and adequate consideration shall be provided; and that the County has no present or foreseeable future public need for the portion of the alley being vacated, or for any other public purpose.

(4) Pursuant to Section 14.48.030 of the Salt Lake County Code of Ordinances, the vacation of this alley is adequate compensation for the County's interest.

(5) All right, title and interest in and to the specified portions of the alley being vacated are to revert or otherwise be conveyed, by operation of state law, county ordinances, to the abutting property owner, the Magna Mosquito Abatement District.

(6) This ordinance shall have no force or effect to impair any other existing easements or rights-of-way for public utilities, public franchises, irrigation, storm drainage, or other such easements, as presently exist under, over, or upon the vacated portions of said alley, or as are or may be shown on

the official plats and records of the County.

(7) The Salt Lake County Recorder is hereby directed to record this ordinance and accompanying exhibits, and to make the necessary changes on the official plats and records of the County to reflect said ordinance.

SECTION II: This ordinance shall take effect fifteen (15) days after its passage and upon at least one publication in a newspaper published in and having general circulation in Salt Lake County, and if not so published within fifteen (15) days then it shall take effect immediately upon its first publication.

IN WITNESS WHEREOF, the Salt Lake County Council has approved, passed and adopted this ordinance this _____ day of _____, 2016.

SALT LAKE COUNTY COUNCIL

By: _____
Max Burdick, Chair
Salt Lake County Council

ATTESTED:

Sherrie Swensen, County Clerk

Approved as to Form:

R. Christopher Preston
Deputy District Attorney
Date: _____

ORDINANCE HISTORY

Council Member Wilson _____
Council Member Snelgrove _____
Council Member Bradley _____
Council Member Bradshaw _____

Council Member Jensen _____
Council Member Newton _____
Council Member Granato _____
Council Member DeBry _____
Council Member Burdick _____

Vetoed and dated this _____ day of _____, 2016.

By _____
Mayor Ben McAdams or Designee

(Complete As Applicable)

Veto override: Yes__ No__ Date _____

Ordinance published in newspaper: Date _____

Effective date of ordinance: _____

Exhibit A

The Property to be vacated is specifically described as follows:

A portion of PARCEL: 14-19-454-030

A STREET VACATION BEING PART OF AN ALLEY LOCATED IN BLOCK NO. 3 OF THE LINCOLN ADDITION NO. 2 SUBDIVISION, RECORDED ON AUGUST 8, 1918 AS ENTRY # 399298 IN BOOK H OF PLATS AT PAGE 12 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER. SAID SUBDIVISION IS LOCATED IN THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 1 SOUTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN. SAID STREET VACATION IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SAID ALLEY AT THE NORTHWESTERLY CORNER OF LOT 29 OF SAID BLOCK 3, LINCOLN ADDITION NO. 2 SUBDIVISION; THENCE S. 1°20' E. 250 FEET MORE OR LESS ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE SOUTHWESTERLY CORNER OF LOT 38 OF SAID BLOCK 3, LINCOLN ADDITION NO. 2 SUBDIVISION; THENCE S. 88°49' W. 6.0 FEET ALONG A WESTERLY PROJECTION OF THE SOUTHERLY LINE OF SAID LOT 38 TO THE CENTERLINE OF SAID ALLEY; THENCE N. 1°20' W. 100 FEET ALONG SAID CENTERLINE TO AN EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF LOT 23 OF SAID BLOCK 3, LINCOLN ADDITION NO. 2 SUBDIVISION; THENCE S. 88°49' W 6.0 FEET ALONG SAID EASTERLY PROLONGATION TO THE SOUTHEASTERLY CORNER OF SAID LOT 23 AND THE WESTERLY RIGHT OF WAY LINE OF SAID ALLEY; THENCE N. 1°20' W. 150.00 FEET MORE OR LESS ALONG SAID WESTERLY RIGHT OF WAY LINE TO THE NORTHEASTERLY CORNER OF LOT 28 OF SAID BLOCK 3, LINCOLN ADDITION NO. 2 SUBDIVISION; THENCE N. 88°49' E. 12.0 FEET ALONG THE NORTHERLY BOUNDARY LINE OF SAID SUBDIVISION TO THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED STREET VACATION CONTAINS 2400 SQUARE FEET IN AREA OR 0.055 ACRE MORE OR LESS.

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File # 0000029748

Staff Report Summary and Recommendation

Public Body: Salt Lake County Council

Meeting Date: May 17, 2016

Parcel ID: N/A

Current Zone: N/A **Proposed Zone:** N/A

Property Address: N/A

Request: Amend Planned Unit Development (PUD) Ordinance

Community Council: All community councils

Township/Unincorporated: All Townships
& Unincorporated County

Planner: Max Johnson

Planning Commission Recommendation: All planning commissions have recommended Approval

Community Council Recommendation: The community councils recommend Approval

Planning Staff Recommendation: Recommend Approval

Applicant Name: PUD Ordinance Amendment

Applicant Address: SL County Government Center, 2001 South State Street, Suite #N3-600, SLC, UT 84109

Applicant Email: mrjohnson@slco.org

Phone: (385) 468-6699

PROJECT DESCRIPTION

This item is "To Be Heard" on the County Council agenda on May 17, 2016.

The purpose of this project is to update the PUD ordinance throughout unincorporated Salt Lake County. The proposed ordinance has undergone significant change as it has been several years since major updates to this ordinance have occurred.

As several single-family residential communities were experiencing frequent negative consequences from the influx of adjacent PUD developments, a need to responsibly support growth that was harmonious with existing neighborhoods was of the utmost important to planning commissioners. The draft PUD ordinance has been open for public input since November 2015. Packets include two attachments: 1) a draft ordinance dated April 19, 2016; and 2) a recommendation matrix that describes fourteen issues for discussion among the County Council. Staff has compiled the matrix to clearly identify the issue and which planning commission raised the issue, the meaning of the issue, and staff's response to the issue.

EXECUTIVE SUMMARY

Neighborhood compatibility has been of paramount importance throughout the process to create this update to PUD developments. Significant changes include:

- 1) Reduced impacts on existing neighborhoods:

- a. Height limitations, particularly in R-M zones (28' on the perimeter, otherwise 35')
- b. Refined setbacks for perimeter dwelling structures (15')
- 2) A greater predictability for developers, staff, planning commission, and the community
- 3) Refuse collection station requires a ten foot setback from residential properties
- 4) All garages to be 22 feet in width by 20 feet long or 20 feet in width by 22 feet long
- 5) Minimum PUD size requirement of three acres except for condominium developments that do not qualify as traditional subdivisions, or developments abutting a corridor as defined in the general plans.

GENERAL PLAN CONSIDERATIONS

Neighborhood quality and impact to existing neighborhoods are important considerations for all communities.

ZONE CONSIDERATIONS

Compatibility with existing buildings in terms of size, scale and height.	Yes
Compliance with Landscaping Requirements Verified.	Yes
Compliance with the General Plan.	Yes

ISSUES OF CONCERN/PROPOSED MITIGATION

The existing PUD ordinance has proved difficult to protect existing neighborhoods when developing adjacent property, specifically R-M zoned property due to extensive height and density allowances available in R-M zones that prove incompatible while transitioning to additional residential development as PUD's. Also, ancillary issues regarding street presence, building materials, parking space size, open space, placement of trash receptacles, etc., have been refined to improve PUD quality, aesthetics, location, and overall neighborhood improvement.

NEIGHBORHOOD RESPONSE

Neighborhood responses have been received throughout the public process, and have helped solidify the ordinance. Staff expects additional community feedback at the County Council meeting on the PUD ordinance on May 17, 2016.

COMMUNITY COUNCIL RESPONSE

Thirteen community councils recommended Approval of the ordinance. No councils recommended denial though three did not submit a formal recommendation. They were the community councils from Canyon Rim, Parley's Canyon, and Willow Creek.

PLANNING COMMISSION RESPONSE

All seven planning commissions recommended approval of the ordinance as shown below. Incremental differences or items which merit further discussion and decision by the Council, have been itemized in the attached document entitled: "PUD Ordinance Rewrite – Planning Commission Recommendations."

- Copperton TPC - Recommended Adoption March 21, 2016

- Emigration Canyon TPC - Recommended Adoption April 14, 2016
- Kearns TPC - Recommended Adoption March 14, 2016
- Magna TPC - Recommended Adoption March 17, 2016
- Millcreek TPC - Recommended Adoption March 16, 2016
- Mountainous Planning District PC - Recommended Adoption April 7, 2016
- Salt Lake County PC - Recommended Adoption March 23, 2016

REVIEWING AGENCIES RESPONSE

AGENCY: N/A

DATE: N/A

RECOMMENDATION: N/A

Compliance with current building, construction, engineering, fire, health, landscape and safety standards will be required prior to final approval of all future PUD's.

PLANNING STAFF ANALYSIS

Extensive research, prior PUD approvals, public outreach, and specific public comment on various projects throughout the past few years, as well as several stakeholder working groups have yielded results indicative that the resulting modifications and adjustments to the PUD ordinance are desired in the hopes of limiting detrimental impacts to communities, especially when R-M zoned properties are developed.

PLANNING STAFF RECOMMENDATION

Staff recommends approval as this request is an update that has been initiated and supported by planning commissions in support of concerns and public comment from various communities in the county as they become negatively impacted by developments that are deemed intrusive, or out of neighborhood character, by the public.

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SALT LAKE COUNTY ORDINANCE

Ordinance No. _____

Date _____, 2016

PLANNED UNIT DEVELOPMENTS

AN ORDINANCE REPEALING CHAPTER 19.78 OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, AND REPLACING IT WITH A NEW CHAPTER 19.78, IN ORDER TO BETTER MITIGATE IMPACTS OF PLANNED UNIT DEVELOPMENTS ON ADJOINING RESIDENCES AND TO PROVIDE GREATER CERTAINTY TO APPLICANTS AND THE PUBLIC REGARDING DEVELOPMENT STANDARDS AND APPLICATION PROCESSES FOR PLANNED UNIT DEVELOPMENTS; AND MAKING OTHER RELATED CHANGES.

The County legislative body of Salt Lake County ordains as follows:

SECTION I. Chapter 19.78 of the Salt Lake County Code of Ordinances, 2001, is hereby repealed and replaced as follows:

CHAPTER 19.78 PLANNED UNIT DEVELOPMENTS

- 19.78.010 Purpose**
- 19.78.020 Applicability and Area Requirements**
- 19.78.030 Development Requirements**
- 19.78.040 Planned Unit Development Mixed-Use**
- 19.78.050 Maintenance of Common Facilities**
- 19.78.060 Review Process**
- 19.78.070 Preliminary Review**
- 19.78.080 Planning Commission Review**
- 19.78.090 Validity of Preliminary Review**
- 19.78.100 Post-Planning Commission Approval**
- 19.78.110 Amendments to the Development Plan**
- 19.78.120 Failure to Begin Development**
- 19.78.130 Phased Planned Unit Development**

19.78.010 Purpose

The purpose of a planned unit development (PUD) is:

1. To provide a high quality living environment, and to utilize and incorporate natural features in the land development design.

2. To provide a more efficient use of the land and the preservation of greater proportions of open space for recreation and visual use than is otherwise provided for in the zoning regulations.
3. To provide good and compatible neighborhood and housing design by utilizing a variety of dwelling types and site arrangement plans to allow for greater flexibility and diversity in the physical pattern of the development.
4. To provide developments compatible with existing residential uses while maintaining a harmonious environment within the community.
5. To create mixed use areas designed to be beneficial to the neighborhood.
6. To ensure substantial compliance with the intent of this chapter related to the public health, safety and general welfare, while securing the efficient use of the land for residential, or a combination of commercial and residential development.

It is the intent of this chapter that the development plan for a planned unit development shall be prepared by a designer(s) having professional competence in urban planning.

19.78.020 Applicability and Area Requirements

A planned unit development is a conditional use that is only allowed for residential uses, except as provided in section 19.78.040, and in zones that allow residential uses. The provisions in this chapter shall govern over the chapters relating to these other zones and other chapters in this Title, with the exception of the FCOZ ordinance, chapters 19.72 and 19.73, and the RCOZ ordinance, chapter 19.71. A planned unit development in these zones shall have a minimum area of three acres, with the following exceptions:

1. Existing condominium developments that cannot be sold or refinanced without the common area adjoining the homes in the development being divided up into individual lots that include the adjoining homes, and where these newly created lots would not qualify as traditional subdivision lots under County ordinance. In such cases, the newly created lots may qualify as a planned unit development if the development is at least one acre in size. Such a development shall be exempt from the provisions of this chapter, except sections 19.78.090 – 19.78.130 relating to review of the development.
2. Developments abutting or contiguous to a corridor as defined in the general plan shall have a minimum area of one acre. To qualify as a development that is abutting or contiguous to a corridor, said development shall have a minimum frontage of the sum of the required minimum lot width of two lots as determined by the current zoning designation.

19.78.030 Development Requirements

The following are required for all developments:

1. **Ownership.** The property shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
2. **Open Space.** Common and private open space shall be provided and shall cover no less than 40 percent of the gross site area. Common open space shall be provided in the amount of at least 20

percent of the gross site area. For purposes of this chapter, gross site area is defined as the total area of a planned unit development excluding anything in the public right of way.

The required common open space shall be land areas that are not occupied by buildings, dwellings, structures, parking areas, streets, public park strips, curb-gutter-sidewalk, driveways, or alleys and shall be accessible by all residents of the development. Buildings erected for the purpose of providing an amenity may be included as open space. Said open space may be an area of land or water set aside, or reserved for use by residents of the development, including an expanse of lawn, trees, plants, fully accessible landscaped roof areas, or other natural areas. Common open space also includes common walkways (but not curb-gutter-sidewalk), formal picnic areas, and recreational areas. Common open space may be distributed throughout the development and need not be in a single large area. Common open space may include sensitive areas, such as areas with 30 percent or greater slope, fault zones, flood plains, high water tables, and wetlands, if they have been designed as an integral element of the project.

Private open space is that space which is provided for each dwelling unit for personal use. Private open space is typically located immediately adjacent to or attached to the dwelling unit it is designed to serve and is for the exclusive use of the residents of the dwelling unit. Landscaped roof areas, balconies, or decks attached to individual units are considered private open space and are not to be calculated as part of required common open space.

The planning commission may reduce the open space requirements of this section in order to accommodate a density bonus provided for in this chapter.

3. **Interior Streets.** The design of public and private streets within a development shall follow County standards for roadway development as defined by the County transportation engineer. Private streets shall be subject to the same inspections and construction standards as required for public streets. The County shall be granted a utility easement of the entire interior street system in a development project. All private streets shall be conveyed to a private association.
4. **Garbage and Recycling.** The development shall be designed to accommodate and efficiently manage the collection, storage, and removal of garbage in harmony with the neighborhood so as to minimize detrimental effects of the collection, storage, and removal on any residence within the development or abutting neighborhoods. If dumpster enclosures are provided for the development, no refuse dumpster or dumpster enclosure structure shall be located closer than 10 feet to any perimeter property line. Enclosure structures must have a minimum of three sides that reflect or emulate the materials, design, and quality of the overall development. All developments shall provide recycling services.
5. **Parking.** The following minimum parking shall be provided for all multi-family projects under this ordinance:

a. Table of Parking Ratios

One bedroom unit	1.5 parking spaces per unit
Two or more bedroom units	2.0 parking spaces per unit
Guest parking spaces	0.33 parking spaces per unit (min. of 6)
Storage parking spaces for recreational vehicle storage	Not Allowed

- b. The parking requirements identified in this section supersede other parking requirements in this Title.
- c. All parking areas, covered or open, except garages, shall have a landscaped buffer in accordance with chapter 19.77, Water Efficient Landscape Design and Development Standards.
- d. Developments offering the amenities listed below are entitled to the applicable parking reductions. These reductions are not mandatory, but if they are chosen, are cumulative. The planning commission may further modify the required parking with support of a traffic study.

Eligible Unit Parking Reductions

Amenity	Reduction (stalls/unit)
Car Sharing (minimum 100 dwelling units)	0.05 per car share vehicle
Bicycle Lockers/Storage (1 space per unit required)	0.05
Bicycle Share (on-site self-serve bike station)	0.05
Development-supplied transit passes for all residents	0.15
Proximity of development within ¼ mile of a rail or Bus Rapid Transit (BRT) station	0.20
Proximity of development within ½ mile of a rail or Bus Rapid Transit (BRT) station	0.10
Senior Housing	0.20
Housing for students (< .25 miles from campus)	0.10

- e. Parking is prohibited within approved fire access and turn-around facilities.
- f. Garages are encouraged.
 - (1) Garage parking, if used, shall have a minimum unobstructed size of 22 feet wide by 20 feet in length, or 20 feet wide by 22 feet in length.
 - (2) Covered parking, if used, shall be placed in locations adjacent or convenient to the buildings that they are intended to serve.
 - (3) Tandem spaces may be allowed with a minimum size requirement of 20 feet long by 9 feet wide per parking space, up to a maximum of two contiguous spaces per unit.
 - (4) Tandem spaces may be allowed with a minimum size requirement of 20 feet long by 9 feet wide per parking space, up to a maximum of two contiguous spaces per unit.
- g. Underground parking. Installation of underground parking adequate to meet 50 percent of the parking requirements of this section excluding guest parking, shall receive a 10 percent density bonus for the planned unit development.

6. Building Materials. Exterior materials of a durable or resilient nature such as brick, stone, stucco, prefinished panel, composite materials, or other materials of similar quality, hardness, and low maintenance characteristics shall be used. No single material is allowed to exceed 50 percent on street-facing facades. Other materials may be considered for soffits, or as an accent or architectural

feature. Twenty-five year guarantee, architectural shingles and/or other longer lasting roof materials are required.

- 7. Landscaping on Public Right-of-Way.** Where a development is adjacent to a public right-of-way, a permanent open space shall be required along any front, side, or rear yard adjacent to said right-of-way. This area shall be kept free of buildings and structures (except fences, as per chapter 19.77.050, and approved by the Planning Commission), and permanently maintained with street trees and other landscaping, screened or protected by natural features, as per chapter 19.77. If such areas are the result of double frontage lot designs with inadequate access to the street, such areas shall be landscaped as per chapter 19.77 with a five foot landscaped area. Aesthetic entrance features are encouraged. Additional landscape treatments or buffers may also be required with width and landscaping specifications as per chapter 19.77.
- 8. Perimeter Fencing.** Fencing around the perimeter of all developments shall be provided. Acceptable fencing materials include architecturally designed brick, stone, or block, or pre-cast concrete. Fencing with materials using composite products, wrought iron, wood, or vinyl may be allowed with a minimum two foot wide, six foot tall brick or stone pillar spaced every ten feet on center. Unless otherwise allowed by the Planning Commission, exterior fencing along a public right of way shall be limited to brick, stone, or block, or pre-cast concrete and be setback a minimum of 5 feet from the property line to allow for a landscaping buffer designed in accordance with chapter 19.77 to soften long expanses of walls. Interior fencing shall comply with section 19.78.030(11) (f).
- 9. Interior Street Lights.** Street and pedestrian lighting for streets on the interior of the PUD is required. All lighting fixtures shall be directed downward with mechanisms to prevent dark sky illumination. The applicant shall submit a plan which indicates the type and location of lights in relation to the development and designed for pedestrian safety. Minimum Average Foot-Candles for local residential roads (35 feet maximum) shall be 0.3, and shall be 0.5 for residential collector roads (36 feet – 45 feet).
- 10. Signage.** Only low profile signs with a maximum size of 50 square feet, and 5 feet in height are allowed. No temporary signs are allowed other than for sale or rent signs with a maximum of 6 square feet in area per side. Only three such signs are allowed per 300 feet of frontage. The size, location, design and nature of signs, if any, and the intensity and direction of any associated lighting shall be detailed in the application, and, except as provided in this chapter, shall be consistent with the characteristics of the community and chapter 19.82, Signs.
- 11. Site Plan.** All developments shall be guided by a total design plan in which the following development standards may be varied to allow density bonuses, and flexibility and creativity in site design and building location. The Planning Commission may require such arrangements of structures, open spaces, landscaping, buffering, and access within the site development plan so that adjacent properties will not be adversely affected. The following criteria shall be used by the Planning Commission principally to assure the design objectives of this section are met.

 - a. **Density.** Subject to the following density bonuses, the density allowed for a development shall be no greater than that allowed in the zone in which it is located. Density shall be calculated using only net developable acreage. A density bonus in the following amounts is allowed if either of the following conditions exist:

 - (1) For developments with underground parking that is adequate to meet the parking requirements of this chapter excluding guest parking, a density bonus of 10 percent is allowed pursuant to 19.78.030 (5) (g); and/or

- (2) For developments within one-quarter mile (improved walking distance) of a rail or Bus Rapid Transit (BRT) station, a density bonus of 10 percent is allowed.
- b. **Maximum Height.** For the purpose of this chapter, building height is to be measured from the lowest point of original grade to the highest ridge.
- (1) For any PUD adjacent to an R-1, R-2, R-4, A-1, or A-2 zone (“residential zone”), the maximum height for structures on the perimeter of the PUD adjoining said zones shall be 28 feet. The maximum height of all other structures in such a PUD shall be 35 feet. PUD’s with one building only, are allowed a rooftop garden or patio provided the rooftop garden or patio has a minimum setback of 75 feet from the property line. For purposes of this chapter, a structure on the perimeter is defined as any structure within 50 feet of the property line of the PUD.
 - (a) The height of buildings along the perimeter of a planned unit development adjoining a residential zone may be increased to the maximum height allowed in the underlying zone by one foot increments, with each additional one foot height increment requiring an additional one foot in setback from the perimeter (see figure 1 below for graphical rendering).
 - (2) The height of structures in all other planned unit developments shall conform to the otherwise applicable ordinances.
 - (3) At the discretion of the planning commission, height for dwelling structures along corridors as defined in the general plan and not adjoining a residential zone, may be increased by an additional five feet to accommodate a density bonus provided for in this chapter.
 - (4) Notwithstanding the above, the Planning Commission may at its discretion reduce or increase the otherwise stated maximum heights if mitigation is warranted, but only in cases where unusual topographical or other exceptional conditions or circumstances exist, such as the height of surrounding buildings.

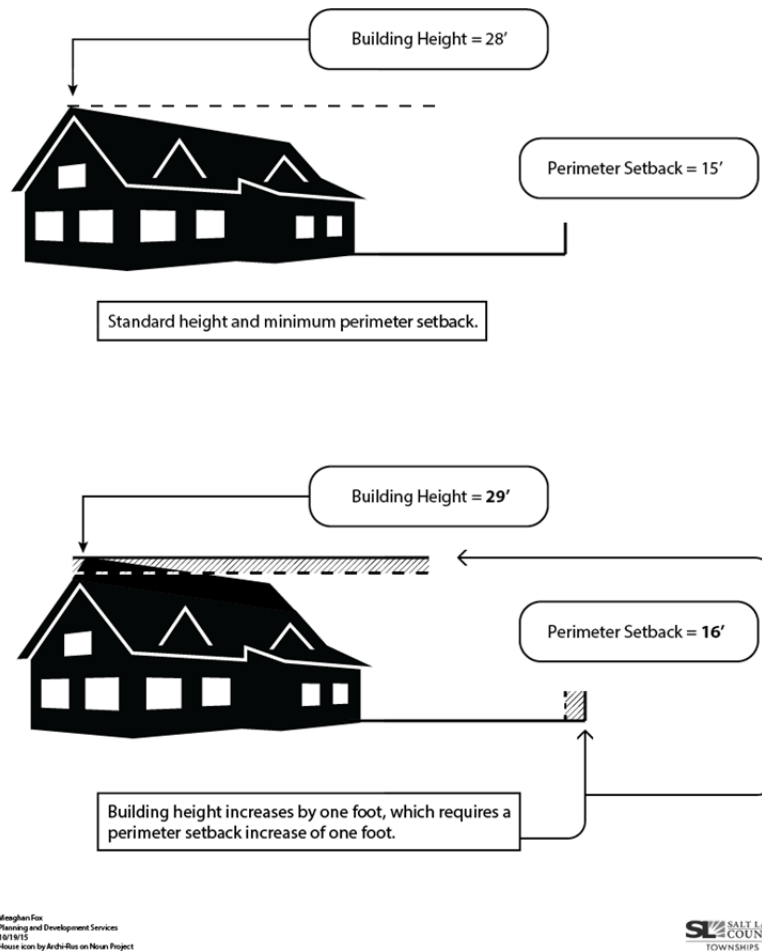


Figure 1. An Illustration of height allowance as described in 11.b.1.a. above when approved by the Planning Commission, where for every foot increase in height requires a foot increase in minimum setback. This provision is designed to soften the impact to adjacent properties while allowing for increases in height where appropriate.

- c. **Perimeter Setbacks.** Buildings (including covered decks or covered patios, or decks or patios in excess of 18 inches above existing grade) located on lots on the perimeter (excluding the public frontage defined in chapter 19.78.040. of the development), shall have not less than a 15 foot setback from the perimeter lot line, and shall have a setback from a right-of-way as prescribed by the underlying zone and chapter 19.77. Otherwise, no specific yard, setback, or lot size requirement is imposed by this chapter. However, the purpose and design objectives of this chapter must be complied with in the final development plan, and the Planning Commission may require specific setbacks within all or a portion of the development to maintain harmony with the existing character of the neighborhood.
- d. **Site Calculations.** Specific calculations which address the percentage of open space, impervious versus pervious surfaces, and site improvements shall be submitted by the applicant with all project applications.
- e. **Traffic Circulation.** Points of primary vehicular access to the development shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian, and bicycle traffic. Minor streets within the development shall not be

connected to streets outside the development in such a manner as to encourage their use by through traffic. Adequate emergency vehicle access shall be provided. Internal circulation systems shall include pedestrian paths, and may include bicycle paths, preferably separated from vehicular traffic. Where recreational facilities exist or are planned adjacent to the proposed development, such pedestrian and bicycle paths shall connect to these facilities.

- f. **Privacy.** Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walls, barriers, landscaping, and sound reducing construction techniques shall be used as appropriate to enhance the privacy of its occupants, the screening of objectionable views or uses, and the reduction of noise.
- g. **Sidewalks.** As required elements of a development, interior sidewalks shall be installed to serve the units and connect to the public street.
- h. **Utilities.** All utilities shall be located underground, except as may be provided for in State law. Utility equipment shall be screened from view and preferably, not fronting on a public street.
- i. **Private outdoor spaces.** Each residential unit shall be required to have an outdoor patio/rear yard space with a minimum of 100 square feet, or a balcony with a 50 square foot minimum.

12. Desirable Amenities. Amenities that are identified in the *Salt Lake County Recreation and Open Space Standards Policy* shall be installed in accordance with that Policy. Where conflicts exist with this chapter and the *Salt Lake County Recreation and Open Space Standards Policy*, requirements identified in this chapter shall supersede.

13. Miscellaneous. Installation of xeriscaping is encouraged as an alternative to excessive lawn areas or other landscaping treatments that excessively consume water. Low impact / water retention development techniques are encouraged to manage stormwater onsite including but not limited to planter boxes, rain gardens, and bioswales in the open spaces.

Parking areas, service areas, buffers, entrances, exits, yards, courts, landscaping, graphics, and lighting for both residential and non-residential development shall be designed as integrated portions of the total development and shall project the residential character.

19.78.040 Planned Unit Development Mixed-Use

In a Planned Unit Development, vertical mixed-use is allowed in zones that allow both residential and commercial and/or office uses, provided it meets the following requirements, in addition to the other requirements in this chapter. For purposes of this section, vertical mixed-use means commercial or office uses sharing the same building as residential uses.

1. The property is abutting or contiguous to a corridor as defined in the general plan, or major or minor arterial (“street”).
2. Commercial uses shall only be allowed on the first floor of buildings fronting on the street. Office uses shall only be allowed on the first and second floor of buildings fronting on the street. Entrances to the first floor of these buildings shall front on the street. Windows shall make up at least 50% of street-facing facades of these floors. These floors shall have architectural differentiation from the other floors in the building.
3. Parking is not allowed between the building(s) and the street.

4. The front yard setback shall be 15 feet, except as provided in subsection (E), and the side and rear yards shall be 20 feet minimum. Corner lots are deemed to have two front yards.
5. The front yard setback is the build-to-line. At least 50 percent of the front elevation of the building(s) must be built within 10 feet of the build-to-line or as approved by the planning commission. A build-to-line is defined as the line at which construction of a building façade is to occur on a lot, running parallel to the front property line, and ensuring a uniform (or more or less even) building façade line on the street.
6. Landscaping along the street shall comply with this chapter and chapter 19.77.
7. Signage for commercial or office uses shall be limited to signs on the building(s) that comply with chapter 19.82.

19.78.050 Maintenance Of Common Facilities

1. A development shall be approved subject to the submission and recordation of legal instruments setting forth a plan or manner of permanent care and maintenance of all common open space and other facilities provided in the final development plan.
2. Terms in the final development plan governing maintenance of common open space and other facilities shall comply with applicable provisions of the Utah Condominium Ownership Act, Title 57-8-101, et seq., or the Utah Community Association Act, Title 57-8a-101, et seq.

19.78.060 Review Process

1. **Pre-Submittal Development Review.** To help expedite review of a development proposal, prior to submitting a complete application for development, persons interested in undertaking development shall meet with a member(s) of the planning staff for a planner / applicant meeting, to become acquainted with the substantive and procedural requirements of this chapter.
2. **Standard Operating Procedure (SOP).** Staff creates, revises, and adheres to a Development Review Standard Operating Procedure, to assist in the management and processing of applications. Applicants are encouraged to obtain a copy of the current SOP from Planning and Development Services staff, and to seek guidance with respect to the review and understanding of the Development Review SOP from staff.
3. **Application.** An application for a development must be submitted to Planning and Development Services. As each development application is different and unique, application documents may vary with respect to content and need for specific reports and/or studies. Consultation with staff and examination of the Development Review SOP will guide the applicant through the review process and identify all submittal documents that will be required to formalize a complete application.
 - a. Site Plan that satisfies the requirements of section 19.78.030(11).
 - b. Landscaping plan. A landscape plan is to be prepared in accordance with chapter 19.77 of this title. Staff can ask for justification of elements included in the landscape plan.

- c. Architectural building elevations. The location and floor area of all existing and proposed buildings, structures, and other improvements including heights, types of dwelling units, non-residential structures including commercial facilities, preliminary elevations and architectural renderings of typical structures and improvements, shall be prepared by a licensed architect or other qualified professional.
- d. Lighting Plan.
- e. Subdivision Plat.

19.78.070 Preliminary Review

When a complete application has been accepted by staff, reviews completed by staff and related agencies, and subsequent comments identified by staff and substantially addressed by the applicant, the application is scheduled for a community council meeting and a public hearing before the appropriate Planning Commission for their review and decision. Additional adjustments, revisions, or re-submittals may be required during this process to identify all concerns related to conformance with the intent of this chapter. Failure to submit complete and consistent information will result in written notification to the applicant that the review cannot proceed further until all required, necessary, and requested information is submitted.

19.78.080 Planning Commission Review

When preliminary review of the application has been determined to be complete and in compliance with all requirements, the plans and preliminary plat together with all supporting information will be forwarded to the Planning Commission for review. If the property is to be subdivided, all requirements set forth in Title §18, Subdivisions, must be met.

In accordance with chapter 19.05.040 and Utah Code §17-27a-506, the Planning Commission shall review the proposed development plan to hear and receive public input and to determine if all reasonably anticipated detrimental effects have been substantially mitigated. The Planning Commission may require additional studies or analyses to enable it to determine how impacts should be addressed and may establish reasonable conditions of approval to address those anticipated impacts, as per chapter 19.84.060.

19.78.090 Validity of Preliminary Review

1. Once the Planning Commission determines that preliminary review is complete, the preliminary plat or approved site plan is valid (12 months for the preliminary plat and 12 months for the site plan). The Division Director may grant a one year extension of the preliminary plat or approved site plan, provided the plat still complies with all applicable ordinances.
2. If a PUD subdivision will be recorded in phases, a final plat for the first phase must be recorded within one year of the initial Planning Commission approval or one year extension thereof, the validity of the unrecorded portions of the approved preliminary plat will extend for one year from the recording date of the plat for the previous phase. Extensions of time beyond three years from the date of initial approval require review and approval of the Planning Commission prior to the then current expiration of the preliminary plat.

19.78.100 Post-Planning Commission Approval

After completing the preliminary review by the departments, agencies, and Planning Commission, the applicant shall submit a final site plan and preliminary and final subdivision plats together with all supporting documents which comply with all requirements, corrections, additions, etc. required by the departments, agencies, and Planning Commission to the Planning and Development Services Division (hereinafter known as the “development plan”).

1. The Planning and Development Services Division, along with the other reviewing departments and agencies, shall review the proposed development plan to verify compliance with all requirements, corrections, additions, etc.
2. After such review, the item may be scheduled for review by the Planning Commission upon referral by the Division Director or at the request of the Planning Commission. The final development plan shall include all of the information required in the preliminary development plan in its finalized detailed form.

19.78.110 Amendments to the Development Plan

The Division Director or designee may authorize minor changes in the location, siting, or character of buildings and structures if required to resolve an engineering or other technical issue, or other circumstances not identified at the time the final development plan was approved. No change authorized under this section may cause any of the following (“major changes”):

1. A change in the use and/or character of the development.
2. An increase in the overall density and/or intensity of use.
3. An increase of more than five percent in overall coverage of structures.
4. A reduction or change in character of approved open space.
5. A reduction of required off-street parking by more than five percent.
6. A detrimental alteration to the pedestrian, vehicular, bicycle, circulation, or utility networks.
7. A reduction in required street pavement widths.
8. An increase in building height.
9. A decrease in building setback.

Any major changes must be proposed to the Planning Commission after receipt of a recommendation by planning staff. Proposals under numbers 1 through 9 above require the filing of a new application. Generally speaking, any major changes must be recorded as amendments in accordance with the procedure established for adopting the final development plan.

19.78.120 Failure to Begin Development

If no substantial construction has occurred in the development pursuant to the final development plan within 12 months from final approval, the approved plan shall become null and void and a new development plan and application shall be required for any development on the subject property. The Division Director, upon a determination of good cause based on evidence submitted by the applicant, may extend the time for beginning construction a maximum period of 12 months for one time only.

19.78.130 Phased Planned Unit Development

If the sequence of construction of various portions of the final development plan is to occur in stages, then the open space and/or recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given stage of construction. A phasing plan, including size and order of phases, shall be approved by staff to ensure that individual phases of the development comply with all requirements, including that the open space and/or recreational facilities are installed proportionately with the approved phasing plan.

SECTION II. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this _____ day of _____, 2016.

SALT LAKE COUNTY COUNCIL

By _____
Max Burdick, Chair

ATTEST:

Sherrie Swensen
County Clerk

Approved as to form and legality:

Deputy District Attorney
Date: _____

Voting:

Council Member Bradley voting _____
Council Member Bradshaw voting _____
Council Member Burdick voting _____
Council Member DeBry voting _____

Council Member Wilson voting _____
Council Member Granato voting _____
Council Member Jensen voting _____
Council Member Snelgrove voting _____
Council Member Newton voting _____

Vetoed and dated this _____ day of _____, 2016.

By _____
Mayor Ben McAdams or Designee

(Complete As Applicable)

Veto override: Yes__ No__ Date _____

Ordinance published in newspaper: Date _____

Effective date of ordinance: _____

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. _____

On the _____ day of _____, 2016, the County Council of Salt Lake County adopted Ordinance No. _____, repealing chapter 19.78 of the Salt Lake County Code of Ordinances, 2001, and replacing it with a new chapter 19.78, in order to better mitigate impacts of planned unit developments on adjoining residences and to provide greater certainty to applicants and the public regarding development standards and application processes for planned unit developments; and making other related changes.

SALT LAKE COUNTY COUNCIL:

By _____
MAX BURDICK, Chair

ATTEST:

Sherrie Swensen, County Clerk

Approved as to Form:

Voting:

Councilman Bradley	_____
Councilman Bradshaw	_____
Councilman Burdick	_____
Councilman DeBry	_____
Councilman Wilson	_____
Councilman Granato	_____
Councilman Jensen	_____
Councilman Snelgrove	_____
Councilman Newton	_____

A complete copy of Ordinance No. _____ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2100A, Salt Lake City, Utah.

PUD Ordinance Rewrite

Planning Commission Recommendations

(As of April 21, 2016)

#	Pertinent Ordinance Section	Key Issue	Planning Commission Recommendations							Comments
			Copperton	Emigration Cyn	Kearns	Magna	Millcreek	MPD PC	SL County	
Issues Identified by Staff that Required Clarification Prior to PC Recommendations										
1	19.78.030.2	Density bonus – Question has been raised by several planning commissions to limit overall density bonus to 20 percent. Section 19.78.030 (11) (a) already limits density bonuses to 20 percent aggregate, unless a 20 percent density bonus is provided for underground parking, and units are near a transit station, which could warrant a 30 percent bonus.	Yes	Yes*	Yes*	Yes	Chg	No	Yes	<p>Copperton, Magna, & SL County – Supportive of this provision.</p> <p>*Emigration Canyon – Prefers no density bonuses, but understands that the bonuses suggested are appropriate for urban areas but that they should not pertain to Emigration Canyon.</p> <p>Kearns – Provided Item #2 below is adopted, PC is supportive of an overall density bonus of 30%.</p> <p>Millcreek – Prefers a 20% density bonus for projects within ¼ mile of a rail or Bus Rapid Transit (BRT) station, a 10% density bonus for projects within ½ mile of a rail or Bus Rapid Transit (BRT) station, and an overall density bonus ceiling of 40%.</p> <p>MPD – Requests that no density bonuses be provided.</p> <p>Staff Recommendation – As this ordinance is strongly focused toward urban areas, staff is supportive of this provision which provides for a 20% density bonus for projects within ¼ mile of a rail or Bus Rapid Transit (BRT) station, a 10% density bonus for projects within ½ mile of a rail or Bus Rapid Transit (BRT) station, and an overall density bonus ceiling of 40%.</p>
2	19.78.030.5.g	Density bonus for underground parking – Staff has heard both 10 percent and 20 percent regarding the allowance of a	Yes	Yes*	Chg	Yes	Yes	No	Yes	<p>Copperton, Magna, Millcreek, & SL County – Supportive of this provision to allow for a 20%</p>

#	Pertinent Ordinance Section	Key Issue	Planning Commission Recommendations							Comments
			Copperton	Emigration Cyn	Kearns	Magna	Millcreek	MPD PC	SL County	
		density bonus. What percentage of a density bonus should be provided if underground parking is provided in a PUD?								<p>density bonus if underground parking is provided.</p> <p>*Emigration Canyon – Prefers no density bonuses, but understands that the bonuses suggested are appropriate for urban areas but that they should not pertain to Emigration Canyon.</p> <p>Kearns – Supportive of the concept but approves a 20% bonus only if within ¼ mile of a rail or Bus Rapid Transit (BRT) station, and a 10% bonus if within ½ mile of a rail or Bus Rapid Transit (BRT) station.</p> <p>MPD – Requests that no density bonuses be provided.</p> <p>Staff Recommendation – Staff is supportive of this provision to allow for a 20% density bonus if underground parking is provided.</p>
3	19.78.030.11.b.(1)	Maximum height – Single building PUD perimeter with respect to rooftop gardens or patios – Language included that requires an additional setback from the property line for rooftop gardens and patios as described: Rooftop patios or rooftop living spaces are not allowed on a structure on the perimeter of such PUD. PUD's with only one building are allowed a rooftop garden or patio provided the rooftop garden or patio has a minimum setback of 75 feet from the property line. For purposes of this chapter, a structure on the perimeter is defined as any structure within 50 feet of the property line of the PUD.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	<p>All planning commissions are supportive of this provision.</p> <p>Staff Recommendation – Staff is supportive of this provision.</p>
4	19.78.030.11.b.(4)	Measuring height – Height question – Height limit in this PUD draft is 28 feet to the ridge of the structure, but in RCOZ, 30 feet is allowed to the ridge of the structure. Should height be extended to 30 feet along the perimeter in PUD's? Language has been added in 19.78.020 that RCOZ governs height. If not, changes will need to be made.	Yes	Yes	Yes*	Yes	Yes*	Yes	Yes	<p>Copperton, Emigration Canyon, Magna, MPD, & SL County – Supportive of this provision.</p> <p>Kearns – Recommends approval of 28 foot perimeter setback.</p> <p>Millcreek – Only where RCOZ applies, the height limit should be 30 feet. Otherwise, the height limit should be 28 feet.</p>

#	Pertinent Ordinance Section	Key Issue	Planning Commission Recommendations							SL County	Comments
			Copperton	Emigration Cyn	Kearns	Magna	Millcreek	MPD PC	SL County		
											Staff Recommendation – Staff is supportive of this provision to limit height of perimeter units in a PUD to 28’, consistent with the RCOZ ordinance.
5	19.78.030.11.d	Site calculations – Define impervious vs. pervious regarding open space calculations. Roof overhangs – impervious while balconies and patios are counted as open space. We should clearly define the lines. At PC discretion, balconies and patios can contribute open space areas.	No	No	No	No	No	No	No	No	All planning commissions prefer to maintain the existing procedures as currently written. Staff Recommendation – Staff is supportive of maintaining the existing procedures as currently written.
6	19.78.030.11.e	Traffic circulation clarification – Sentence in question: “Minor streets within the development shall not be connected to streets outside the development in such a manner as to encourage their use by through traffic.” This sentence is not desired by planning staff, as we encourage connectivity. Planners would suggest just the opposite viewpoint, and would therefore suggest omitting this sentence.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	All planning commissions are supportive of removing this sentence. Staff Recommendation – Staff is supportive of removing this sentence.
7	19.78.030.11.e	Bike path connectivity – Sentence in question: “Internal circulation systems shall include pedestrian and bicycle paths, and may include bicycle paths, preferably separated from vehicular traffic.” If bike paths are already in existence adjacent to the proposed development, then yes, connectivity should occur and an amenity should be counted, but the creation of bike paths should not be forced upon every PUD.	Yes	Yes	Yes	Yes	Yes*	Yes*	Yes	Yes	Copperton, Emigration Canyon, Kearns, Magna, & SL County – Supports re-wording the sentence as proposed by staff. Millcreek – Supports change of sentence wording with the following addition: “...include pedestrian paths, and are encouraged to include bicycle paths.” MPD – Supportive of the language as proposed by the Millcreek planning commission. Staff Recommendation – Staff is supportive of re-wording the sentence as proposed and clarifying language proposed by the Millcreek TPC.
8	19.78.030.11.i	Private outdoor spaces – The issue of private outdoor space has been addressed previously and this sentence may not be necessary.	No	No	No	No	No	No	No	No	All planning commissions prefer to maintain the requirement that private outdoor spaces (patios or decks) be required for individual units. Staff Recommendation – Staff agrees that this provision should be maintained as is, and supports the inclusion of private outdoor spaces (patios or

#	Pertinent Ordinance Section	Key Issue	Planning Commission Recommendations							Comments
			Copperton	Emigration Cyn	Kearns	Magna	Millcreek	MPD PC	SL County	
9	19.78.110	Amendments to the development plan – Regarding the last paragraph, staff suggests to create some flexibility and also think about discussing “change of use” or “adding unit” questions with the planning commission chair as they arise. Staff suggests reviewing provisions 1 through 9 to identify any which do not require a new application.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	decks) for all units within a PUD. All planning commissions are supportive of the proposed amendments as currently written. Staff Recommendation – Staff supports all amendments in this section as currently written.
Additional Issues Raised by Planning Commissions as an element of their Recommendation										
10	19.78.030.5.f.(1)	Garage parking dimensions – Verbiage should be included that allows provisions for a single car garage.			X				X	Kearns – Add verbiage in case a developer wants to build single car garages. Minimum size should be 20 x 11 or 22 x 10. MPD – Supportive of the recommendation proposed by the Kearns PC to provide provisions for a single-car garage, along with the dimensions proposed. Staff Recommendation – Staff supports adding verbiage to support single car garages. Minimum size should be 20 x 11 or 22 x 10.
11	19.78.030.11.a.	Density bonus provision – Current draft provides provisions where density bonuses are appropriate.		X						Emigration Canyon – Prefers no density bonuses be allowed in Emigration Canyon Township. Staff Recommendation – As FCOZ provisions will trump PUD requirements in Emigration Canyon, density in the canyon will be controlled appropriately.
12	19.78.030.7, 8, 9, and 11.g.	Development Requirements – Some conflicts exist with the ordinance pertaining to mountainous vs. urban communities.		X						Emigration Canyon – As this ordinance is focused primarily on the urban environment, the PC prefers to exempt the following provisions of the PUD ordinance in FR zones within Emigration Canyon: #7-Landscaping on Public Right-of-Way; #8-Perimeter Fencing; #9-Street Lights; and #11.g.-Sidewalks. Staff strongly agrees with this recommendation and suggests adding the following verbiage to the opening sentence of the above mentioned sections of the ordinance: “With the exception of forestry zones.”

#	Pertinent Ordinance Section	Key Issue	Planning Commission Recommendations							Comments
			Copperton	Emigration Cyn	Kearns	Magna	Millcreek	MPD PC	SL County	
										<p>Staff Recommendation – Staff strongly agrees that the provisions identified by the Emigration Canyon TPC should not be applicable to FR zones within Emigration Canyon, and suggests adding the following verbiage to the opening sentence of the above mentioned sections of the ordinance: “With the exception of forestry zones.”</p>
13	19.78.030.2.	<p>Development Requirements – Clarifying language is suggested with respect to the following sentence: Common open space may include sensitive areas, such as areas with 30 percent or greater slope, fault zones, flood plains, high water tables, and wetlands, if they have been designed as an integral element of the project.</p>							X	<p>SL County – Suggests the following language to the sentence in question: “...if they have been included in the development’s design as an integral element of the project.”</p> <p>Staff Recommendation – Staff is supportive of the following language to help clarify the sentence in question: “...if they have been included in the development’s design as an integral element of the project.”</p>
14	19.78.030.5.d.	<p>Shared parking agreement – Allow for a parking reduction in a mixed-use or shared-use PUD if a shared-parking agreement is enacted.</p>						X		<p>MPD – Encourages a further reduction of required parking in a mixed-use or shared-use PUD via a shared-parking agreement to a level the County Council feels is appropriate. Staff suggests a reduction of (.20 stalls/unit).</p> <p>Staff Recommendation – Staff is supportive of adding a new item to the list of parking reductions allowed within a PUD, specific to when determining required parking in a mixed-use or shared-use PUD via a shared-parking agreement to a level the County Council feels is appropriate. Staff suggests a reduction of (.20 stalls/unit).</p>

- Yes** – Agree with requested clarification
- Yes*** – Agree with requested clarification, with caveat
- No** – Disagree with requested clarification
- Chg** – Suggest different language or parameters
- X** – Additional issue identified