

ITEM A-3

SALT LAKE CITY COUNCIL STAFF REPORT

DATE: May 17, 2002

SUBJECT: Petition No. 400-01-27- Planning Commission - request to amend the Zoning Ordinance to allow certain types of encroachments within the side yard setback areas (Sec.21A.36.020.B)

STAFF REPORT BY: Sylvia Jones, Constituent Liaison/Policy and Research Analyst

Document Type	Budget-Related Facts	Policy-Related Facts	Miscellaneous Facts
Ordinance	The proposal has no budget impact.	The proposal is presented to revise an existing ordinance.	The Administration has clearly stated the positive aspects of the proposal.

OPTIONS AND MOTIONS:

Additional options may be identified at the Council Work Session on May 21, 2002.

1. ["I move that the Council"] Adopt an ordinance amending the text of the zoning ordinance regarding allowed obstructions in required yard areas.
2. ["I move that the Council"] Not adopt an ordinance amending the text of the zoning ordinance regarding allowed obstructions in required yard areas.

KEY ELEMENTS

1. The proposed zoning text amendment would do the following:
 - A. Clarify the table located in Section 21A.36.020.B (Obstructions in Required Yards) by eliminating the footnote for the four-foot side yard setback requirement for window and central air-conditioners, bay windows, eaves, steps and window wells for residential buildings.
 - B. Add the requirement of a removable grate to the window well provision.
 - C. Add the requirement of a two-foot distance from property line for central air units.
 - D. Add to the section addressing window unit air conditioners the following stipulation: "that those units be at least two-feet from the property line".
 - E. Add the following provision: "Chimneys projecting two feet or less into the sideyard area must maintain at least two feet from the property line".
 - F. Allow builders and homeowners greater flexibility with side yard setbacks.

2. The Administration's transmittal provides a detailed background relating to the proposed zoning ordinance text amendment. The Planning staff report provides findings of fact that support the criteria established in the City's Zoning Ordinance, Sec. 21A.50.050 - Standards for General Zoning Amendments. Please refer to the Planning staff report for specific findings of fact and discussion of compliance with individual standards. Key points are summarized below:
 - A. The proposed amendment is consistent with the purposes, goals objectives, and policies of the adopted general plan of Salt Lake City.
 - B. The proposed amendment is harmonious with the overall character of existing development and will not affect adjacent properties.
 - C. The proposed amendment has no relationship to the overlay district requirements or to public facilities or public services intended to serve the subject property.
3. The current standard was added to the zoning ordinance during the Zoning Ordinance "fine tuning" project in 1998/99. Many topics were addressed during the process; thus, discussion of this particular topic was limited. The provision was intended to address the concern of trespass and practical difficulties such as property maintenance and fencing when encroachments are within one or two feet of the property line. At that time, the Planning Commission approved the requirement of a four-foot clearance from property lines for many of the obstructions allowed in the side yard setback.

Since then, builders have consistently had a problem with this requirement. The requirement is generally unanticipated by the building community because it is fairly typical (in other cities) for many of these "obstructions" to be allowed in yard areas. With new construction, most architects assume side yard setback standards apply to the building. They design the home within these parameters, adding a roof that includes an eave overhang. Later, they find out that redesign is required. Using the current standard for basement renovations, there is generally inadequate setback to accommodate the window well within these requirements.

4. The public process included:
 - A. Letter describing the proposed text change sent to Community Council Chairs.
 - B. Planning Commission hearing notices sent to Community Council Chairs.
5. The Planning Commission voted to recommend that the City Council approve the proposed zoning text amendment. The following issues were discussed at the Planning Commission's public hearing:
 - A. The ordinance change would apply to new development as well as existing properties.
 - B. The possibility of placing all air conditioning condenser units in rear yards as they emit noise and could disturb neighbors, especially in narrow side yards.
 - C. If Community Council Chairs do not attend the Mayor's monthly meetings, they are unable to adequately review ordinance amendments. Perhaps a broader range of the community should be notified of proposed changes.
 - D. Adjoining homes having four-foot side yards could have abutting three-foot window wells, leaving a walkway of only two feet between window wells. Using this scenario, is adequate space provided for emergency services and vehicles to enter the area? The Fire Department indicated that they can work around the two-foot space.
 - E. A constituent mentioned the difficulty in maintaining the side yard areas.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR ADMINISTRATION:

- A. The text amendment would allow central and window-mounted air conditioner units to be placed two feet closer to property lines. Council Members may wish to discuss with the Administration the potential noise impact and how it may be mitigated.
- B. The Administration notes that although this item was scheduled for discussion at the Mayor's monthly meetings with Community Council Chairs, the text amendment was not discussed due to time constraints. As a result, letters were mailed to Community Council Chairs asking for their response and feedback. Two Community Council Chairs responded. One asked for the current requirement (four foot minimum clearance) to be maintained, while the other supported the two-foot minimum clearance. Council Members may wish to consider asking the Administration to solicit additional feedback from Community Councils since the original feedback was requested over a year ago in April of 2001.

MASTER PLAN AND POLICY CONSIDERATIONS:

In the past, Planning staff has indicated to Council staff that:

- Current master plans were not consulted because the proposed text change will be applied on a citywide basis.
- Master plan issues relating to proposed developments are addressed through the conditional use process.
- Site development and utility service requirements are evaluated through conditional use, development review and building permit processes.

The City's 1990 Urban Design Element includes statements that emphasize preserving the City's image, neighborhood character and maintaining livability while being sensitive to social and economic realities. Applicable policy concepts include:

- A. Allow individual districts to develop in response to their unique characteristics within the overall urban design scheme for the city.
- B. Ensure that land uses make a positive contribution to neighborhood improvement and stability.
- C. Ensure that building restoration and new construction enhance district character.
- D. Require private development efforts to be compatible with urban design policies of the city regardless of whether city financial assistance is provided.
- E. Treat building height, scale and character as significant features of a district's image.
- F. Ensure that features of building design such as color, detail, materials and scale are responsive to district character, neighboring buildings, and the pedestrian.

CHRONOLOGY:

Please refer to the Administration's transmittal for a complete chronology of events relating to the proposed text amendment.

- April 25, 2001 Letter and Draft Ordinance sent to all Community Council Chairpersons requesting input and comments.
- May 17, and June 21, 2001 Planning Commission Hearings

cc: Rocky Fluhart, David Nimkin, Roger Cutler, Lynn Pace, Margaret Hunt, David Dobbins, Roger Evans, Stephen Goldsmith, Harvey Boyd, Craig Spangenberg, Brent Wilde, Enzo Calfa, Doug Wheelwright, D.J. Baxter, Ray McCandless

File Location: Community and Economic Development Dept., Planning Division, Zoning Text Amendment, Sideyards