

A. LOUIS ZUNGUZE
DIRECTOR

BRENT B. WILDE
DEPUTY DIRECTOR

SALT LAKE CITY CORPORATION
DEPT. OF COMMUNITY DEVELOPMENT
OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON
MAYOR

CITY COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer **Date:** June 9, 2005

FROM: Louis Zunguze, Community Development Director *L.Z.*
B. B. Wilde

RE: Temporary zoning regulations and a Legislative Action requesting the Planning Division to review residential zoning regulations citywide as they relate to the issuance of building permits for any new single family or two-family residential structures and any remodeling, demolition, rebuilding, or expansion of existing single family and two-family residential structures.

STAFF CONTACTS: Joel Paterson, Planning Programs Supervisor (535-6141)
e-mail: joel.paterson@slcgov.com

DOCUMENT TYPE: Temporary Zoning Regulations

BUDGET IMPACT: None

DISCUSSION: The City Council is considering adopting temporary zoning regulations and initiating a Legislative Action requesting that the Planning Division review residential zoning regulations citywide as they relate to the issuance of building permits for any new single family or two-family residential structures and any remodeling, demolition, rebuilding, or expansion of existing single family and two-family residential structures.

ISSUE ORIGIN: Salt Lake City is experiencing the development of new infill housing construction, and additions to existing single and two-family dwellings within established neighborhoods. A number of new homes and additions have been built that are not compatible with the surrounding residential development with respect to massing and scale. The most recent example of such an addition is located at 675 E. Eight Avenue, but other examples may be found throughout the City.

As a result, the City Council will consider initiating a zoning petition and adopting temporary zoning regulations to allow the City to review existing residential zoning standards and make appropriate amendments to these standards to help remedy the situation. It is the Administration's desire that in addition to the proposed temporary zoning regulations and the Legislative Action, that the City Council continues the review and adoption process of the proposed Yalecrest Compatible Infill Overlay Ordinance.

Transmittal

Proposed Temporary Zoning Regulations

451 SOUTH STATE STREET, ROOM 404, SALT LAKE CITY, UTAH 84111

TELEPHONE: 801-535-7105 FAX: 801-535-6005

WWW.SLCGOV.COM



CONTRIBUTING FACTORS: There are many factors which contribute to the number of demolitions and additions to residential dwellings. The following is a list which describes three of the major contributing factors:

- A. **Rising Land Values:** As property values continue to rise, property owners may be encouraged to demolish existing homes to take advantage of the value of the lot and desirability of the location. Alternatively, the rising cost of property may exclude a family from moving into a larger house, so an addition may be the most effective way to satisfy space needs while staying within the neighborhood.
- B. **Societal Changes:** The size of the average single family home is growing. A house built in 1950 may not meet the desired floor plan and room size needs of today's typical family.
- C. **Existing Zoning Standards:** Certain standards within the Zoning Ordinance may be contributing to the problem of incompatible infill housing. For example, the SR-1 Special Development Pattern Residential District allows in-line additions which do not conform to the minimum side yard setback requirements for new construction. The current maximum allowed building height in single and two-family residential districts may be greater than existing construction in low density residential neighborhoods.

BUILDING PERMIT STATISTICS: Over the past six years, the number of building permits for new construction of single family dwellings has steadily declined from a high of 242 in fiscal year 2000 to 75 in fiscal year 2005 (data available from July 1, 2005 through May 31, 2005). This is indicative of the fact that Salt Lake City is generally built-out and new residential construction tends to occur as infill development within established neighborhoods. The number of building permits issued for two-family dwellings remain relatively steady and continue to represent only a small percentage of the number of residential building permits issued by Salt Lake City each year.

The statistics for additions have been compiled based on a calendar year in contrast with the other statistics in the table which were compiled based on a fiscal year beginning on July 1st. The number of building permits issued for additions to and two-family dwellings since 2000 has remained relatively stable. Because of time constraints, we were unable to compile statistics regarding additions in 2005 for this report. The Building Services and Licensing Division estimates that the number of permits to be issued in 2005 for additions will be comparable to 2004 when 130 permits were issued for single family dwellings.

The following information on building permits was compiled by the Salt Lake City Building Services and Licensing Division.

**BUILDING PERMIT DATA FOR SINGLE AND TWO-FAMILY DWELLINGS
BY TYPE OF PERMIT AND FISCAL YEAR (EXCEPT WHERE NOTED)**

TYPE OF BUILDING PERMIT	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
New Construction						
Single Family Dwellings	242	187	181	129	79	75
Two-Family Dwellings	1	2	3	2	0	1
Additions (statistics based on a calendar year)						
Family Dwellings	133	95	114	131	130	N/A
Two-Family Dwellings	5	3	1	2	3	N/A
Demolitions						
Single Family Dwellings	26	20	25	35	24	30
Two-Family Dwellings	3	8	6	4	0	1

PROPOSED TEMPORARY ZONING REGULATIONS

The temporary zoning regulations are proposed in response to the contributing factors listed above. The ordinance drafted to create these regulations is attached as Exhibit 1 and addresses the following provisions:

- A. IN-LINE ADDITIONS:** No over-the-counter in-line additions shall be granted under provisions of the SR-1 District. In-line additions shall continue to be considered, approved or denied by the Board of Adjustment as allowed through the special exception process in Section 21A.52.060 of the Zoning Ordinance.
- B. YALECREST NEIGHBORHOOD:** The temporary zoning regulations will apply to the Yalecrest Neighborhood only until the Yalecrest Compatible Infill Overlay District (YCI) is adopted by the City Council. Once adopted, the YCI zoning regulations will supersede the temporary zoning regulations.
- C. PENALTIES FOR VIOLATION OF TEMPORARY ZONING REGULATIONS:** Violations of the temporary zoning regulations shall be punished by the imposition of a double permit fee and a \$500.00 fine.

D. ISSUANCE OF BUILDING PERMITS:

1. **Historic Districts:** No building permits shall be issued for additions of enclosed habitable space, new construction or demolition within a local historic district without approval of the Historic Landmark Commission and the issuance of a Certificate of Appropriateness. No administrative approvals shall be granted for additions of enclosed habitable space to existing single and two-family dwellings.
2. **New Additions:** Building permits for new additions to single and two-family dwellings may be issued over-the-counter if the addition meets each of the following standards:
 - a. The footprint of the existing structure is increased by fifty percent (50%) or less;
 - b. Rear additions shall be limited to a depth of fifty percent (50%) of the established depth of the existing dwelling;
 - c. The height of the addition shall not exceed the elevation of the existing roof. The roof of the addition shall have a similar roof pitch as the existing roof; and
 - d. The addition conforms to the zoning standards of the applicable zoning district.
 - e. No part of the new additions shall encroach into a required yard area. Other new structures and obstructions shall not be allowed to encroach into required yard area except if specifically authorized under Zoning Ordinance Table 21A.36.020B.

New additions, which do not satisfy the above standards, shall be reviewed under the process established below for new construction on vacant lots (see paragraph 4 below).

3. **Demolitions:** If an existing single or two-family dwelling is demolished in a single or two-family residential district to allow new construction of a single or two-family dwelling, a building permit shall be issued only if the proposed new dwelling has the same or smaller sized building footprint, same location and configuration of the footprint and the same or lower building height as the dwelling to be demolished. Sufficient information shall be submitted by the applicant to establish the size and location of the existing building footprint and the height of the existing structure.

For purposes of these temporary zoning regulations, demolition shall mean removal of more than fifty percent (50%) of the above-grade square footage of the existing dwelling. The removal of less than 50% of the above-grade square footage shall be considered to be a remodeling. A replacement dwelling with a larger building footprint or a greater building height shall only be approved by the Board of Adjustment. Zoning Ordinance standards for a

special exception found in Section 21A.52.060, will be the basis for Board of Adjustment review.

4. **New Construction on vacant lots:** Building permits for new construction of single and two-family dwellings on vacant lots shall be issued subject to the following process:
 - a. **Planning Director approval of new construction within new subdivisions.** The Planning Director may authorize the issuance of a building permit when all of the following standards are met:
 - i. The proposed construction is compatible with the size and scale of other single and two-family dwellings in the general vicinity of the proposed new construction; and
 - ii. The proposed construction meets all Zoning Ordinance requirements. If the Planning Director determines that the proposed new construction does not meet the standards listed above, the proposed new construction shall be referred to the Board of Adjustment. Zoning Ordinance standards for a special exception found in Section 21A.52.060, will be the basis for Board of Adjustment review.
 - iii. For purposes of these temporary zoning regulations, a new subdivision shall mean a subdivision of at least 10 residential lots, recorded within the last 3 years. Any residential property not located within a new subdivision shall be considered
 - b. **Planning Director approval of new construction within established neighborhoods.** The Planning Director may authorize the issuance of a building permit when all of the following standards are met:
 - i. Signatures have been obtained from 100% of the abutting property owners (including property owners across a street or alley);
 - ii. The proposed construction is compatible with the size and scale of other single and two-family dwellings in the general vicinity of the proposed new construction;
 - iii. The affected community council has been notified of the proposed construction;
 - iv. The affected community council has not requested review by the Board of Adjustment within 14 days of being notified of the proposed new construction; and
 - v. The proposed new construction meets all Zoning Ordinance requirements.

If the Planning Director determines that the proposed new construction does not meet the standards listed above, the proposed new construction may be referred to the Board of Adjustment. Zoning Ordinance standards for a special exception found in Section 21A.52.060, will be the basis for Board of Adjustment review.

- c. **Planning Director referral of new construction request to the Board of Adjustment.** In any case, the Planning Director has the authority to refer a request for new construction of single and two-family dwellings to the Board of Adjustment if the Planning Director:
- i. Determines that the proposed new construction is not compatible with the size and scale of other single and two-family dwellings in the general vicinity of the proposed new construction; or
 - ii. determines that the proposed new construction does not appear to be routine or uncontested.

Community councils have 14 days to review plans and submit comments to the City or to request review by the Board of Adjustment. If no comments are received from the affected community council within 14 days, it will be assumed that the community council has no objection with the proposed plans.

5. **Accessory Buildings or Structures.** Building permits for any demolition, rebuilding, new construction or expansion of any accessory building in an area zoned for single or two-family dwellings shall be the same as those set forth above for the demolition, rebuilding or expansion of a single or two-family dwelling.

PROPOSED MODIFICATIONS TO EXISTING ZONING STANDARDS: Within the next six months, the Planning Division will look in depth at the following zoning ordinance provisions which have historically contributed to the construction of residential dwellings which are incompatible with surrounding residential development and substantially impact neighboring property owners:

- A. In-line additions in all zoning districts.
- B. Setback requirements.
- C. Maximum building coverage requirements.
- D. Minimum useable open space requirements.
- E. Building height regulations.
- F. Garage placement and front façade controls.
- G. Definitions for the following terms:
 - Addition;
 - Demolition;
 - Remodel;
 - Tear-down; and
 - Residential usable open space.
- H. Fines and penalties for zoning ordinance violations.
- I. Obstructions in required yard areas.

BENEFITS OF THE PROPOSED TEMPORARY ZONING REGULATIONS

Adopting the proposed temporary zoning regulations will provide the following benefits:

- A. During the next six months as the Planning Division reviews zoning ordinance provision listed above, building permits will continue to be issued for new single and two-family dwellings based on the temporary zoning standards promoting compatible massing and scale.
- B. The proposed approval and permitting process in the temporary zoning regulations will promote infill development which is more compatible to the scale and massing of existing single and two-family dwellings than does the current zoning ordinance.
- C. The proposed temporary zoning regulations are understandable to the general public.

RELEVANT ORDINANCES: Utah Code Annotated, Section 10-9a-504

Exhibits:

- 1. Proposed Ordinance
- 2. General Standards for Special Exceptions

Exhibit 1

PROPOSED ORDINANCE

Transmittal
Proposed Temporary Zoning Regulations

SALT LAKE CITY ORDINANCE
No. ____ of 2005

(Enacting Temporary Zoning Regulations for Issuance
of Building Permits for New Construction of, or Additions
to, Single and Two-Family Dwellings)

AN ORDINANCE ENACTING TEMPORARY ZONING REGULATIONS FOR
ISSUANCE OF BUILDING PERMITS FOR NEW CONSTRUCTION OF, OR
ADDITIONS TO, SINGLE AND TWO-FAMILY DWELLINGS.

WHEREAS, § 10-9a-101 et seq. Utah Code Annotated, 1953 authorizes the City
to enact ordinances for the use and development of land within the City; and

WHEREAS, § 10-9a-504, UTAH CODE ANN., authorizes cities, without a
public hearing, to enact ordinances establishing temporary zoning regulations for any part
or all of the City if the City Council makes a finding of compelling, countervailing public
interest; and

WHEREAS, the City supports upgrading and refreshing of the housing stock and
recognizes the need for modernization and expansion of the City's housing stock to meet
our citizens' needs and desires; and

WHEREAS, a combination of economic factors, including increasing property
values, and social factors, including an increase in the size of the average single family
home, is causing an increase in expansion of existing homes, demolition of existing
homes and replacement with larger homes, and infill development that is inconsistent
with the scale of existing neighborhoods and the expectations and privacy interests of
property owners in the neighborhood; and

WHEREAS, if not properly balanced, the foregoing developments will have a long-term and potentially permanent adverse impact of the character of existing neighborhoods to the detriment of the general welfare of the citizens of the City;

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. The City shall and hereby does enact the following temporary zoning regulations:

**TEMPORARY ZONING REGULATIONS FOR ISSUANCE OF
BUILDING PERMITS FOR NEW CONSTRUCTION OF,
OR ADDITIONS TO, SINGLE AND TWO-FAMILY DWELLINGS**

A. Purpose. It is the purpose of this ordinance to regulate the issuance of building permits for new construction of, demolition and replacement of, and additions to single family and two-family residential dwellings in order to promote the health, safety, morals and general welfare of the citizens of the City.

B. Finding of compelling, countervailing public interests. Pursuant to § 10-9a-504, UTAH CODE ANN., the City Council finds that the long-term and potentially permanent impact on the character of the City's residential neighborhoods from development that is inconsistent in scale and mass constitutes a compelling, countervailing public interest sufficient to justify the enactment of temporary zoning regulations for a period of six (6) months.

C. Balancing of public vs. private interests. The City Council further finds that any harm to private interests resulting from this temporary zoning regulation is outweighed by the City's interest in protecting the City against the adverse impact of such development.

D. Regulations.

a. In-Line Additions. In the SR-1 District (Special Development Pattern Residential District), all applications for in-line additions shall be made and reviewed through the special exceptions process provided in SLCC Chapter 21A.52.

b. Historic Districts. No building permits shall be issued for additions of enclosed habitable space, new construction or demolition within a local historic district without approval of the Historic Landmark Commission and the issuance of a Certificate of Appropriateness. For purposes of these temporary zoning ordinances, the Historic Landmark Commission is authorized to grant such approval and issue such certificate. This paragraph (b) shall be the exclusive process for building permits related to property located in a historic district.

c. New Additions. Building permits for new additions to single and two-family dwellings (including all in-line additions except those in SR-1 zones) may be issued over the counter provided that:

- (1) the foot print of the existing structure is increased by no more than 50%;
- (2) rear additions, if applicable, shall not exceed a depth of fifty percent (50%) of the established depth of the existing structure;
- (3) the height of the addition shall not exceed the elevation of the existing roof;
- (4) the roof of the addition shall have a similar roof pitch as the existing roof;

- (5) the addition conforms to the zoning standards of the applicable zoning district;
- (6) no part of the new addition encroaches into a required yard area; and
- (7) other new structures and obstructions do not encroach into required yard area except if specifically authorized under Zoning Ordinance Table 21A.36.020B.

New additions not meeting the foregoing requirements shall be reviewed under the process established by paragraph (e).

d. Demolition. If an existing single or two-family dwelling is demolished in a single or two-family residential district to allow new construction of a single or two-family dwelling, a building permit shall be issued only for a new dwelling with the same or smaller building footprint, the same location and configuration of the footprint, and the same or lower building height as the existing dwelling. The applicant shall provide sufficient information to establish the size and location of the building footprint and height of the existing structure. For purposes of these temporary zoning regulations, demolition shall mean removal of more than fifty percent (50%) of the above-grade square footage of the existing dwelling. The removal of less than 50% of the above-grade square footage shall be considered to be a remodeling. An application for a replacement dwelling with a larger or different building footprint or a greater building height may be reviewed pursuant to the special exception process provided by SLCC Chapter 21A.52.

e. New Construction on Vacant Lots. Building permits for new construction of single and two-family dwellings on vacant lots may be authorized pursuant to the following process:

(1) Planning Director approval of new construction within new subdivisions. The Planning Director may authorize the issuance of a building permit when all of the following standards are met:

- i. The proposed construction is compatible with the size and scale of other single and two-family dwellings in the general vicinity of the proposed new construction; and
- ii. The proposed construction meets all Zoning Ordinance requirements. If the Planning Director determines that the proposed new construction does not meet the standards listed above, the proposed new construction shall be referred to the Board of Adjustment. Zoning Ordinance standards found in Section 21A.52.060, will be the basis for Board of Adjustment review.
- iii. For purposes of these temporary zoning regulations, a new subdivision shall mean a subdivision of at least 10 residential lots, recorded within the last 3 years. Any residential property not located within a new subdivision shall be considered to be located within an established neighborhood.

(2) Planning Director approval of new construction within established neighborhoods. The Planning Director may authorize the issuance of a building permit when all of the following standards are met:

- i. Signatures have been obtained from 100% of the abutting property owners (including property owners across a street or alley);
- ii. The proposed construction is compatible with the size and scale of other single and two-family dwellings in the general vicinity of the proposed new construction;
- iii. The affected community council has been notified of the proposed construction;
- iv. The affected community council has not requested review by the Board of Adjustment within 14 days of being notified about the proposed new construction; and
- v. The proposed new construction meets all Zoning Ordinance requirements. If the Planning Director determines that the proposed new construction does not meet the standards listed above, the proposed new construction shall be referred to the Board of Adjustment. Zoning Ordinance standards found in Section 21A.52.060, will be the basis for Board of Adjustment review.

(3) Planning Director referral of new construction request to the Board of Adjustment.

- i. The Planning Director shall refer a request for new construction of single and two-family dwellings to the Board of Adjustment if the Planning Director determines that the proposed new construction is not compatible with the size and scale of other single and two-family dwellings in the general vicinity of the proposed new construction; or
- ii. The Planning Director may refer any request for new construction of single and two-family dwellings to the Board of Adjustment if the Planning Director determines that the proposed new construction does not appear to be routine or uncontested.

(4) Community councils have 14 days to review plans and submit comments to the City or to request review by the Board of Adjustment. If no comments are received from the affected community council within 14 days, it will be assumed that the community council has no objection with the proposed plans.

f. Accessory Buildings or Structures. Building permits for any demolition, rebuilding new construction or expansion of any accessory building in an area zoned for single or two-family dwellings shall be the same as those set forth above for the demolition, rebuilding or expansion of a single or two-family dwelling.

E. Length of temporary zoning regulations. These temporary zoning regulations shall remain in effect for a period not to exceed six (6) months from the effective date of this ordinance. Within such period of time, these temporary zoning

regulations may be expressly superseded in whole or in part by ordinances passed by the City Council.

F. Penalties for violation. Construction or demolition activity undertaken without obtaining a permit and/or certificate in compliance with these temporary zoning regulations shall be penalized by a double permit fee and a \$500 civil fine.

SECTION 2. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this ____ day of _____, 2005.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of _____.
Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date June 9, 2005
By [Signature]

Exhibit 2

**GENERAL STANDARDS FOR
SPECIAL EXCEPTIONS**

21A.52.060 General Standards And Considerations For Special Exceptions:

No application for a special exception shall be approved unless the board of adjustment shall determine that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below and, where applicable, the specific conditions for certain special exceptions. (See section 21A.52.100 of this chapter.)

- A. **Compliance With Ordinance And District Purposes:** The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.
- B. **No Substantial Impairment Of Property Value:** The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.
- C. **No Undue Adverse Impact:** The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.
- D. **Compatible With Surrounding Development:** The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.
- E. **No Destruction Of Significant Features:** The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.
- F. **No Material Pollution Of Environment:** The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.
- G. **Compliance With Standards:** The proposed use and development complies with all additional standards imposed on it pursuant to section 21A.52.100 of this chapter. (Ord. 26-95 § 2(26-5), 1995)

21A.52.070 Conditions On Special Exceptions:

The board of adjustment may impose conditions and limitations as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the special exception or upon public facilities and services. These conditions may include, but are not limited to, conditions concerning use, construction, operation, character, location, landscaping, screening and other matters relating to the purposes and objectives of this title. Such conditions shall be expressly set forth in the motion granting the special exception. (Ord. 26-95 § 2(26-6), 1995)

21A.52.080 Violation Of Conditions:

Violation of any such condition or limitation shall be a violation of this title and shall constitute grounds for revocation of the special exception. (Ord. 26-95 § 2(26-7), 1995)

21A.52.090 General Conditions To Be Applied To All Special Exceptions:

The following conditions shall apply to all special exceptions granted by the board of adjustment. These conditions shall be in addition to any other conditions set by the board of adjustment or required by this title for certain special exceptions. (See section 21A.52.100 of this chapter.)

- A. **Special Exceptions:** Subject to an extension of time granted upon application to the zoning administrator, no special exception shall be valid for a period longer than twelve (12) months unless a building permit is issued within that period and construction is diligently pursued to completion. Prior to the completion of the twelve (12) months, the applicant may request and the zoning administrator shall approve a twelve (12) month extension.
- B. **Authority To Inspect:** The zoning administrator shall have the authority to inspect all properties for compliance with special exception conditions as often as necessary to assure continued compliance. (Ord. 26-95 § 2(26-8), 1995)