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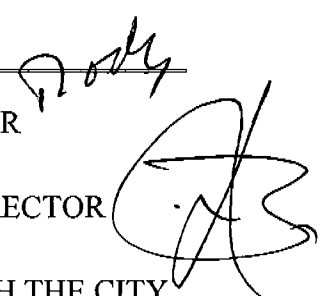
M E M O R A N D U M

TO: ROCKY FLUHART, CHIEF ADMINISTRATIVE OFFICER

FROM: LOUIS ZUNGUZE, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: REQUEST FOR AN OCTOBER 18, 2005 BRIEFING WITH THE CITY COUNCIL TO DISCUSS PROPOSED COMPATIBLE RESIDENTIAL INFILL ZONING STANDARDS

DATE: OCTOBER 11, 2005



INTRODUCTION

On September 20, 2005, the Planning Staff presented an outline to the City Council regarding a process to develop compatible residential infill zoning standards. During this briefing, the Planning Staff identified the scope of issues associated with residential infill development and proposed interim and long-term initiatives to address the problem of incompatible residential infill development within Salt Lake City. Following the Administration's presentation, the City Council suggested the Administration act immediately to amend the following provisions of the Zoning Ordinance which have been identified as contributing factors to incompatible residential infill development.

- Over-the-Counter in-line additions
- Building height
- Front yard setback
- Garage placement
- Building coverage
- Definition of demolition/teardown
- Fines for building permit violation

Furthermore, the City Council requested that the Administration return to the Council with a recommendation from the Planning Commission by the end of 2005.

PURPOSE

The purpose of this memorandum is to update the City Council on the Administration's progress since the last briefing. With respect to the City Council's comments and directive at the briefing, the Administration is ready to begin the public process regarding amendments to the Zoning Ordinance to address the noted factors contributing to incompatible residential infill development. The proposed zoning amendments and approval and appeal processes are summarized below:

PROPOSED ZONING ORDINANCE AMENDMENTS

The proposed amendments include a hierarchy for approvals which allows for the issuance of over-the-counter permits, approvals through an administrative process and review by the Planning Commission or the Board of Adjustment.

The proposed Zoning Ordinance amendments, approval and appeal processes, and definitions are summarized below:

- A. SR-1 AND SR-3 DISTRICTS – REMOVE PROVISIONS ALLOWING IN-LINE ADDITIONS THROUGH THE BUILDING PERMIT PROCESS:** The Administration proposes to eliminate the over-the-counter permit option for in-line additions. If this amendment is adopted, property owners in the SR-1 and SR-3 districts may still request in-line additions through the existing special exception process.

APPROVAL AND APPEAL PROCESS

- 1. Over-the-Counter Permit:** An over-the-counter permit may be issued if the proposed addition meets the required minimum setback requirements.
- 2. Routine and Uncontested Special Exception:** If a proposed in-line addition does not meet the minimum setback requirements, the proposal may be reviewed as a routine and uncontested special exception if the property owner obtains signatures of 100% of the abutting property owners.
- 3. Administrative Public Hearing:** If an applicant cannot obtain 100% of the signatures required for the Routine and Uncontested Special Exception or if the Zoning Administrator finds that the proposal is not routine and uncontested, the proposed in-line addition may be considered at an administrative public hearing.
- 4. Board of Adjustment:** Appeals from the administrative public hearing process and referrals from the Administrative Hearing Officer are heard by the Board of Adjustment.

B. FRONT YARD SETBACK FOR, FR, R-1 AND SR ZONING DISTRICTS – MINIMUM SETBACK DETERMINED BY AVERAGING: This provision would eliminate the Zoning Ordinance's current minimum front yard setback requirement of twenty feet (20').

STANDARD: The minimum front yard setback shall be based on the average setback of other dwellings on the same block face. However, the minimum front yard setback established by existing subdivision plats would be respected. For example, in the FR districts, many subdivision plats include a defined buildable area for each lot that establishes the required yards. In such cases, the front yard setback established by the subdivision plat would be maintained.

C. BUILDING HEIGHT – R-1/5000, R-1/7000, R-1/12,000, R-2, SR-1, SR-3:

Because the existing maximum building height of thirty feet (30') measured to the mid-point of the roof does not reflect the existing character in most of the City's neighborhoods the Administration is proposing to amend residential building height standards as follows:

STANDARDS:

- The maximum building height is proposed to be lowered to twenty-three feet (23') measured to the crest of the roof with a maximum exterior wall height of sixteen feet (16'); or
- The average height of single-family dwellings on the block face.

APPROVAL AND APPEAL PROCESS

1. **Over-the Counter Permits:** Any proposed projects that meet the maximum building height standards listed above will receive an over-the-counter building permit.
2. **Administrative Public Hearing:** Additional building and exterior wall height may be approved through the administrative public hearing process if the proposal is in keeping with the development pattern on the block face.
3. **Board of Adjustment:** Appeals of the Administrative Hearing Officer's decision and referrals from the Administrative Hearing Officer shall be heard by the Board of Adjustment which may approve additional building or exterior wall height if the proposal is in keeping with the development pattern of the block face.

D. ATTACHED GARAGES AND ACCESSORY BUILDINGS: Standards are proposed for the location and width of attached garages; and the location, height and maximum footprint of accessory buildings, such as detached garages. The proposed standards are summarized below:

STANDARDS FOR ATTACHED GARAGES:

- Attached garages must be located behind or in-line with the front line of the principal building.
- The width of an attached garage facing the street may not exceed fifty percent (50%) of the width of the front façade of the house.

APPROVAL AND APPEAL PROCESS

1. **Over-the-Counter Permit:** Any proposed projects that meet the attached garage standards listed above will receive an over-the-counter building permit.
2. **Administrative Public Hearing:** permits may be authorized by the Planning Director or designee for attached garages located forward of the front-line of the principal building if the applicant can demonstrate that the location of the proposed garage is in keeping with the development pattern on the block face or if the proposed garage is to be constructed in the same location as an existing garage which is being replaced.
3. **Board of Adjustment:** Appeals from the administrative public hearing process and referrals from the Administrative Hearing Officer are heard by the Board of Adjustment.

ACCESSORY BUILDINGS: The Zoning Ordinance currently allows accessory buildings to be located in the rear yard (behind the principal structure) provided that the accessory structure is at least four feet (4') from the principal building on the lot, ten feet (10') from principal buildings on adjacent lots and if the accessory building is at least one foot (1') from the property lines.

In order to minimize the negative impacts that accessory garages may have on adjacent lots, the Administration is proposing the following standards summarized below:

STANDARDS FOR ACCESSORY BUILDINGS:

- Accessory structures must be located at least twenty feet (20') from principal buildings on adjacent lots.
- Accessory structures must be located at least one foot (1') but not more than five feet (5') from the rear property line.

APPROVAL AND APPEAL PROCESSES

1. **Over-the-Counter Permit:** Any proposed projects that meet the standards for accessory buildings listed above will receive an over-the-counter building permit.
2. **Administrative Public Hearing:** The Planning Director or designee may authorize the issuance of building permits if the property owner demonstrates that other accessory structures on lots along the same block face are located more than five feet (5') from the rear property line. In this case, the proposed accessory structure may be located more than 5 feet

from the rear property line up to a distance that is equal to the average setback of other accessory structures from their respective rear property lines.

3. **Board of Adjustment:** The Board of Adjustment may approve an alternate location through the special exception process based on hardships created by topography or mature vegetation.
4. **Board of Adjustment:** Appeals from the administrative public hearing process and referrals from the Administrative Hearing Officer are heard by the Board of Adjustment.

STANDARDS MAXIMUM HEIGHT OF ACCESSORY BUILDINGS:

1. The maximum building height of accessory structures shall be reduced from seventeen feet (17') measured to the midpoint of the roof to fifteen feet (15') measured from the average established grade to the peak of the roof.
2. The maximum wall height of an accessory structure will be ten feet (10') measured from the top plate of the exterior wall to the average established grade on each façade of the accessory building.

APPROVAL AND APPEAL PROCESS

1. **Over-the-Counter Permit:** Any proposed projects that meet the standards for maximum height of accessory buildings listed above will receive an over-the-counter building permit.
2. **Routine and Uncontested Special Exception:** Accessory structures which exceed the maximum wall or accessory building height provisions may be approved as a routine and uncontested special exception if the accessory building is in keeping with the development pattern on the block face subject to the additional standards found in the Zoning Ordinance under Section 21A. 40.050.
3. **Administrative Public Hearing Process:** If an applicant cannot obtain 100% of the signatures required for the routine and uncontested special exception or if the Zoning Administrator finds that the proposal is not routine and uncontested, the proposed in-line addition may be considered at an administrative public hearing.
4. **Board of Adjustment:** The Board of Adjustment may approve accessory structures which exceed the maximum wall or accessory building height provisions as a special exception if the accessory building is in keeping with the development pattern on the block face.
5. **Board of Adjustment:** Appeals from the administrative public hearing process and referrals from the Administrative Hearing Officer are heard by the Board of Adjustment.

Standard for Maximum Footprint of Accessory Structures: The maximum footprint of an accessory structure is proposed to be limited to a maximum size not to exceed fifty percent (50%) of the size of the footprint of the principal

structure on the lot up to a maximum size of 720 square feet. In all cases a 400 square foot garage will be allowed.

APPROVAL AND APPEAL PROCESS

1. **Over-the-Counter Permit:** Any proposed projects that meet the standard for maximum footprint of an accessory building listed above will receive an over-the-counter building permit.
2. **Routine and Uncontested Special Exception:** The footprint of an accessory structure between 720 square feet and 900 square feet may be approved as a routine and uncontested special exception subject to the size of the accessory structure being in keeping with the development pattern on the block face.
3. **Administrative Public Hearing:** If an applicant cannot obtain 100% of the signatures required for the routine and uncontested special exception or if the Zoning Administrator finds that the proposal is not routine and uncontested, the proposed in-line addition may be considered at an administrative public hearing.
4. **Board of Adjustment:** The Board of Adjustment may approve an accessory structure with a footprint in excess of 900 square feet as a special exception if the accessory structure is in keeping with the development pattern on the block face.
5. **Board of Adjustment:** Appeals from the administrative public hearing process and referrals from the Administrative Hearing Officer are heard by the Board of Adjustment.

E. MAXIMUM LOT SIZE

STANDARD: With the exception of lots created by a subdivision plat or notices of minor subdivision or minor subdivision amendment recorded in the Office of the Salt Lake County Recorder, the maximum size of a new lot shall not exceed 150% (except in the SR-3 District where the maximum lot size shall not exceed 200%) of the minimum lot size required by the base zoning district.

APPROVAL AND APPEAL PROCESS

1. **Over-the-Counter Permit:** Any proposed projects that meet the standard for maximum lot size listed above will receive an over-the-counter building permit.
2. **Administrative Public Hearing Process:** Lots in excess of the maximum lot size shall be allowed only if created through the subdivision process and approved by the Planning Commission, subject to the following standards:
 - The square footage of the new lot is compatible with other lots on the same block face.
 - The configuration of the lot is compatible with other lots on the same block.

- The relationship of the lot width to lot depth is compatible with other lots on the same block face.
3. **Planning Commission:** Appeals from the administrative public hearing process and referrals from the Administrative Hearing Officer are heard by the Planning Commission.

F. MAXIMUM LOT COVERAGE – NEW CONSTRUCTION AND ADDITIONS

STANDARDS:

- R-1-5000 and SR-1 – reduce maximum building coverage from 55% to a base of 40% of lot area.
- R-2 – reduce maximum building coverage for single family dwelling (minimum 5,000 s.f. lot) from 45% to a base of 40%

APPROVAL AND APPEAL PROCESS

1. **OVER-THE-COUNTER PERMIT:** Any proposed projects that meet the maximum lot coverage and maximum building height standards will receive an over-the-counter building permit.
2. **ADMINISTRATIVE PUBLIC HEARING:** The maximum building coverage standard shall decrease as a function of the building height for R-1, R-2 and SR districts for buildings in excess of the maximum building height subject to the development pattern on the block face.
3. **BOARD OF ADJUSTMENT:** Appeals from the administrative public hearing process and referrals from the Administrative Hearing Officer are heard by the Board of Adjustment.

G. FINES:

The Administration proposes that substantial penalties be imposed for construction activity undertaken in violation of the ordinance. The range of potential punitive actions includes:

1. Revocation of the building permit;
2. Issuance of a Civil Citation with a fine up to \$1,800;
3. Revocation of the contractor's license; and
4. Building Permit Fine equal to ten percent (10%) of the valuation of the proposed construction as determined by the Building Official, or \$1,000.00, whichever is greater. This option would require an ordinance amendment. The City Code currently allows the Building Services and Licensing Division to impose a fine that doubles the building permit fee.

H. DESCRIPTION OF APPROVAL AND APPEAL PROCESSES

1. **OVER-THE-COUNTER PERMIT:** Over-the-counter building permits may be issued if the standards of the base zoning district are met.

2. **ROUTINE AND UNCONTESTED SPECIAL EXCEPTION:** Routine and uncontested special exceptions may be approved by the Zoning Administrator subject to the provision of Section 21A.52 of the Zoning Ordinance. This process requires an applicant to obtain 100% of abutting property owner's signatures for the Zoning Administrator to consider the request. The Administration is proposing that where an applicant is not able to obtain 100% of the signatures of abutting property owners, or when the project is not routine and uncontested, an administrative hearing occur rather than a Board of Adjustment hearing taking place. Any appeals to the decision rendered by the Administrative Hearing Officer in the administrative public hearing process may be appealed to the Board of Adjustment. This process requires a 14 day public notice mailed to property owners within 300 feet (excluding streets and alleys) of the subject property and to chairs of affected community councils.
3. **ADMINISTRATIVE PUBLIC HEARING PROCESS:** The administrative public hearing process is administered by an Administrative Hearing Officer under the direction of the Planning Director. This process allows greater scheduling flexibility than the Planning Commission or the Board of Adjustment but still requires a fourteen day public notice mailed to property owners within 300 feet (excluding streets and alleys) of the subject property and to chairs of affected community councils.
4. **BOARD OF ADJUSTMENT:** Under the current proposal, the Board of Adjustment is generally designated as the final appeal body. Public notice of Board of Adjustment consideration must be mailed to property owners within 300 feet (exclusive of streets and alleys) when considering new construction of principal buildings and 85 feet (exclusive of streets and alleys) for other types of projects

Please note that the routine and uncontested special exceptions, administrative public hearing process and the Board of Adjustment review of special exceptions are subject to Section 21A.52.060 General Standards and Considerations for Special Exceptions.

- I. **DEFINITION OF DEMOLITION:** Complete Demolition means any act or process that destroys or removes 75 percent or more of the exterior walls of a structure, improvement or object.

ADDITIONAL RECOMMENDATIONS

- A. Adopt specific Zoning Ordinance text amendments as proposed.
- B. The Administration also recommends that the City:
 1. In the event that the proposed Zoning Ordinance amendments do not satisfy neighborhood concerns regarding incompatible residential infill development, we recommend the creation of neighborhood based compatible infill zoning

standards by working with neighborhood organizations, as necessary, on a first-come first-served basis. Individual neighborhoods which choose to enter this process must prepare a research document which documents the important character defining features of the neighborhood and document existing zoning concerns. At a minimum, the document should include standards for the following items:

- Building height
- Front yard setback
- Garage placement
- Building coverage
- Maximum lot size
- Other character defining elements of the neighborhood

2. The Planning Division will then draft compatible residential infill development standards for the neighborhood to be included in the City's Zoning Ordinance and manage the adoption process.

PROPOSED SCHEDULE FOR PUBLIC PROCESS AND ADOPTION OF THE PROPOSED ZONING CODE AMENDMENTS

The Administration proposes the following schedule for adoption of the specific Zoning Ordinance amendments discussed in this memorandum:

- City Council briefing: October 18, 2005
- Public Open House: October 25, 2005
- Planning Commission public hearing: November 9, 2005
- City Council public hearing: December 2005

