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# **SALT LAKE CITY CORPORATION**

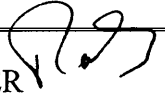
DEPT. OF COMMUNITY DEVELOPMENT  
OFFICE OF THE DIRECTOR

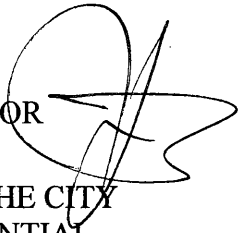
ROSS C. "ROCKY" ANDERSON  
MAYOR

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## **M E M O R A N D U M**

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**TO:** ROCKY FLUHART, CHIEF ADMINISTRATIVE OFFICER 

**FROM:** LOUIS ZUNGUZE, COMMUNITY DEVELOPMENT DIRECTOR 

**SUBJECT:** REQUEST FOR A SEPTEMBER 20, 2005 BRIEFING WITH THE CITY COUNCIL TO DISCUSS PROPOSED COMPATIBLE RESIDENTIAL INFILL ZONING STANDARDS

**DATE:** SEPTEMBER 14, 2005

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### **INTRODUCTION**

On June 21, 2005, the City Council requested that the Planning Division review the City's zoning standards for single and two-family dwellings and propose amendments which will promote residential infill development that is compatible with the scale and character of the surrounding residential neighborhoods. This memorandum serves to define the problem and scope of issues associated with infill development and identifying neighborhoods of the City where the problem of incompatible infill development is, and most likely to occur. The memorandum concludes with proposals for interim and long-term initiatives to address the problem of incompatible infill development within Salt Lake City.

Although this memorandum recommends that the Administration and City Council take action to regulate residential infill development, the Administration does not intend to convey any negative impressions of infill development as a whole. The Administration recognizes the importance and the benefits of residential infill housing development. However, residential infill development can have a lasting negative impact on the

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Compatible Residential Infill

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

September 14, 2005

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character of a neighborhood, if important attributes of the neighborhood are not considered in the design and construction of new development.

## **DEFINITION OF PROBLEM**

Salt Lake City is a mature community consisting of many diverse and well established residential neighborhoods. With the exception of the Northwest Quadrant, the construction of new large-scale residential subdivisions within Salt Lake City is a notion of the past. Suitable land for new large residential subdivisions is a scarce commodity within the City limits. As a result, the number of new single family homes being constructed in Salt Lake City is steadily declining. Instead of large tracts of land being developed as part of new subdivisions, new housing is being constructed on a much smaller scale, often on individual lots within established neighborhoods.

Infill development manifests itself in three ways. Through new residential construction on a vacant lot; or increasingly, as the result of a tear-down – demolition of an older dwelling to allow the construction of a new dwelling; or through additions to existing dwellings.

Many of the City's neighborhoods developed with a continuity of architectural styles, similar building height and site characteristics. However, the size of homes being built in a number of established neighborhoods, as a result of changing needs of today's families, is a cause of concern. Recent examples of such tear-downs and additions can be found in the Avenues and East Bench areas, but other examples may be found throughout the City. The typical size of a single-family residence has grown significantly over the past fifty years and new homes are often much larger than the original homes found in established neighborhoods.

Nationally, the average house size has more than doubled between 1950 and 2000. As a result, existing residents are becoming increasingly concerned that some new infill developments are having a significant negative effect on the character of older neighborhoods. The concern of residents stems from the fact that most new homes or additions to existing houses are out of scale; have much steeper roof pitches; greater building height; and significantly different architectural styles than traditionally found in the neighborhood.

With a scarcity of buildable lots and an abundance of successful neighborhoods that are desirable places to live, the value of property tends to increase. Increasing property values facilitate real estate speculation and leads to an increase in tear-downs. The combination of desirable neighborhoods and rising property values is therefore creating a challenge of maintaining the unique character of the City's neighborhoods while accommodating new infill development.

Given such pressures, it is important to strike a balance between the competing needs in order to maintain the vitality of the City's neighborhoods.

This problem is not unique to Salt Lake City; many cities are developing regulations to assure compatible infill development. The approaches vary considerably from general design criteria to very complex systems. Some cities, such as Boston, Massachusetts and Memphis, Tennessee have established design review boards, similar to historic landmark commissions, which are charged with preserving neighborhood character, while others such as Palo Alto, California; have developed over-the-counter permitting processes that include the use of design guidelines relating to streetscape, massing and privacy. The City Council recently adopted the Yalecrest Compatible Infill Overlay District to address this problem.

## **CAUSES OF THE PROBLEM**

There are many factors which contribute to tear-downs and construction of new larger homes and additions to residential dwellings. The factors are organized in three categories: Economic Factors, Societal Factors, and Regulatory Factors.

### **A. Economic Factors**

1. **Desirable Neighborhoods:** Salt Lake City has a variety of healthy, successful and mature neighborhoods that are desirable places to live. The attractiveness of these neighborhoods arises from many factors including: neighborhood character, mature landscaping, proximity to places of employment, cultural and recreational amenities and a renewed public interest in urban living.
2. **Limited Developable Land:** As the need for additional housing continues to grow in Salt Lake City, the availability of suitable land for construction of new large residential dwellings is diminishing. Most of the land suitable for residential development within Salt Lake City has already developed. Constraints such as the mountains, the Great Salt Lake and abutting cities limit the City's ability to grow beyond its current boundaries. As such, new residential development occurs at a smaller scale, often on individual lots within existing neighborhoods.
3. **Rising Land Values:** Limited developable land coupled with desirable neighborhoods contributes to the escalation of land values. As property values continue to rise, real estate speculation increases and property owners often find it profitable to demolish existing homes and take advantage of the value of the lot and desirability of the location. Alternatively, the rising cost of property precludes a family from moving into an existing smaller house, so an addition becomes the most effective way to satisfy space needs; the purchase price; and the desire to live in an urban setting.

### **B. Societal Factors:**

The size of the average single family homes is growing. A house built in 1950 may not meet the desired floor plan and room size needs of today's typical family or

homeowner. Today, homes are being built with much larger bedrooms, kitchens, additional storage areas and garages. As a result of such trends, new residential infill houses tend to not fit in with older traditional neighborhoods.

### C. Zoning Standards:

Salt Lake City adopted a Zoning Ordinance Update in 1995, which intended to simplify regulatory standards and create a Zoning Ordinance that was intended to better reflect the existing development in residential neighborhoods. However, it is now evident that some provisions of the 1995 Zoning Ordinance Update are contributing to the problem of incompatible infill housing. The following list describes zoning standards that contribute to the problem:

1. **SR-1 District – In-line additions:** The SR-1 Special Development Pattern Residential District standards for interior side yards includes the following language:

21A.24.080.E.3.c

- c. *Existing Lots: For buildings legally existing on April 12, 1995, the required interior side yard shall be no greater than the established setback line of the existing building.*

This provision allows in-line additions to existing houses which do not meet the minimum required setbacks. In-line additions essentially allow encroachments into required yards without the benefit of notification or public comment. In all other residential zoning district, in-line additions which do not meet the required setback requirements may only be allowed by approval of a special exception.

#### Potential impacts:

- A reduced sense of privacy
- Reduction of solar access
- Loss of views/vistas
- Reduction of useable open space
- Increased bulk and massing

2. **Building Height:** The allowable building height in the City's single and two-family residential zoning districts is thirty feet (30') or 2<sup>1/2</sup> stories. In many established neighborhoods a 2<sup>1/2</sup> story house would not fit the general development pattern and would be out of character with the neighborhood. Houses that are too tall for the neighborhood tend to dramatically affect the visual quality of a neighborhood and have a significant negative impact on the streetscape.

#### Potential Impacts:

- Visual impact on streetscape
- Increased bulk and massing

- A reduced sense of privacy
- Reduction of solar access
- Loss of views/vistas

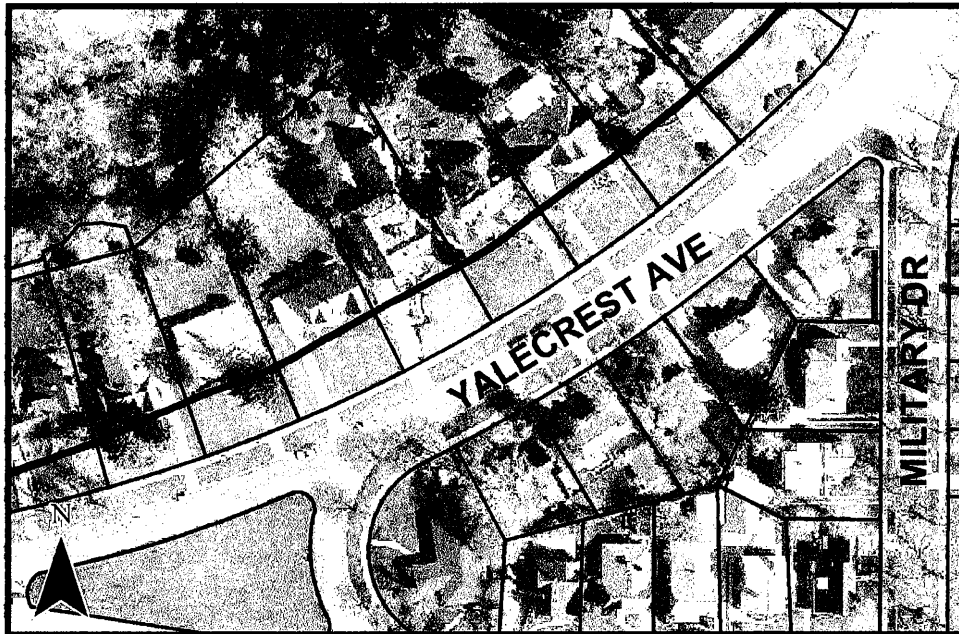


3. **Front Yard Setback:** Front yard setbacks tend to be fairly consistent within neighborhoods or at a smaller scale, on the block level. The current Zoning Ordinance requires a minimum standard of twenty feet (20') in residential zoning districts which often do not reflect that pattern of development pattern.

In some neighborhoods, the typical front yard may be as deep as 40 to 50 feet. An example of this is Yalecrest Avenue at approximately 1700 East where the typical front yard setback is approximately 45 feet. New construction of a single family dwelling on this section of street utilizing the minimum allowed setback of 20 feet would have a negative effect on the character of this streetscape.

Potential Impacts:

- Disruption of the established rhythm of the streetscape
- Visual impacts



4. **Placement of Garages:** The typical placement of a garage on a lot plays a major role in defining the character of a neighborhood. The time period in which a neighborhood developed is a major determinant of whether garages are present on a lot, detached and generally located in the rear yard, or attached to the dwelling. The current Zoning Ordinance does not (with the exception of the Yalecrest Neighborhood) regulate placement of garages based on the typical development pattern of the surrounding neighborhood. Because of this, additions or new construction of garages tend to have a significant impact on the character of a neighborhood.

Neighborhoods such as Yalecrest (800 South and Sunnyside Avenue to 1300 South from 1300 East to 1900 East) were developed at a time when automobiles were becoming more available to the general population but played a lesser role in the design and development of residential neighborhoods. As such, most homes in Yalecrest have relatively small garages that are generally placed in the rear yard. This typical development pattern contrasts with a neighborhood such as Bonneville Hills (1300 South to 1700 South from 1900 East to Foothill Drive) where the typical house has an attached garage which is often located beyond the front line of the house. Both neighborhoods are desirable places to live but the general character of the two neighborhoods is significantly different because of the placement of the garages. Today, lifestyles have changed and people are seeking homes with much larger garages which can affect the character of the neighborhood. For this reason any new standards for garage placement must respect the general development pattern of the neighborhood.

Potential Impacts:

- Garage placement that is not consistent with the typical development pattern in the neighborhood can have negative effects on the established rhythm of the streetscape.



Example of incompatible residential infill development

5. **Building Coverage:** Building coverage is defined in the Zoning Ordinance as that percentage of the lot covered by principal or accessory buildings. The purpose of building coverage provisions in the Zoning Ordinance is to ensure that a lot, when developed, retains some percentage of the lot as useable open space. Typically, the amount of open space that is retained on a lot is defined by the required yard areas (front, rear and side yard setbacks) and whatever portion of the buildable area of the lot that is not covered by principal and accessory buildings. However, with the exception of the Foothill Residential districts (FR-1, FR-2 and FR-3) accessory buildings are allowed to occupy up to fifty (50) percent of the area located between the rear of the house and the rear property. The Foothill Residential districts do not allow accessory buildings outside of the buildable area.

The single and two-family zoning districts have maximum building coverage requirements ranging from 25% in the Foothill Residential FR-1 and FR-2 districts to 60% in the Special Residential Development Pattern SR-3 District. Table 1 shows the maximum building coverage requirements and required setback areas adopted as part of the 1995 Zoning Ordinance Update. In the R-1-5000, SR-1 and SR-3 districts, because a house can consume the entire buildable area and one is allowed to build accessory structures in the required setback areas, the overall effect is a potential loss of scale and loss of open space. In the other

residential zoning districts, the combined area of the lot covered by a house and any accessory structures cannot exceed the buildable area of the lot.

Potential Impacts:

- Increase of bulk and massing.
- Reduction of usable open space.
- Reduction of a sense of privacy.

**TABLE 1**

| <b>MAXIMUM BUILDING COVERAGE COMPARED TO<br/>REQUIRED SETBACK AREA<br/>AS A PERCENTAGE OF LOT AREA</b> |  |  |
|--|--|--|
| <b>ZONING DISTRICT/<br/>MINIMUM LOT SIZE</b>   | <b>MAXIMUM BUILDING<br/>COVERAGE<br/>(expressed as a percentage<br/>of lot area)</b> | <b>REQUIRED SETBACK AREA<br/>(area of lot occupied by the<br/>front, rear and side yards,<br/>expressed as a percentage<br/>of lot area)</b> |
| <b>FR-1<br/>43,560 S. F.</b>   | 25%<br>10,890 SF   | 42.3%<br>18,440 SF   |
| <b>FR-2<br/>21,780 S. F.</b>   | 25%<br>5,445 SF  | 56.6%<br>12,320 SF   |
| <b>FR-3<br/>12,000 S. F.</b>   | 35%<br>4,200 SF  | 52.5%<br>6,300 SF  |
| <b>R-1<br/>12,000 S. F.</b>  | 35%<br>4,200 SF  | 45.8%<br>5,490 SF  |
| <b>R-1<br/>7,000 S. F.</b>   | 40%<br>2,800 SF  | 53.9%<br>3,770 SF  |
| <b>R-1<br/>5,000 S. F.</b>   | 55%<br>2,750 SF  | 60.4%<br>3,020 SF  |
| <b>SR-1<br/>5,000 S. F.</b>  | 55%<br>2,750 SF  | 60.4%<br>3,020 SF  |
| <b>SR-3<br/>2,000 S. F.</b>  | 60%<br>1,200 SF  | 52.6%<br>1,051 SF  |
| <b>R-2<br/>5,000 SF (SINGLE FAMILY)</b>  | 45%<br>2,250 SF  | 60.4%<br>3,020 SF  |
| <b>8,000 SF (DUPLEX)</b>   | 45%<br>3,600 SF  | 60.4%<br>4,832 SF  |



## **NEIGHBORHOODS PRONE TO NEGATIVE IMPACTS OF RESIDENTIAL INFILL**

The attached map of Salt Lake City identifies neighborhoods that are currently and likely to experience the negative impacts of residential infill development that is not consistent with the character of the neighborhood. This map includes most areas zoned for single family and two family dwellings but excludes areas recently developed such as parts of Westpointe where the negative impacts of residential infill housing do not appear to be a problem. Also excluded are the City's residential historic districts and the Yalecrest Neighborhood which have existing processes that address compatible residential infill development.

### **Council District 1**

- Westpointe, excluding the area north of 900 North and west of Interstate-215
- Jordan Meadows, excluding the area west of Interstate-215
- Rose Park
- State Fairpark

### **Council District 2**

- Poplar Grove, excluding the area west of Redwood Road
- West Salt Lake, excluding the area west of Redwood Road and south of 1700 South.

### **Council District 3**

- Capitol Hill
- Greater Avenues

### **Council District 4**

- Central City
- East Central
- East Liberty Park
- People's Freeway

### **Council District 5**

- Liberty Wells
- Central City
- East Central
- People's Freeway
- Wasatch Hollow
- Sugar House

### **Council District 6**

- Foothill/Sunnyside
- Wasatch Hollow
- Bonneville Hills

- East Bench community councils in District 6

#### **Council District 7**

- Sugar House
- East Bench community councils in District 7

### **COURSES OF ACTION**

Because compatible infill is an issue throughout the City, the Administration is proposing a two-step process. The first step would be the creation and adoption of compatible residential infill standards that could be applied to all new construction and additions in certain residential areas. This step would constitute a short-term measure aimed at assuring that new residential infill development is compatible in the surrounding neighborhood. The second step –long-term – is to address specific problems with the City’s Zoning Ordinance and work with individual neighborhoods to develop compatible residential infill standards for applicable neighborhood areas.

#### **A. OPTIONS FOR SHORT-TERM ACTION**

The Administration has explored two options for short-term remedies to the issues described in this memorandum.

1. The first option is the adoption of a moratorium with temporary zoning standards that address the issue of compatible residential infill development.
2. The second option recommends amending the zoning ordinance through the standard text amendment process. The proposed amendments would include a sunset date when these standards would be repealed.

Both options are designed to provide time for the Administration to develop a long-term strategy to deal with the problem of incompatible residential infill development. Each option has advantages and disadvantages which are discussed.

**OPTION 1:** Adopt a moratorium with temporary zoning standards. This is the process that the City Council considered in June. Temporary zoning regulations expire six months from the date of adoption and are intended to provide a period of time for the City to develop new zoning regulations.

**Benefit:** The advantages of this approach are:

- Prohibit incompatible infill development. Potentially no new incompatible infill development would be allowed.
- Ease of implementation. The benefit of this option is that temporary zoning standards can be adopted and implemented very quickly.

**Disadvantages:** The disadvantages of this approach are:

- Limited public input and notification: Temporary zoning regulations may be adopted by the City Council without the benefit of community council review or a Planning Commission public hearing. The main disadvantage of this approach is that there is very little public notification and limited public input.
- Six month time-frame: Temporary zoning standards adopted in this manner are effective for a maximum of six months. This time frame may not provide enough time to develop new zoning standards and conduct a meaningful public review process prior to the deadline.
- Moratorium. Tends to create a perception of stopping development in the City.

**OPTION 2:** Amend the Zoning Ordinance by adopting a design review process that will insure compatible residential infill development. The Administration is preparing a proposed amendment to the Zoning Ordinance that would implement a design review process for all new construction and additions to single and two-family developments within certain neighborhoods. The ordinance will include a sunset date specifying when the standards will be repealed. The proposed text amendment would consist of a set of compatible infill zoning standards that would apply to all new construction of and additions to single and two-family residential dwellings and associated accessory structures in all residential zoning districts.

**Advantages:**

- Allows extended time frame to develop long-term solutions. Unlike Option 1, this approach will allow staff adequate time to develop new zoning standards and correct provisions of the Zoning Ordinance that allow incompatible residential infill development.
- Public Notification and Input. Under this option, the proposed Zoning Ordinance amendments are adopted through the normal public process which requires community council input and public hearings before the Planning Commission and City Council.
- Restoration of order to building permits process. Because of the amount of public scrutiny that is occurring for new construction and additions in residential neighborhoods, the over-the-counter building permits process is no longer routine and uncontested. Even the simplest proposal no longer has a predictable outcome or time frame for the issuance of the building permit. This option will restore order to the process

**Disadvantages:**

- This process takes additional time to adopt the short-term amendments to the zoning ordinance and leaves areas of the city vulnerable to further residential infill development which may have negative effects on the character of the neighborhood.

## RECOMMENDATION

Based on the analysis of the advantages and disadvantages of both options, the Administration recommends that the City proceed with Option 2.

## SUMMARY OF PROPOSED PROCEDURAL ELEMENTS FOR OPTION 2

The proposed elements of the short-term amendments to the Zoning Ordinance are:

1. **Over-the-Counter Building Permit Process:** Over the counter building permits would be available for a new single or two-family dwelling and accessory structures:
  - With the same or smaller building footprint as the existing building;
  - Placed in the same location on the lot as the existing building; and
  - With the same or lower building height as the existing building.
2. **Administrative Public Hearing Process:** U to single and two-family dwellings and accessory structures in residential districts that increase the footprint, square footage or height of the structure shall only be authorized through an Administrative Public Hearing Process. This is the same process currently used by the City's Planning Division to review minor subdivisions and certain types of conditional uses. This process requires a fourteen day mailed notice to property owners of record within 300 feet of the subject property and allows for public comment during a public hearing presided over by a hearing officer. The proposed ordinance would include standards for approval that relate to the design of the proposed addition in relation to other dwellings in the immediate vicinity. The standards would address:
  - **Scale and Form** (height and width of the structure, roof shape, bulk of the structure);
  - **Composition of the Principal Façade** (relationship of entrance porches or other façade feature to the street frontage);
  - **Garage placement** (attached, detached, location on the lot);
  - **Relationship to the street** (front and corner side yards).

In any case, the hearing officer would have the authority to refer a request for a new addition to the Board of Adjustment if he/she makes a determination that the proposed new addition does not meet the standards of approval; or does not appear to be routine or uncontested.

The administrative hearing process would allow appeals to be filed with the Board of Adjustment within fourteen days by the petitioner, or any notified individual or organization, who disagrees with the administrative decision. The burden of proof lies with the appellant who must demonstrate why the administrative decision conflicts with the standards of approval.

3. **Board of Adjustment Review of New Construction:** All new construction of single and two-family dwellings or accessory structures in residential zoning districts that does not meet the standards for the over-the-counter building permit process described above, must be reviewed by the Board of Adjustment. The standards for approval are the same as the standards utilized in the administrative hearing process.
4. **Fines:** The Administration also proposes that a substantial penalty be imposed for construction activity undertaken in violation of the ordinance. The range of potential punitive actions includes:
  - Revocation of the building permit;
  - Issuance of a Civil Citation with a fine up to \$1,800;
  - Revocation of the contractor's license; and
  - Building Permit Fine equal to twenty percent (20%) 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 Division to impose a fine that doubles the building permit fee.

## **B. RECOMMENDATION FOR THE LONG-TERM**

The proposed zoning ordinance amendment recommended above under the short-term course of action will provide an adequate time frame for the Administration to develop long-term solutions to address compatible residential infill development. In addition, the proposed amendments would also allow for orderly review of all proposed additions and new construction. The Administration recommends that in the interim period, that the City:

1. Review and adopt Zoning Ordinance amendments that address incompatible residential infill development; and
2. Develop neighborhood based compatible infill zoning standards by working with neighborhood organizations 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.
3. 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.

### **Exhibits:**

1. Map of Areas Prone to Incompatible Residential Infill Development

**EXHIBIT 1**

**MAP OF AREAS PRONE TO  
INCOMPATIBLE RESIDENTIAL  
INFILL DEVELOPMENT**

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