

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 SUPPLEMENTAL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer *RCA* **DATE:** June 30, 2006

FROM: Louis Zunguze, Community Development Director *[Signature]*

RE: Supplemental Transmittal for Petition No. 400-05-41 by Rombe Lumber Company and Robert and Honora Carson, which is a request to annex approximately 405.59 acres of land into the corporate limits of Salt Lake City. The supplemental information is regarding the proposed zoning of six properties (Buffer Parcels) identified below, which abut the rear of residential properties that front on Lakeline Drive.

STAFF CONTACTS: Sarah Carroll, Principal Planner, at 535-6260 or sarah.carroll@slcgov.com

RECOMMENDATION: That the City Council consider individual property owner preferences and adopt the ordinance to zone these six properties as appropriate

DOCUMENT TYPE: Supplemental Transmittal

BUDGET IMPACT: None

MAP OF SUBJECT PROPERTIES:



- 1) 16-23-201-017, owned by Benjamin Buehner
- 2) 16-23-201-016, owned by Andrea & Louis Barrows
- 3) 16-23-201-013, owned by Alan & Orlene Cohen
- 4) 16-23-201-014, owned by Alan & Orlene Cohen
- 5) 16-23-201-018 (partial), owned by Lynn Mabey
- 6) 16-23-201-019, owned by Axxon Investment Company (Lynn Mabey)

DISCUSSION:

Issue Origin: At the City Council briefing for the annexation request, held on May 2, 2006, the City Council members had two questions which needed additional analysis and research. The first question concerned the potential that the Foothill Residential (FR-3) zoning that was requested by these property owners might allow for perimeter property line fencing that could result in a solid fence being constructed up the hillside. Secondly, Council members also wanted more information on the development potential of these properties before deciding on a zoning designation. Council member Søren Simonsen stated that he would also like to meet with the owners of the property identified on page 1 before determining whether or not Open Space (OS) or Foothill Residential (FR-3) zoning would be most appropriate for their land.

Analysis: In regards to the first question, the information below summarizes the fencing requirements for the OS and FR-3 zones. In regards to the second question, a slope analysis along with potential development analysis is provided below.

- 1) **Fencing Requirements:** An analysis of the fencing requirements for the OS and FR zones has been provided to address the City Councils' first question. (See attachment 1 for exact Ordinance wording).
 - A. **Open Space Zones:** The Open Space (OS) Zone does not have any special fencing restrictions. Standard fencing regulations include a height limit of six feet, which is applicable to the Open Space (OS) Zone.
 - B. **Foothill Residential Zones:** Fencing restrictions for the Foothill Residential (FR) Zones are outlined as follows:
 - i. **Field Fencing of Designated Undevelopable Areas** is addressed in Section 21A.24.010.10.b. In undevelopable areas, fencing is limited to 42 inches in height using metal "T" posts with four strands of non-barbed wire.
 - ii. **Buildable Area Fencing** is addressed in Section 21A.24.010.10.c. and includes fencing on any portion of a lot identified as the buildable area of that lot. Two types of fences are allowed in the buildable area, as outlined:
 1. An open, see through fence may be constructed of tubular steel, wrought iron or similar materials, finished with a flat black nonreflective finish and constructed to a height of six feet or less; or
 2. A sight obscuring or privacy type fence shall be of earth tone colors, or similar materials to the primary dwelling, and located in a way to screen private outdoor living spaces from off-site view.

- C. Summary: In summary, fencing restrictions for the FR-3 zone are more restrictive than for the OS zone.
- 2) Preliminary Slope and Development Analysis: An analysis of the slopes and the potential for development has been provided in order to address the City Council's second question (See attachment 2 for slope analysis map).
- A. Slope Analysis: Planning Staff prepared a preliminary slope analysis map for the Lakeline Drive Lots and the Buffer Parcels (see Attachment 2). The attached topographical map generally identifies the slope of the land. Orange represents slopes greater than 30 percent and yellow identifies slopes of less than 30 percent.
- B. Development Potential for lots that front on Lakeline: Under the current Foothill Residential -3/12,000 (FR-3) Zoning for the Lakeline Drive Subdivision lots, additions to existing residences could extend to within 35 feet of the rear (east) lot lines of the original Arcadia Height subdivision lots. Based upon existing aerial photographs and ownership plat records, approximately 30-foot deep additions could be made to the rear of all the existing subject homes without amendment to the original subdivision plats, or inclusion of any of the Buffer Parcel properties.
- C. Development Potential for Buffer Parcels: Of the six Buffer Parcels, only the northerly Cohen parcel and the southern most Axxon Investments' parcel have any substantial area of less than 30 percent slope, to allow the expansion of the buildable area across existing subdivision lot lines. (Note: A subdivision plat amendment application would need to be approved by the Planning Commission if any of the Buffer Parcels are to be combined with the lots in the Arcadia Heights Subdivision). The Buffer Parcel owned by the Cohens' has a narrow corridor located in the bottom of the minor drainage channel, which extends eastward and could be developed as buildable area or improved landscaped area or lot rear yard area – provided the Foothill Residential-3/12,000 (FR-3) Zoning is extended to the Buffer Parcels. Similarly, the southern Axxon Investments/Arcadia Heights subdivision lot could be amended to extend the buildable area or rear yard area to the southeast along the side hill into the southwestern part of the triangularly shaped Buffer Parcel. The other four Buffer Parcels do not, in Planning Staff's opinion, contribute to the potential expansion of the buildable area of the original Arcadia Heights subdivision lots. Since all of the (6) Buffer Parcels were created by deed without formal subdivision approval and within Salt Lake County's political jurisdiction, there are no "grandfathered" lot issues, as these parcels never met minimum zoning requirements for the zoning while in the County and never had street frontage. Salt Lake City's slope restrictions would apply to these Buffer Parcels, because the parcels are not a part of any City or County approved subdivision plat. There is no possibility of these Buffer Parcels being used for homes behind the existing homes, as they lack

the necessary street frontage, and will be restricted from development by the 30% slope restrictions, as stated in the City Zoning Ordinance.

3) Meeting with Council Member Søren Simonsen:

On May 24, 2006, Council member Søren Simonsen and Deputy Planning Director Doug Wheelwright met with the property owners and discussed the potential zoning of their properties. Each of the property owners requested FR-3, rather than OS, zoning. In light of the data provided above, FR-3 is an appropriate zone for these properties and will provide stricter fencing requirements than the OS zone. An ordinance designating these properties for FR-3 zoning is attached (Attachment 3).

PUBLIC PROCESS

Not Applicable to this supplemental transmittal. See prior transmittal for public process details.

RELEVANT ORDINANCES:

Salt Lake City Ordinance: Amendments to the Zoning Ordinance and Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 21A.50.050: "A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard." It does, however, list five standards which should be analyzed prior to rezoning property (Section 21A.50.050 A-E). The five standards are discussed in detail starting on page 6 of the Planning Commission Staff Report (see Attachment 5B).

Utah State Code: Utah State Code Section 10-2 regulates requirements for annexations. Section 10-9a-204 and -205 regulates the requirements for noticing a general plan amendment and land use ordinance amendment. Notice of the requested Zoning Map and Master Plan amendments were published in the newspaper on February 8, 2006, meeting State Code noticing requirements. Section 10-9a-404, states that the Planning Commission must hold a Public Hearing to consider general plan amendments and that the legislative body may adopt or reject the proposed amendment either as proposed by the Planning Commission or after making any revision that the legislative body considers appropriate. Section 10-9a-503 states that the legislative body may not make any amendment unless the amendment was first submitted to the Planning Commission for its recommendation. The Planning Commission held a Public Hearing on February 22, 2006, to consider the Zoning Map and Master Plan amendments related to the original annexation petition and recommended approval of that petition as proposed.

Contents

1. Zoning Ordinance for Fencing Restrictions
2. Slope Analysis Map
3. Ordinance to Zone Properties FR-3
4. City Council Hearing Notice
5. Mailing Labels

Attachment 1
Zoning Ordinance, Fencing Restrictions

Fencing for Each Zone

Foothills Residential (FR) zoning

21A.24.010 General Provisions

O.Special Foothills Regulations: The FP foothills protection district, section [21A.32.040](#) of this part, and the FR-1/43,560, FR-2/21,780 and **FR-3/12,000** districts shall be subject to the regulations of this subsection, other general provisions for residential districts, and the district regulations of each district.

10. Fence Restrictions: Fences and walls shall only be constructed after first obtaining a building permit subject to the standards of this section.

a. **Site Plan Submittal:** As part of the site plan review process, a fencing plan shall be submitted which shall show:

- i. Any specific subdivision approval conditions regarding fencing;
- ii. Material specifications and illustrations necessary to determine compliance with specific approval limitation and the standards of this section.

b. **Field Fencing Of Designated Undevelopable Areas:** Fencing on areas identified as undevelopable areas or transitional areas on any subdivision granted preliminary approval by the planning commission after November 4, 1994, or any lot previously platted which identifies undevelopable areas or transitional areas shall be limited to the following standards unless subdivision approval granted prior to November 4, 1994, included specific fencing requirements which are more restrictive. The more restrictive requirement shall apply.

- i. Low visibility see-through fencing shall consist of flat black colored steel "T" posts and not more than four (4) strands of nonbarbed steel wire, strung at even vertical spacing between such "T" post, and erected to a height of not more than forty two inches (42") above the natural ground surface.
- ii. When fencing lot boundary lines, vegetation or native brush shall not be cleared so as to create a visible demarcation from off site.
- iii. The existing surface of the ground shall not be changed by grading activities when erecting boundary fences.
- iv. Fence materials and designs must not create a hazard for big game wildlife species.
- v. No field fencing shall be erected in conflict with pedestrian easements dedicated to Salt Lake City.

c. **Buildable Area Fencing:** Fencing on any portion of a lot identified as buildable area or required side yard on any subdivision granted preliminary approval by the planning commission after November 4, 1994, or any lot previously platted which identifies undevelopable area or transitional areas shall be limited to the following standards unless

subdivision approval granted prior to November 4, 1994, includes specific fencing requirements which are more restrictive. The more restrictive requirement shall apply.

- i. Open, see-through fencing constructed of tubular steel, wrought iron or similar materials, finished with a flat black, nonreflective finish constructed to a height of six feet (6') or less; or
- ii. Sight obscuring or privacy type fencing shall be of earth tone colors, or similar materials to the primary dwelling, and located in a way which screens private outdoor living spaces from off site view.

d. **Front Yard Fencing:** Walls and fences located within the front yards and along roadways shall not exceed a maximum of forty two inches (42") in height.

Open Space (OS) zoning

21A.32.100 OS Open Space District:

No specific fencing restrictions are stated in the zoning ordinance for the OS zone.

Foothills Protection (FP) zoning

21A.32.040 FP Foothills Protection District:

I. Fence Restrictions: Fences and walls shall only be constructed after first obtaining a building permit subject to the standards of this subsection.

1. Site Plan Submittal: As a part of the site plan review process, a fencing plan shall be submitted which shall show:

- a. Any specific subdivision approval conditions regarding fencing;
- b. Material specifications and illustrations necessary to determine compliance with specific subdivision approval limitations and the standards of this Section.

2. Field Fencing Of Designated Undevelopable Areas: Fencing on areas identified as undevelopable areas or transitional areas on any subdivision granted preliminary approval by the Planning Commission after November 4, 1994, or any lot previously platted which identifies undevelopable areas or transitional areas shall be limited to the following standards unless subdivision approval granted prior to November 4, 1994, included specific fencing requirements which are more restrictive. The more restrictive requirement shall apply.

- a. A low visibility see-through fence shall consist of flat black-colored steel "T" posts and not more than four (4) strands of nonbarbed steel wire, strung at even vertical spacing on the "T" post, and erected to a height of not more than forty two inches (42") above the natural ground surface.
- b. When fencing lot boundary lines, vegetation or native brush shall not be cleared so as to create a visible demarcation from off-site.

- c. The existing surface of the ground shall not be changed by grading activities when erecting boundary fences.
 - d. Fence materials and designs must not create a hazard for big game wildlife species.
 - e. No field fencing shall be erected in conflict with pedestrian easements dedicated to Salt Lake City.
3. Buildable Area Fencing: Fencing on any portions of a lot identified as buildable area or required side yard on any subdivision granted preliminary approval by the Planning Commission after November 4, 1994, or any lot previously platted which identifies undevelopable areas or transitional areas shall be limited to the following standards unless subdivision approval granted prior to November 4, 1994, includes specific fencing requirements which are more restrictive. The more restrictive requirement shall apply.
- a. An open, see-through fence shall be constructed of tubular steel, wrought iron or similar materials, finished with a flat black, nonreflective finish constructed to a height of six feet (6') or less; or
 - b. A sight-obscuring or privacy-type fence shall be of earth tone colors, or similar materials to the primary dwelling, and located in a way to screen private outdoor living spaces from off-site view.
4. Front Or Corner Side Yard Fencing: Walls and fences located within the front or corner side yards or along dedicated roads shall not exceed a maximum of forty two inches (42") in height. (Ord. 26-95 § 2(16-3), 1995)

Attachment 2
Slope Analysis Map

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BUEHNER

BARROWS

COHEN

COHEN

AXON

LAKEVIEW CIR

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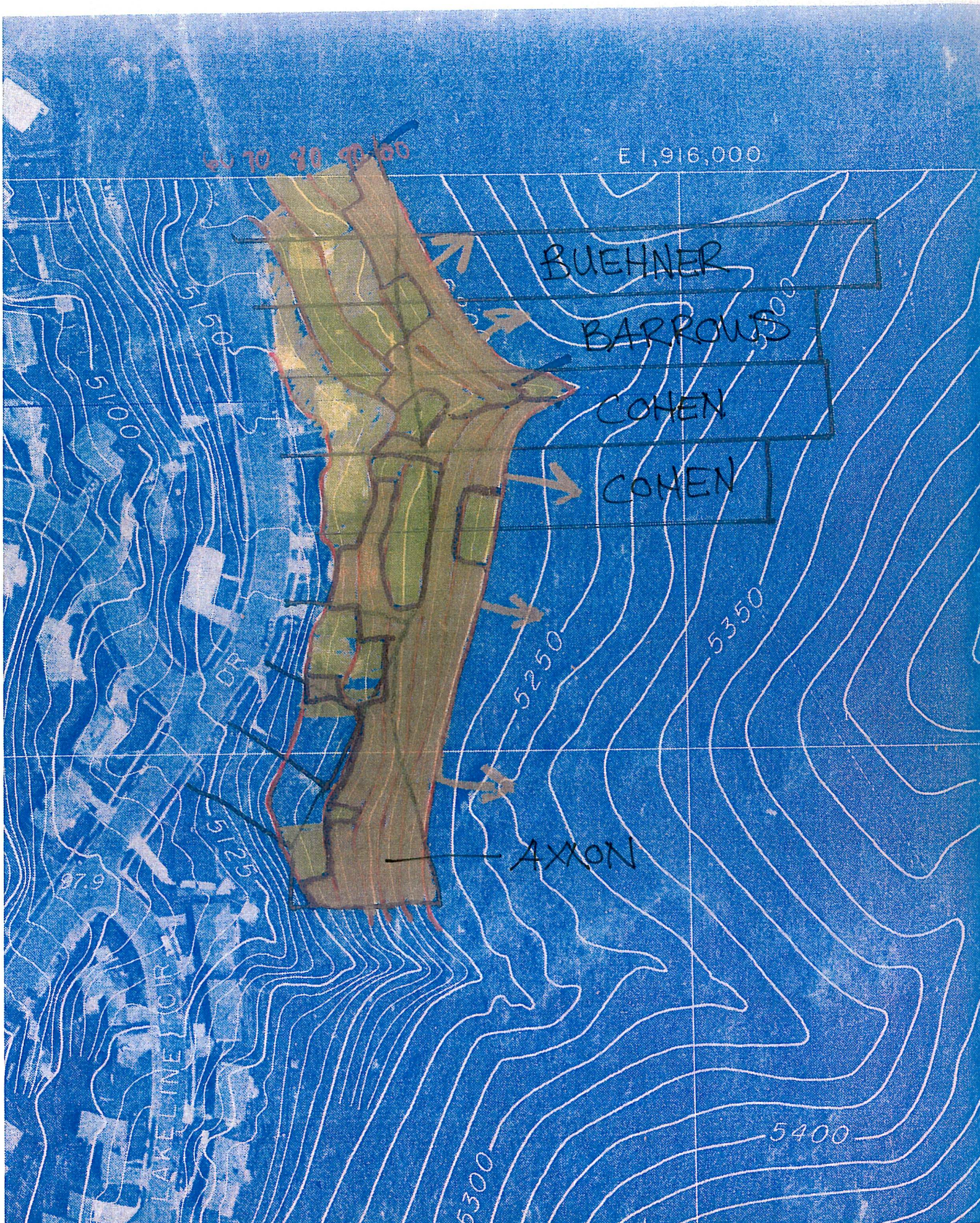
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Attachment 3
Ordinance to zone properties FR-3

SALT LAKE CITY ORDINANCE

No. _____ of 2006

(Zoning properties previously annexed into the City located between 2111 South Lakeline Drive and 2167 South Lakeline Drive)

AN ORDINANCE ZONING SIX PROPERTIES, WHICH WERE PREVIOUSLY ANNEXED INTO THE CITY, LOCATED BETWEEN 2111 SOUTH LAKELINE DRIVE AND 2167 SOUTH LAKELINE DRIVE, AS FOOTHILL RESIDENTIAL (FR-3).

WHEREAS, on May 2, 2006 the Salt Lake City Council adopted Ordinance No. 24 of 2006, pursuant to Petition No. 400-05-41, by which the City approved the Parley's Pointe Annexation, filed by the Romney Lumber Company and Robert and Honora Carson, requesting the annexation of approximately 400.59 acres of unincorporated territory into Salt Lake City; and

WHEREAS, as part of that ordinance, six small properties located between 2111 South Lakeline Drive and 2167 South Lakeline Drive (the "Properties") were also annexed, but were left unzoned; and

WHEREAS, after having reviewed this matter further, the City Council has now determined that zoning these properties Foothill Residential would be in the best interest of the City;

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

SECTION 1. Zoning. The six properties located between 2111 South Lakeline Drive and 2167 South Lakeline Drive, which are more particularly described on Exhibit A attached hereto, shall be and hereby are zoned as Foothill Residential (FR-3).

SECTION 2. Amendment of Zoning Map. The Salt Lake City Zoning Map, as previously adopted by the Salt Lake City Council, shall be and hereby is amended consistent with this ordinance.

SECTION 3. Effective Date. This Ordinance shall become effective upon the effective date of Ordinance No. 24 of 2006, such that the zoning of these Properties shall become effective immediately upon the annexation of these Properties.

Passed and adopted by the City Council of Salt Lake City, Utah this _____ day of _____, 2006.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 6-13-06
By [Signature]

(SEAL)

Bill No. _____ of 2006.
Published: _____.

Exhibit "A"
Properties to be zoned FR-3

The following parcels have been incorporated into the corporate limits of Salt Lake City, through petition number 400-05-41, and shall be zoned as follows:

- 1) 16-23-201-016, owned by Andrea & Louis Barrows, to be zoned FR-3
- 2) 16-23-201-017, owned by Benjamin Buehner, to be zoned FR-3
- 3) 16-23-201-018 (partial), owned by Lynn Mabey, to be zoned FR-3
- 4) 16-23-201-019, owned by Axxon Investment Company, to be zoned FR-3
- 5) 16-23-201-013, owned by Alan & Orlene Cohen, to be zoned FR-3
- 6) 16-23-201-014, owned by Alan & Orlene Cohen, to be zoned FR-3

All 6 parcels:
Zoning: FR-3

Legal Descriptions for each parcel:

16-23-201-016, owned by Andrea & Louis Barrows

BEGINNING AT THE NORTHEAST CORNER OF LOT 602, ARCADIA HEIGHTS SUBDIVISION PLAT F, SALT LAKE CITY SURVEY; SOUTH 89°41'10" EAST 516.82 FEET; SOUTH 00°18'50" WEST 85.23 FEET; NORTH 89°41'10" WEST 505.36 FEET; NORTH 07°20'40" WEST 86 FEET TO BEGINNING. 1 ACRE.

16-23-201-017, owned by Benjamin Buehner

BEGINNING AT NORTHEAST CORNER OF LOT 601, ARCADIA HEIGHTS SUBDIVISION PLAT F SALT LAKE CITY SURVEY; SOUTH 89°41'10" EAST 597.67 FEET; SOUTH 00°18'50" WEST 73.49 FEET; NORTH 89°41'10" WEST 587.79 FEET; NORTH 07°20'40" WEST 74.148 FEET TO BEGINNING. 1 ACRE.

16-23-201-018 (partial), owned by Lynn Mabey

LOT 607, ARCADIA HEIGHTS PLAT F. ALSO BEGINNING AT MOST EASTERLY CORNER OF SAID LOT 607; SOUTH 62° EAST 15.08 FEET; SOUTH 34° WEST 98.76 FEET; NORTH 54°45' WEST 15 FEET; NORTH 34° EAST 96.86 FEET TO BEGINNING.

16-23-201-019, owned by Axxon Investment Company

BEGINNING SOUTH 89°41'10" EAST 130 FEET & SOUTH 7°20'40" EAST 348.755 FEET & SOUTH 7°30' WEST 110.172 FEET FROM NORTH 1/4 CORNER OF SECTION 23, TOWNSHIP 1 SOUTH RANGE 1 EAST SALT LAKE BASE AND MERIDIAN; SOUTH 7°30' WEST 112.166 FEET; SOUTH 12°30' EAST 220.793 FEET; WEST 193.348 FEET TO WEST LINE OF EAST 1/2 OF SAID SECTION 23; NORTH 89.26 FEET; NORTH 34° EAST 79.794 FEET; SOUTH 54°45' EAST 15 FEET; NORTH 34° EAST 98.76 FEET; NORTH 62° WEST 15.08 FEET; NORTH 34° EAST 109.831 FEET TO BEGINNING. 0.71 ACRES

16-23-201-013, owned by Alan & Orlene Cohen:

BEGINNING AT THE NORTHEAST CORNER OF LOT 603, ARCADIA HEIGHTS SUBDIVISION, PLAT F, SALT LAKE CITY SURVEY; SOUTH $89^{\circ}41'10''$ EAST 516.82 FEET; SOUTH $00^{\circ}8'50''$ WEST 85.23 FEET NORTH $89^{\circ}41'10''$ WEST 505.36 FEET; NORTH $07^{\circ}20'40''$ WEST 86 FEET TO BEGINNING. 1 ACRE.

16-23-201-014, owned by Alan & Orlene Cohen

BEGINNING AT THE NORTHEAST CORNER OF LOT 604, ARCADIA HEIGHTS SUBDIVISION, PLAT F, SALT LAKE CITY SURVEY; SOUTH $89^{\circ}41'10''$ EAST 435.20 FEET; SOUTH 00° EAST $8'50''$ WEST 101.69 FEET; NORTH $89^{\circ}41'10''$ WEST 421.53 FEET; NORTH $07^{\circ}20'40''$ WEST 102.61 FEET TO BEGINNING. 1 ACRE.

SC
6/14/06

Attachment 4
City Council Hearing Notice

NOTICE OF PUBLIC HEARING

This notice is regarding a public hearing that will be held to determine the appropriate zone for the following properties:

- 1) 16-23-201-017, owned by Benjamin Buehner
- 2) 16-23-201-016, owned by Andrea & Louis Barrows
- 3) 16-23-201-013, owned by Alan & Orlene Cohen
- 4) 16-23-201-014, owned by Alan & Orlene Cohen
- 5) 16-23-201-018 (partial), owned by Lynn Mabey
- 6) 16-23-201-019, owned by Axxon Investment Company (Lynn Mabey)

These properties are being annexed into the corporate limits of Salt Lake City through the Parley's Pointe Annexation (Petition No. 400-05-41). The appropriate zone for your properties has been under discussion. The City Council will make a decision on the zoning of these properties at a public hearing that will be held:

DATE:

TIME: 7:00 p.m.

PLACE: City Council Chambers
City and County Building
451 South State Street, Room 315
Salt Lake City, Utah

If you have any questions relating to this proposal, please attend the meeting or call Sarah Carroll at 535-6260 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Salt Lake City complies with ADA guidelines. Assistive listening devices and interpretive services will be provided upon a 24-hour advance request.

Attachment 5
Mailing Labels

Benjamin Buehner
2111 South Lakeline Drive
Salt Lake City, UT 84109

Andrea and Louis Barrows
2119 South Lakeline Drive
Salt Lake City, UT 84109

Alan and Orlene Cohen
2133 South Lakeline Drive
Salt Lake City, UT 84109

Lynn Mabey / Axxon Investment Co.
2155 South Lakeline Drive
Salt Lake City, UT 84109

Benjamin Buehner
2111 South Lakeline Drive
Salt Lake City, UT 84109

Andrea and Louis Barrows
2119 South Lakeline Drive
Salt Lake City, UT 84109

Alan and Orlene Cohen
2133 South Lakeline Drive
Salt Lake City, UT 84109

Lynn Mabey / Axxon Investment Co.
2155 South Lakeline Drive
Salt Lake City, UT 84109