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## **SALT LAKE CITY COUNCIL STAFF MEMORANDUM**

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**DATE:** May 2, 2006

**SUBJECT:** Petition 400-06-08 – City Council initiated request to develop compatible infill overlay standards for properties within the Greater Avenues, Capitol Hill and Wasatch Hollows Community Council areas

**AFFECTED COUNCIL DISTRICTS:** If the ordinance is adopted the Zoning Ordinance text and map amendment will affect Council District 3

**STAFF REPORT BY:** Janice Jardine, Land Use Policy Analyst

**ADMINISTRATIVE DEPT. AND CONTACT PERSON:** Community Development Department, Planning Division  
Joel Paterson, Planning Programs Supervisor

**NOTICE REQUIREMENTS:** Newspaper advertisement and written notification to surrounding property owners 14 days prior to the Public Hearing

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**A full Council staff report and comprehensive analysis was not prepared for this item due to the limited time available for scheduling Council consideration and action prior to the June 13, 2006 expiration date of the temporary zoning regulations established in December 2005.**

### **ATTACHMENTS:**

For Council Members convenience, these items are brought forward from the Mayor's proposal and the Administration's transmittal:

1. Proposed Zoning District map
2. Comparison of citywide infill regulations, Planning staff proposal and Greater Avenues proposal (pg. 2 – April 12, 2006 Planning Commission draft minutes)
3. Comparison of Planning Commission Recommendation and Community Councils' Recommendation (pg. 2 – April 25, 2006 letter from Mayor Anderson to the Council)
4. Community Council response to Planning staff proposed modifications (Planning staff report – Attachment 4 – Community Council letters – letter from Shane Carlson, Greater Avenues Community Council Housing Compatibility Committee Spokesperson)
5. Summary - Greater Avenues Community Council Proposed Overlay for the SR-1 Zoning District, March 6, 2006 (Planning staff report – Attachment 6 – Greater Avenues Community Council Background Report)
6. Greater Avenues and Capitol Hill Community Councils recommended modifications for the SR-1 District base zoning standards (pg. 2-3 Planning staff report)

## KEY ELEMENTS:

A. Three ordinances have been prepared for Council consideration. 1. Rezoning properties in the Avenues and Capitol Hill areas. 2. Zoning Ordinance text amendments recommended by the Planning Commission. 3. Zoning Ordinance text changes recommended by Mayor Anderson. The two ordinances dealing with Zoning Ordinance text changes differ in details relating to accessory structures. Please see the summaries below for additional information.

1. Rezoning properties generally located in the Avenues and Capitol Hill areas from Special Development Pattern Residential District (SR-1) to the proposed Special Development Pattern Residential District (SR-1A). Please see Attachment 1 for details.
2. Planning Commission recommendation to amend the text of the Zoning Ordinance for the purpose of defining design criteria for the proposed Special Development Pattern Residential District (SR-1A) consistent with the Planning staff recommendation.

*The Administration's transmittal notes:*

- a. *Although the Community Councils and staff agreed on most of the proposed standards, there was some disagreement on the standards relating to accessory structures.*
- b. *The Administration's transmittal and Planning staff report provide the following information relating to this issue:*

***Accessory Buildings and Structures in Yards:*** *Accessory buildings and structures may be located in a required yard subject to table 21A.36.020B, "Obstructions in Yards", of this Title (see below).*

- *Maximum building coverage of all accessory buildings shall not exceed six hundred (600) square feet.*
- *Primary Accessory Building – One Accessory building may have up to the following dimensions:*

- i. *A footprint of up to **fifty percent (50%) of the building footprint of the principal structure up to a maximum of four hundred and eighty square feet (480')** six hundred square feet (600 s.f.). Notwithstanding the size of the footprint of the principal building, an accessory structure shall be allowed a footprint of four hundred and eighty square feet( 480 s.f.), subject to compliance with 21A.40.050.B.1 of the Salt Lake City Zoning Ordinance.*

*Staff Comment:* *The Planning Staff recommended to the Planning Commission that this provision be modified to be more consistent with the maximum footprint standards created by Ordinance 90 of 2005 which limit the size of a garage based on the footprint of the primary structure on the lot. Staff recommended the Planning Commission support a maximum footprint of six hundred square feet (600 s.f.) which is consistent with the Historic Landmark Commission (HLC) standard for administrative approvals of garages. A larger garage must be reviewed by the HLC.*

*The Greater Avenues and Capitol Hill Community Councils are opposed to these modifications. It is their opinion that a 480 square foot garage (20' X 24') is large enough to accommodate two cars and will have a lesser impact on the neighborhood. They are not opposed to garages larger than 480 square feet when the larger size is supported by the development pattern on the block face and considered through the routine and uncontested special exception process.*

- ii. Roof Peak/Ridge Height of up to ~~14 feet (14')~~ fifteen feet (15') above the existing grade.
- iii. A flat roofed height limit of ~~nine feet (9')~~ ten feet (10') above the existing grade.
- iv. An exterior wall height of ~~nine feet (9')~~ ten feet (10') above the existing grade.
  - (a) Lots with cross slopes where the topography slopes, the downhill exterior wall height may increase by one half foot (0.5') for each one foot (1') difference between the elevation of the average grades on the uphill and the downhill faces of the building.

Staff Comment: The Planning Staff recommended the Planning Commission support the changes to the accessory building height and exterior wall heights as noted above. In other single family and two-family residential zoning districts, the height for an accessory structure is limited to seventeen feet (17') to the ridge (15 feet to the mid-point in Yalecrest) and twelve feet (12') for flat roof structures. Because of the smaller lots and typical garages found in the Avenues and Capitol Hill Planning Communities, the proposal recommends a further reduction in accessory building height and the introduction of a maximum wall height. Staff is of the opinion, with input from the Permits and Licensing Division, that a typical seven foot (7') garage door would be difficult to accommodate with a nine foot (9') high flat roof structure because of the space needs for roof joists and garage door hardware. For this reason, Staff recommended the Planning Commission support the maximum building height for flat roof accessory structures and the maximum wall height be increased to ten feet (10'). To compensate for these changes, Staff also recommended that the maximum height for a pitched roof on an accessory structure be increased to fifteen feet (15'). The Greater Avenues and Capitol Hill Community Councils are opposed to these modifications and their response to the Staff proposal is included in the Exhibit 5b (Planning Commission Staff Report, Attachment 4).

3. Mayor Anderson's recommendation to amend the text of the Zoning Ordinance for the purpose of defining design criteria for the proposed Special Development Pattern Residential District (SR-1A) consistent with the recommendations of the Avenues and Capitol Hill Community Councils.
  - a. *The Administration's transmittal indicates that on April 13, 2006, Mayor Anderson met with representatives from the Greater Avenues and Capitol Hill Community Councils to discuss the proposed amendments. Mayor Anderson agreed to support the citizen's proposed standards for accessory structures instead of the Planning Commission recommendation. A letter from Mayor Anderson with his recommendation will be forwarded to the City Council.*
  - b. *Mayor Anderson's letter dated April 26, 2006 notes:*
    - *After receiving a briefing by City staff and meeting with representatives of the Avenues and Capitol Hill Community Councils to discuss the regulations proposed by them, I have concluded that the regulations proposed by the community councils relating to accessory structures are appropriate and should be adopted in order to ensure compatible infill development in these unique historic neighborhoods of the City.*
    - *These recommendations are workable and will better achieve the goals of the new ordinance.*
    - *After consultation with Orion Goff, Building Official, it appears that, contrary to earlier information, the mechanics of the automatic (garage) door and required joists for a flat roof can be accommodated within the nine foot maximum wall height (for accessory structures).*
    - *In addition, the tiered review process for approval of proposals that do not conform to these regulations will allow deviation from the standards, where appropriate, while ensuring compatible development.*

- *Please see Attachment 3 – Mayor Anderson’s letter dated April 26, 2006 for additional details*
- B. This petition was initiated as a result of Council action in December 2005 establishing temporary compatible residential infill development standards in Greater Avenues and Capitol Hill Community Council areas for properties zoned SR-1 and in the Wasatch Hollow Community Council area. The Administration’s transmittal notes:
1. Because the temporary zoning standards will expire on June 13, 2006, the communities affected by the temporary zoning standards were given a deadline of March 6, 2006, to submit a proposal to the Planning Division. The deadline provided the necessary lead time to have the proposal reviewed by the Planning Commission and considered by the City Council prior to the expiration of the temporary zoning standards.
  2. The Greater Avenues and Capitol Hill Community Councils submitted a joint proposal that is the subject of this petition.
  3. The Wasatch Hollow Community Council is still developing a proposal which may be considered at a later date but will not be completed prior to the expiration of the temporary zoning standards. The Wasatch Hollow area will be subject to the city-wide ordinance following the expiration of the special regulations.
  4. This petition requests to amend the Zoning Ordinance by creating an SR-1A Zoning District, a subcategory of the existing SR-1 District; and amend the Zoning Maps by replacing the existing SR-1 designation in the Avenues and Capitol Hill Planning Communities with the new SR-1A District as shown below.
- C. The purpose of the Special Development Pattern Residential District SR-1 is to maintain the unique character of older predominantly low density neighborhoods that display a variety of yards, lot sizes and bulk characteristics. The SR-1 District is divided into two sub-areas (SR-1 and SR-1A) for the purpose of defining design criteria. In other portions of the Zoning Ordinance, the SR-1 and SR-1A are jointly referred to as the SR-1 District because all other standards are the same.
- D. The proposed standards address building and exterior wall height, front and side yard setback, yard, bulk and height for accessory structures. The standards do not regulate demolition of homes. The proposed standards would apply to new construction and remodels. Exceptions to the standards would be allowed through the Routine and Uncontested Special Exception, Administrative Hearing or Board of Adjustment tiered processes. The standards are intended to allow for flexibility of design while providing compatibility with existing development patterns.
- E. The report submitted by the Greater Avenues Community Council provides a detailed description of the process, methods and public input steps taken by representatives of their Housing Compatibility Committee in order to develop the proposal submitted to the City. They indicate that the proposal would establish a new set of fair and flexible zoning rules specific for the area that will allow for a large range of diverse development patterns and still provide a measure of predictability for everyone in the community. Please see Attachment 5 Summary - Greater Avenues Community Council Proposed Overlay for the SR-1 Zoning District, March 6, 2006 for details. The report notes the following information.
1. The Housing Compatibility Committee made a complete inventory of all 2,394 single and dual family homes in the SR-1 zoning district recording whether the home 1) was a 1, 1½, or 2 story home, 2) had an attached garage, and 3) had a pitched or flat roof.
  2. Using maps of the SR-1 area, HCC members also estimated the number of properties in the SR-1 area that did not conform to the minimum lot width and minimum lot square footage requirements of the base SR-1 zoning regulations.

3. 1,084 of the 2,394 homes (45.3%) were classified as single story, 676 (28.2%) were classified as 1.5 stories, and 634 (26.5%) were classified as 2 stories or taller.
  4. Results of the inventory clearly indicate the existence of entire block faces comprised of one story homes spread throughout the SR-1 district. It was estimated that the tallest homes on these block faces would be 16 to 18 feet in height. A sample of the vulnerable block faces was submitted to the City Planning Office for survey. Survey result to confirm the building heights are still pending at this time.
  5. The inventory maps of flat roofed buildings (85 – 3.5%) and homes with garages as part of the front façade (one-car 186-7.8%; two-car 155-6.5%) revealed that these structures are uncommon in the SR-1 areas and a significant number are concentrated north of 11<sup>th</sup> Avenue.
  6. It was estimated that 360 (15%) of the 2,394 residential SR-1 properties met the SR-1 minimum width and lot size requirements. Stated another way, 2,034 (85%) of the properties do not meet the minimum lot size requirements upon which the other SR-1 dimensional limits such as height and side setbacks are based.
- F. The public process included:
1. Discussions at the Greater Avenues and Capitol Hill Community Councils for several months with formal votes by both Community Councils in March 2006.
  2. Written notification of the Planning Commission hearing to affected property owners.
- G. On April 12, 2006, the Planning Commission voted to forward a positive recommendation to the City Council to approve the zoning text and map amendments recommended by Planning staff.

## **MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:**

- A. As previously noted, two alternative ordinances have been prepared for Council consideration based on differing recommendations from the Planning Commission and the Mayor. The two ordinances provide different zoning standards relating to accessory structures. The Council may wish to discuss with the Administration potential upsides and downsides of each proposal.
- B. Portions of the Greater Avenues and Capitol Hill Community Council areas proposed to be rezoned to the SR-1A zoning classification are located within existing overlay districts. The Administration's transmittal notes:
1. Effect on Overlay Zoning Districts: Portions of the Avenues and Capitol Hill Planning Communities include overlay zones, such as the H Historic Preservation Overlay, the CHPA Capitol Hill Protective Area Overlay and the Groundwater Source Protection Overlay (Secondary Recharge Area). All future developments must comply with these regulations where applicable.
  2. Conflict with the Capitol Hill Protective Overlay Zoning District: Portions of the Avenues and Capitol Hill Planning Communities are located within the Capitol Hill Protective Overlay Zoning District (CHPA). The purpose of this overlay zone is to protect the view of the State Capitol Building by prohibiting exceptions to exceed the maximum height requirements of the base zoning district. If the Compatible Residential Infill Development standards for the proposed SR-1A are adopted, the height of residential structures in this overlay zone would be limited to twenty-three feet (23') (or the average building height on the block face) without the ability to use the special exception process to modify the building height based on the development pattern established on the block face.

3. The Planning Division is currently processing Petition 400-02-41 to amend the Capitol Hill Protective Area Overlay Zone to implement the policies of the Capitol Hill Community Master Plan. The Planning Staff is proposing to address the issue to allow additional height in this overlay zone, not to exceed thirty-five feet (35'), where it is found that exceeding the twenty-three feet (23') height maximum is consistent with the SR-1A zoning standards and/or the Historic Preservation Overlay District Standards.

C. Council Members may wish to discuss with the Administration in further detail:

1. Issues that have been expressed to several Council Members from property owners, community council representatives and representatives from the development and architectural/design groups regarding the current staff plan review, Routine and Uncontested Special Exception, Administrative Hearing or Board of Adjustment tiered processes.
  - o Council Members Buhler, Jergensen and Love recently met with Administrative staff to discuss the issues.
  - o Council Member Simonsen met with representatives from Renovation Design to discuss their issues.
  - o The Community Development Department has indicated that staff is in the process of identifying steps that may be taken to address the issues that have been raised.
2. Compatibility between the proposed zoning standards and other applicable sections of the Zoning Ordinance such as changes to the Non-Conforming use/Non-Complying Structure regulations (recently adopted by the Council) and additional modifications requested by the Council.

## BUDGET RELATED FACTS

The Administration's transmittal notes that adoption of the proposed zoning standards, in conjunction with the existing Compatible Residential Infill Development standards and processes, may increase the workload for the Planning Division because of the number of residential new construction and addition projects that would require review as routine and uncontested matters or special exceptions by the Zoning Administrator, Administrative Public Hearing Officer or Board of Adjustment; cases reviewed by the Historic Landmark Commission; and subdivision requests considered by the Administrative Public Hearing Officer or Planning Commission.

## MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Avenues and Capitol Hill Masters Plans are the adopted land-use policy documents that guide new development in the area. The Administration's transmittal notes the following relating to the Plans.
  1. **Avenues Community Master Plan:** includes a goal that encourages private property improvements that are visually compatible with the surrounding neighborhood.
  2. **Capitol Hill Master Plan:** includes a goal that encourages development of appropriate housing through renovation of existing structures and construction of compatible residential infill development and redevelopment.
- B. The City's Comprehensive Housing Plan policy statements address a variety of housing issues including quality design, public and neighborhood participation and interaction, transit-oriented development, encouraging mixed-use developments, housing preservation, rehabilitation and replacement, zoning policies and programs that preserve housing opportunities as well as business opportunities.

- C. The City's Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The Plans emphasize placing a high priority on maintaining and developing new affordable residential housing in attractive, friendly, safe environments and creating attractive conditions for business expansion including retention and attraction of large and small businesses.
- D. The Council's growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
1. Is aesthetically pleasing;
  2. Contributes to a livable community environment;
  3. Yields no negative net fiscal impact unless an overriding public purpose is served; and
  4. Forestalls negative impacts associated with inactivity.
- E. The City's 1990 Urban Design Element includes statements that emphasize preserving the City's image, neighborhood character and maintaining livability while being sensitive to social and economic realities.

## CHRONOLOGY:

The Administration's transmittal provides a chronology of events relating to the proposed zoning amendment. Key dates are listed below. Please refer to the Administration's chronology for details.

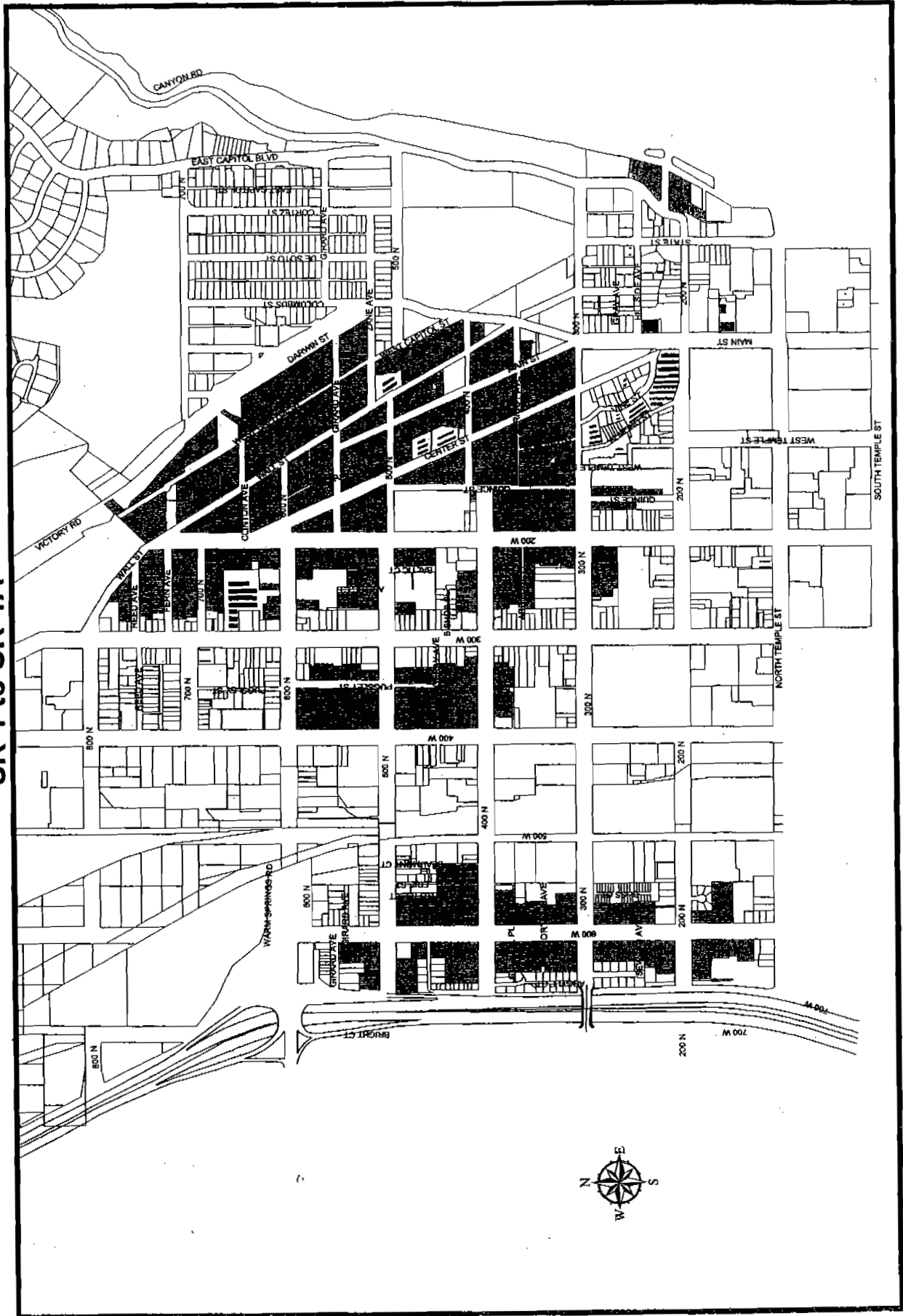
- June 21, 2005 Council Legislative Action requesting review of City ordinances relating to infill housing
- July 12, 2005 Ordinance adopted creating the Yalecrest Compatible Infill Overlay District
- December 13, 2005 Ordinances adopted establishing:
  - Citywide compatible residential infill development standards in single-family and two-family zoning districts
  - Temporary compatible residential infill development standards in Greater Avenues and Capitol Hill Community Council areas for properties zoned SR-1 and in the Wasatch Hollows Community Council area
- March 1, 2006 Greater Avenues Community Council meeting – vote to support proposed zoning standards proposed by the Housing Compatibility Committee
- March 15, 2006 Capitol Hill Community Council meeting – vote to support zoning standards proposed by the Avenues Housing Compatibility Committee
- April 6, 2006 Ordinance requested from City Attorney's office
- April 12, 2006 Planning Commission hearing
- April 21, 2006 Ordinance received from City Attorney's office
- April 25, 2006 Transmittal received in City Council Office
- April 26, 2006 Letter and alternative ordinance received from Mayor Anderson

cc: Sam Guevara, Rocky Fluhart, DJ Baxter, Ed Rutan, Lynn Pace, Melanie Reif, Louis Zunguze, Brent Wilde, Alex Ikefuna, Doug Wheelwright, Cheri Coffey, Kevin LoPiccolo, Joel Paterson, Orion Goff, Larry Butcher, Jan Aramaki, Jennifer Bruno, Marge Harvey, Sylvia Jones, Lehua Weaver, Annette Daley, Barry Esham, Gwen Springmeyer

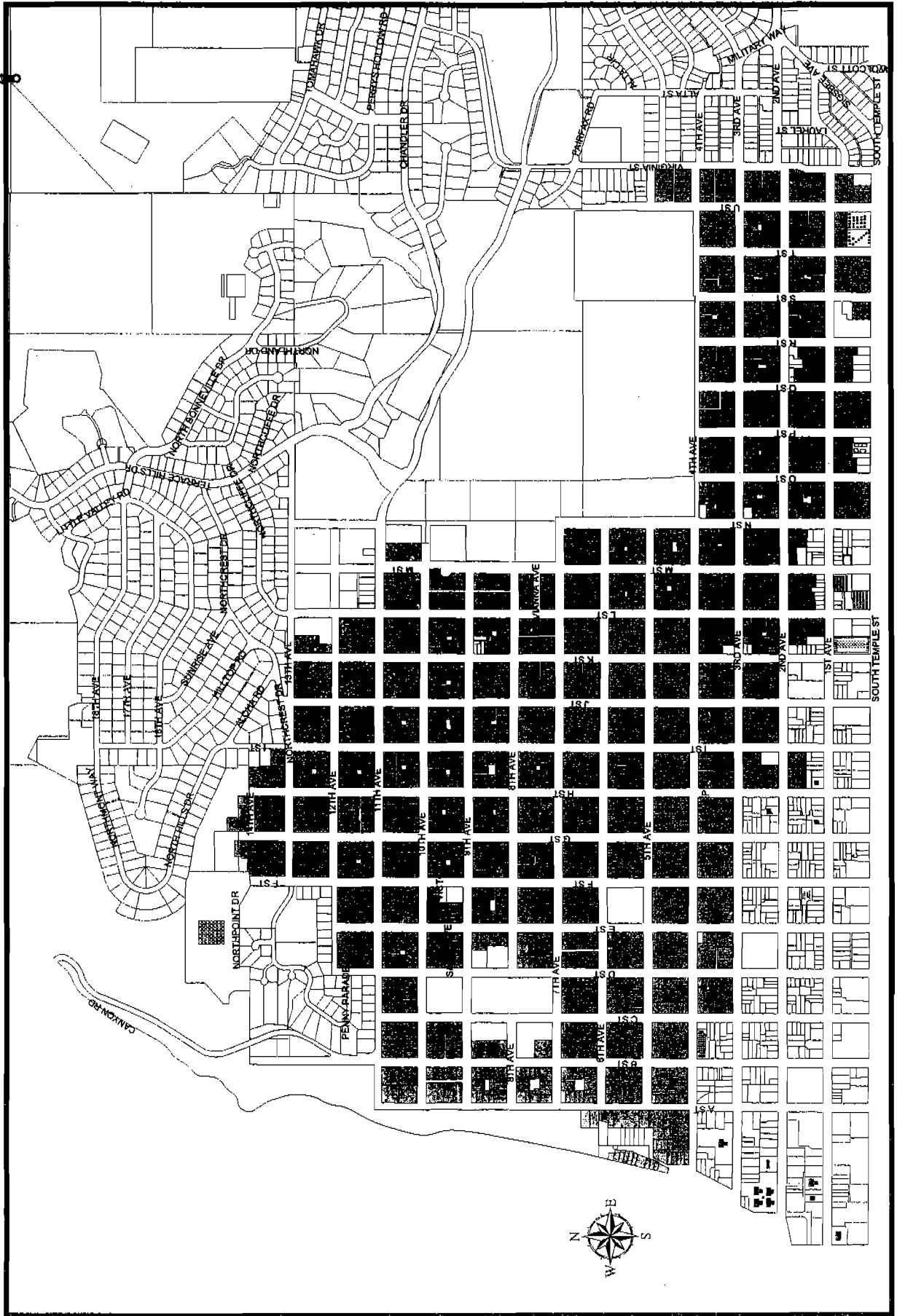
File Location: Community Development Dept., Planning Division, Rezoning and Zoning Text Amendment, Avenues/Capitol Hill (Compatible Residential Infill) Special Development Pattern Residential District (SR-1A), properties generally located in the Avenues and Capitol Hill areas



**Exhibit A**  
**Capitol Hill Planning Community**  
**SR-1 to SR-1A**



**Exhibit B**  
**Avenues Planning Community**  
**SR-1 to SR-1A**



## ATTACHMENT 2

Salt Lake City Planning Commission

April 12, 2006

Topic	Citywide (Ordinance 90)	Staff Proposal	Greater Avenues Proposal* (If different than Staff)
Building Height	28'	23' or the average height of the block face.	
Flat Roof Height/Maximum Exterior Wall Height	20'	16'	
Front Yard Setback		To determine the average setback on the block face if three or more parcels are located on the block face. (The greatest and smallest setbacks may only be eliminated if more than four parcels are located on the block face.)	To determine the average setback on the block face if three or more parcels are located on the block face. (The greatest and smallest setbacks would be eliminated from the calculation.)
Corner Side Yard		10'	10' (Eliminate the language to permit over-the-counter inline additions in the side yard.)
Interior Side Yard		4' on one side and 10' on the other. *	
Accessory Structures -- Footprint Size	720 square feet	To determine the size of the structure by using the standard that the accessory structure can be up to 50% of the size of the home with a maximum of 600 square feet and a minimum of 480 square feet.**	480 square feet
Accessory Structures -- Maximum Building Height (grade to the ridge)	17'	15'	14'
Accessory Structures -- Flat Roof Height/Maximum Exterior Wall Height	12'	10' (A provision is being considered to adjust the height requirements for sloping lots.)	9'

### ATTACHMENT 3

COMPARISON – PLANNING COMMISSION RECOMMENDATION/COMMUNITY COUNCIL RECOMMENDATION  
MAYOR ANDERSON'S LETTER DATED APRIL 26, 2006

Regulation	Planning Commission Recommendation	Community Councils' recommendation
Height of Accessory Structures with Pitched Roof	15 feet	14 feet
Height of Flat Roof Accessory Structures for over the counter permit	10 feet	9 feet
Wall Height of accessory Structure for over the counter permit	10 feet	9 feet
Maximum footprint of accessory structure for over the counter permit.	50% of the building footprint of the principal structure up to a maximum of 600 square feet	480 square feet for accessory structure plus an additional 120 square feet for a secondary accessory structure



## Greater Avenues Community Council

1180 1<sup>st</sup> Avenue, Salt Lake City, UT 84103

Stephen F. Mecham, Chair Phone: 801 359-4165

Shane Carlson, Housing Committee, Spokesperson Phone: 801 596-3939

Salt Lake City Planning Commission  
Salt Lake City Council  
Salt Lake City Planning and Zoning  
451 South State Street, Room 406  
Salt Lake City, Utah 84111

Dear Commission Members, Council Members and City Planners:

First, we would like to express our appreciation of the efforts of the Planning Office, the City Council and the Planning Commission on the recently adopted Infill Ordinance and tiered permit process. Over the last twelve months a significant amount of work and careful thought has gone into addressing what was rapidly becoming a serious problem with incompatible infill, a problem that threatened our sense of community and goodwill among neighbors. We are especially appreciative of the Planning Office and their efforts to implement the new tiered permitting process. We feel strongly that the success of this tiered process is essential to ensuring predictability for communities while allowing for responsible growth and accommodation in situations that are often quite challenging.

The Greater Avenues Community Council's Housing Committee has been working on the proposed SR-1 overlay for about ten months. We have made significant efforts to describe and document the character of the Avenues SR-1 area. One of the tools we used in drafting the proposed overlay was a thorough inventory of all residential properties in the SR-1 area. Not only did this inventory provide us with a clear appreciation of the housing stock in the SR-1 area, it also illuminated some of the unique challenges faced by those residing in our community. Out of 2396 residential properties, an estimated 2075 (85%) are non-conforming to the present minimum SR-1 standards for the minimum lot width of 50 feet or the minimum lot size of 5000 square feet. For those Avenues SR-1 properties south of 10<sup>th</sup> Avenue, the figure is closer to 90% non-conforming. Every element of our proposed overlay was carefully crafted to deal with the very real and significant problems recently experienced in our area.

We were pleased with the Planning Office's decision to recommend that the Planning Commission and City Council approve most of our proposed overlay. The Planning Office has recommended a few minor modifications to the calculation of front and side setbacks. We support these recommended modifications and appreciate their importance. However, we cannot support, nor do we entirely understand, the Planning Office's recommended modifications to our proposal regarding the counter permit limits for accessory buildings.

### Primary Building Peak and Wall Height

We are pleased with the Planning Office's decision to recommend our proposal's counter permit limits for primary building peak height (23 feet) and sidewall height (16 feet; Section D. Paragraphs 1,2 and 3). We fully appreciate the necessity of a smoothly functioning tiered permit process in order for these counter permit limits to be practical as the development pattern in the SR-1 area is quite diverse. We appreciate the Planning Office's efforts to implement the new tiered process as well as their openness to input from the community. Combined with significant efforts to implement the tiered process, these counter permit limits

will provide a measure of predictability for our more vulnerable block faces while allowing reasonable expansion and growth throughout the area.

#### Front Setbacks

The Planning Office has recommended that when using the proposed modifications for calculation of front-setback (average calculated dropping the smallest and largest setbacks), the minimum number of properties on the block-face should be increased from three to four (Section E, Paragraph 1). We appreciate the utility of modifying the minimum number of buildings on a "block face" before eliminating the closest and furthest buildings from the calculation of the "block face" average, as the proposed minimum of three properties would leave only one property to be used in the modified calculation. We do not anticipate that increasing this number from the proposed three to the recommended four buildings would pose a problem. We support this recommendation.

#### Corner Lot Side Setbacks

The proposed SR-1 overlay requested the elimination of an in-line side setback exception for street side setback for corner lots (Section E, Paragraph 2). The Planning Office has recommended no modifications to the proposal. We appreciate their support of the proposed modified side setback limit for corner lots.

#### Interior Lot Side Setbacks

The Planning Office has recommended several minor modifications to the formula proposed by our Housing Committee to help address the challenge of the very narrow and deep lots that exist in a significant majority of the SR-1 area (Section E, Paragraph 3). We appreciate the reasoning behind the Planning Office's recommended modifications and we do not anticipate that these modifications will negatively impact the goal of the proposed formula for calculating modified minimum interior side setbacks. We would also like to express our support of the Planning Office's recommendation to apply the proposed minimum ten foot separation between the proposed construction and the adjacent property's primary building only when the rules for a reduced side setback are applied and only to the side of the project where the reduced side setback (less than 10 feet) is applied. The recommended modification would retain the original intent of our proposal, helping property owners and permit applicants address the challenges of their very narrow lots, while addressing the fire code and public safety issues allowing access to the sides and rear of each property.

#### Accessory Building Recommendations

The City Planning Office has recommended counter permit limits for accessory buildings that are higher than what was proposed by the Avenues Housing Committee for the SR-1 area (Section E, Paragraph 5). The Committee has several concerns regarding the recommendation to adopt higher limits.

First, as stated above, the SR-1 area is characterized by lots that are very narrow and at times much smaller than the 5000 square foot minimum for new lots in the SR-1 area. In some areas, the standard lot width is 27.5 feet. The most common lot width is approximately forty one feet. On lots with homes that are often only inches apart, every additional foot of wall and peak height brings a much greater likelihood that a structure will negatively impact an adjacent property owner. While out of scale primary structures have been the source of the most egregious incompatible infill, accessory structures have been a very common source of conflict between adjacent property owners.

While we appreciate that the Planning Office has recommended a counter permit limit of 600 square feet that is consistent with limits recognized by the Historic Landmarks Commission, we feel that in areas such as the middle Avenues (approximately 5<sup>th</sup> to 10<sup>th</sup> Avenues) where very narrow lots are combined with views of the city and the Oquirrh Mountains, a counter permit limit of 480 square feet is a much more defensible standard. The proposed 480 square foot limit for a primary accessory building would provide all property owners with the opportunity for a two car garage that could house even the largest passenger vehicles along with some room for tools and storage. Our original proposal to allow an additional 120 square feet of secondary accessory building with lower wall and peak height limits (eight and ten feet respectively) would ensure that all property owners would have the opportunity for additional storage or work space.

Our Housing Committee also has significant questions about the recommendation to limit accessory structure square footage to 50% of the primary building's foot print. Not all of the largest primary buildings have been built on the largest lots or in the most sensitive locations. We feel strongly that allowing those properties with the largest homes to build larger garages without further consideration of lot size (beyond the 40% lot coverage limit) or building placement will result in situations where properties that already have a significant impact on adjacent property owners will be allowed to have an even greater impact with a larger accessory structure. Conversely, properties with small primary structures (less than 1200 square feet) that are less likely to have impacted adjacent properties may be unfairly limited to lower accessory structure limits. These recommended limits would be implemented without regard to the size of a lot or the placement of the buildings. We feel that allowing everyone 600 square feet of accessory structure but requiring that those seeking a counter permit build in a manner less likely to impact their neighbors (480 square feet for primary accessory structure, remaining accessory structure built under lower limits) is a more equitable solution to an often challenging situation.

We also feel that the higher counter permit limits for accessory buildings that have been recommended are not in keeping with the spirit of the tiered permit process which was adopted to allow for relatively easy exceptions to somewhat stricter counter permit limits. Like the other elements of the proposed overlay, the originally proposed accessory building limits were designed to provide predictability for the most vulnerable areas while allowing the quick approval of well designed projects. We feel these limits are appropriate, especially when viewed alongside the lesser requirements for granting a "Routine and Uncontested" permit for accessory buildings exceeding the counter permit limits. "Routine and Uncontested" applications may be granted based upon the approval of all adjacent property owners but unlike special exceptions for primary buildings, the administrator handling the request need convene a public hearing where concerns expressed by parties not residing next to the proposed project must be considered. This lower standard for accessory structures exceeding counter permit limits is appropriate. We also feel that the lower standard makes our proposed accessory building limits preferable to the Planning Office's recommendation.

Finally, we have questions about the Planning Office's recommendation that minimum structural requirements for a flat roofed garage require a ten foot roof in order to accommodate a seven foot door. We have consulted a contractor and architect who suggested the following design in order to allow a nine foot flat roofed garage with a seven foot door. Rather than spanning the entire width of the building (somewhere between twenty and twenty-four feet) with a 14 inch TJI ceiling joist, an alternative design would incorporate a beam at the mid-point of the garage parallel with the side of the garage with the garage door. The beam, at ten to twelve feet from the wall with the door, would be set back far enough to accommodate the door and garage door hardware/opener. The beam would be supported at its mid-point with a vertical column. The addition of the beam would allow much smaller ceiling joists, approximately 10 inches for a 12 foot span. Nearly all garage door manufacturers have low profile door hardware available at no extra charge. Low profile hardware would allow the door to be mounted with approximately six inches of overhead space. Allowing for six inches of slope on a 24 foot wide garage, six inches for door hardware and ten inch joists, a seven foot door could be accommodated within the proposed nine foot flat roofed counter permit limit. On a related note, we see no reason to recommend that the wall height for pitched roof accessory buildings be increased to match that of Planning Office's recommended ten feet for flat-roofed buildings. Given the potential of wall height to impact sunlight on adjacent properties, we are asking that the Planning Commission recommend the originally proposed counter permit limits of nine feet for both wall height and flat roofed buildings.

In conclusion, we would like to emphasize our appreciation of the Planning Office, the City Council and the Planning Commission and all of the hard work that has gone into dealing with the difficult issue of compatible infill. We are very pleased with the efforts initiated by the City Council to address this issue and to make it a priority, the creativity and hard work of the City Planning Office to design and implement a unique and promising tiered permit process, and the Planning Commission for their careful consideration of these matters.

We would also like to recognize the City Council's support for community specific zoning where appropriate and the efforts of the Planning Office to support the overlay process at the community level.

Planning staff have often made themselves available to our Housing Committee and provided guidance on several important issues.

The Avenues Housing Compatibility Committee has also made a significant effort to address the key issues of concern in our area. We feel that our direct experience of the challenges posed by the close proximity of the homes and the narrow lots that characterize the area, as well as our experience with sensitive and successful projects has provided our residents with a unique and intimate knowledge of the issues as well as the potential for creative solutions for most property owners. We are asking that you please take this intimate knowledge of the community into account as you weigh the Planning Office recommendations along side the proposed overlay. We would also ask that you take into consideration the strong support of our community for the proposed overlay as it was originally written, specifically in regard to accessory structures. And while the Avenues Housing Compatibility Committee cannot support the recommendations of the Planning Office with regard to counter permit limits for accessory buildings, we strongly support all other modifications to our proposed overlay as recommended by the Planning Office.

Sincerely,

Shane Carlson  
Greater Avenues Community Council  
Housing Compatibility Committee, Spokesperson



# **Greater Avenues Community Council**

## **Proposed Overlay for the SR-1 Zoning District**

**March 6<sup>th</sup>, 2006**



## Greater Avenues Community Council

1180 1<sup>st</sup> Avenue, Salt Lake City, UT 84103

Stephen F. Mecham, Chair Phone: 801 359-4165

Salt Lake City Council  
Salt Lake City Planning and Zoning  
451 South State Street, Room 406  
Salt Lake City, Utah 84111

Dear Council Members and City Planners:

The Greater Avenues Community Council (GACC) is pleased to submit for your review the enclosed SR-1 Overlay overwhelmingly approved by the GACC March 1, 2006. As you know, in July 2005 GACC established the Housing Compatibility Committee to develop the enclosed Overlay. In its March 1, 2006 meeting, GACC also voted to allow representatives of the Housing Compatibility Committee to work with Planning and Zoning if any changes are needed to facilitate City Council approval of the Overlay.

During the past seven months, the Housing Compatibility Committee has sought public input and has worked diligently to develop the Overlay to preserve and protect the unique characteristics of SR-1 properties in the eclectic Avenues area. The GACC believes the draft Overlay establishes a new set of fair and flexible zoning rules specific for the Avenues District SR-1 area that will allow for a large range of diverse development patterns and still provide a measure of predictability for everyone in the community. We urge you to approve the Overlay as it is proposed.

We look forward to working with you in enacting and implementing the Overlay. You may call me at 359-4165 with any questions. Housing Compatibility Committee spokesperson Shane Carlson may be reached at 596-3939 and Committee Chair Lon Richardson may be reached at 364-4529.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stephen F. Mecham", is written over a horizontal line.

Stephen F. Mecham, 2006 Chair  
Greater Avenues Community Council

## Summary

Over the summer of 2005, the Avenues experienced a number of controversial construction projects, involving both primary structures and accessory buildings. At the same time, the City Council was addressing a similar problem in several neighborhoods throughout Salt Lake City. In July, 2005, the City Council approved the Yalecrest Compatible Infill Overlay. In August, the Greater Avenues Community Council formed its Housing Compatibility Committee (HCC) to investigate and address the specific housing issues in the Avenues.

The HCC identified the SR-1 district as the area most impacted by recent incompatible infill. Characteristics of the SR-1 area contributing to the problem included a high percentage of deep and narrow lots, a high percentage of lots not conforming to the minimum width and square foot requirements of the SR-1 code, the liberal nature of the SR-1 code, and the rapidly rising property values in the SR-1 area.

The HCC attempted to develop a single set of dimensional restrictions that would provide predictability for the residents of the more vulnerable SR-1 areas while still allowing flexibility where taller building heights are the existing development pattern. The HCC struggled to come up with a reasonable set of standards under the previously existing system where projects exceeding dimensional limits were sent directly to the Board of Adjustment. As an alternative, the HCC proposed a tiered permit system where projects exceeding the dimensional limits for a counter permit but that were consistent with the character of the neighboring buildings were approved in an expedited manner.

At that same time, the City Planning Office proposed its own tiered permit system. The HCC development of an SR-1 overlay was put on hold while the City considered a city-wide compatible infill ordinance. After that ordinance was adopted, along with temporary restrictions for the Avenues SR-1 area, the HCC resumed work on an SR-1 overlay.

The efforts of the HCC were focused on conducting a comprehensive inventory of all SR-1 residential properties in the Avenues, a thorough review of the existing SR-1 ordinance, and the Avenues Master Plan, as well as soliciting input from a wide range of avenues residents, architects, contractors, and real estate brokers.

The HCC concluded that in order to provide predictability, the proposed overlay needed to perpetuate the temporary height restrictions originally proposed by the City Planning Office, that allowances needed to be made for the narrow non-conforming lots, and that the trend towards large multiuse accessory structures needed to be balanced against the often disproportionate impact these structure had on adjacent properties.

### Issue Origin

Over the summer of 2005, several new construction projects were started in the Avenues that concerned a large number of Community members. These projects consisted of primary structure remodels and new garages. Several of these projects became the subjects of articles in the local papers on "Monster Homes" and incompatible in-fill (see Appendix A).

At the same time that Avenues community members were recognizing the early stages of an incompatible infill problem in their area, the Salt Lake City Council was beginning to address the same problem city wide. Specifically, in July, 2005 the City Council approved the Yalecrest Compatible In-fill Overlay "*to encourage compatibility between new construction, additions or alterations and the existing character and scale of the surrounding neighborhood.*" Also at that time, the City Council was considering a 6-month moratorium on new projects to allow time for communities to develop neighborhood specific guidelines to protect against incompatible in-fill in the more vulnerable city neighborhoods (Ordinance 44 of 2005). That moratorium was approved and then rescinded a week later as some Council members were concerned that a city-wide moratorium was too broad a measure to address problems not experienced in all neighborhoods.

It was also at this time that the Greater Avenues Community Council (GACC) organized the Avenues Housing Compatibility Committee (HCC). The HCC was charged with the task of studying the problem of incompatible infill to determine which significant factors were driving the "Monster House" and "Monster Garage" phenomena both locally and nationally, as well as which areas of the Avenues were experiencing the greatest impact.

### Process

At the August GACC meeting, Yalecrest Overlay Committee members David and Lisette Gibson were invited to discuss their efforts to develop and gain approval for the Yalecrest Overlay. It was also at that meeting that the formation of the HCC was announced and input from all members of the Avenues community was solicited (see Appendix B). The charge of the HCC was to find community consensus regarding structural regulations which give clear standards and allow us to preserve the value of our community. The HCC began meeting weekly.

At the HCC meetings, it quickly became apparent that several factors were contributing to the incompatible infill problem. First, nearly all of the most controversial projects were occurring in the SR-1 zoning district. Second, a large number of projects involved residents new to the Avenues neighborhood who were moving to the area in response to high fuel prices and increasingly lengthy commutes from distant areas within the Salt Lake Valley. Many of these new arrivals stated that they were simply trying to replace their smaller homes and garages with something similar to what they had left behind on their much larger lots in the suburbs. And finally, many controversial projects involved the construction of new garages as well as modifications to primary structures.

Over the course of several HCC meetings in August and September, 2005, committee members attempted to identify subsections of the SR-1 district that would benefit from a new set of zoning regulations. Several conclusions were drawn from those discussions. First, while there are some broad patterns of development within the SR-1 district that appear to have evolved over time (bungalows between 6<sup>th</sup> and 11<sup>th</sup> Avenues, Victorians on 2<sup>nd</sup> and 3<sup>rd</sup> Avenues), there are no clear lines of demarcation between these areas, homes of all types can be found throughout the SR-1 area (large Victorians on many block corners as high as 11<sup>th</sup> Avenue). Coinciding with the difficulty the HCC encountered in defining any significant homogenous areas in the SR-1 district, the committee experienced difficulty coming up with any one set of dimensional counter permit limits (such as building height) that would provide some degree of predictability and protection for areas predominantly comprised of 16 foot tall bungalows while allowing taller remodels and additions in areas where taller two and three story Victorians were predominant.

It quickly became apparent to the members of the HCC that the single most consistent and challenging characteristic of the Avenues would be the very diverse nature of the community with mansions and cottages, historic and non-historic areas, families and single adult professionals, couples just starting their lives together and widows and widowers.

It was a huge challenge to come up with a single solution to fit each very different situation. Out of this challenge grew the idea of a three tier permit process as a way to protect the most vulnerable blocks while allowing an easier permit process for compatible building in areas of larger houses. However, because of the added complexity of a tiered permit process, HCC members were unsure if the City would support such a significant change to the permit process.

Apparently, the City Planning Office was thinking along the same lines as they were developing a proposal which was presented to the City Council on September 20, 2006. At that time, the Planning Staff presented the outline of a process to develop compatible residential infill zoning standards that was a combination of *reduced measurement standards* and a *new three tier building permit process*. The City Council requested that the Administration return to the Council with a completed recommendation using the tiered process that could be passed by December, 2005.

Because of the similarities between the process under consideration by the City Planning Office and the tiered process being considered by the HCC, the HCC members shifted their attention to the Citywide Compatible Infill Ordinance (eventually known as Ordinance 91 of 2005). Efforts to develop an Avenues SR-1 Overlay were put on hold until the City completed their new ordinance with the idea that after the ordinance was voted upon, HCC members would evaluate what had been passed citywide and develop an appropriate proposal for the SR-1 area if needed.

During October and November, 2005, numerous briefings and public hearings took place before the Planning Commission and the City Council. The HCC members were at every

meeting, either writing letters or talking individually to commission and Council members and formally speaking to the new proposals (see Appendix C). The HCC continued to meet by-weekly to find ways to support the Planning Department with the proposed zoning changes and coordinate the HCC member's efforts.

On December 13, 2005, the Salt Lake City Council adopted the city-wide Compatible Residential Infill Development Zoning Ordinance amendments (Ordinance 90 of 2005) and Temporary Zoning Standards (Ordinance 91 of 2005). The purpose of the Temporary Zoning Standards was to allow the GACC to submit a proposal for neighborhood based zoning standards regulating compatibility of residential construction within the SR-1 Zoning District. The temporary zoning standards were to be in effect for 6 months and are expected to expire mid-July, 2006.

On December 28, 2005 Joel Paterson met with members of the HCC to review the essential elements of an overlay proposal to be submitted by a community council. Specifically, Joel requested that the GACC application for an SR-1 overlay include the following:

1. Documentation and research of area for infill
2. Describe the characteristics of the area
3. Proposed goals

The HCC members have worked closely with Joel Paterson and his staff as they began the process of creating the Avenues Overlay just as Yalecrest Community Council did.

Throughout January and February, 2006, the HCC met weekly.

HCC members made a complete inventory of all 2394 single and dual family homes in the SR-1 zoning district recording whether the home (1) was a 1, 1½, or 2 story home, (2) had an attached garage, and (3) had a pitched or flat roof (see Appendix D). Using maps of the SR-1 area, HCC members also estimated the number of properties in the SR-1 area that did not conform to the minimum lot width and minimum lot square footage requirements of the base SR-1 zoning regulations.

The HCC also reviewed zoning ordinances throughout the city both before and after December 13, 2005, consulted the Avenues Master Plan and met with City Council members, Planning Department officials, architects, realtors, contractors and area residents.

In addition, HCC members made every effort to communicate the work and findings of the committee to the entire Avenues community (see Appendix B). In December and early January, with the help of the GACC webmaster, Dave Jonsson and HCC member Lester Aoki, a comprehensive web-page was launched detailing, agendas, minutes, proposed overlay elements, area maps and links to outside resources (see Appendix E).

Finally, several articles written by HCC members were published in the monthly GACC newsletters and time was allotted during GACC meetings for monthly progress reports and presentations by the HCC (see Appendix B). The broader Avenues community was repeatedly invited to participate in the HCC meetings, share their ideas with committee members and to get involved in any way they could. Anyone who provided an e-mail address was added to the internal HCC e-mail list (AvenuesHCC@Comcast.net). Residents without access to e-mail were kept up to date with phone calls and paper copies of communications and works in progress.

In February 2006, the front page article in the GACC newsletter shared more information about the new zoning ordinances, specifically the City's new three-tiered permit approach. Results of the HCC inventory were presented to the GACC community meeting on February 1<sup>st</sup> 2006. A large color-coded map was used to depict the estimated number of stories in each residential property. Several minutes were devoted to providing definitions such as block face, development pattern, set-back, roof line, lot coverage, infill, overlay, and over-the-counter.

The March 2006 GACC newsletter provided an overview of the work and goals of the HCC and included a table on page 3 summarizing the proposed Avenues SR-1 Overlay.

At the GACC monthly meeting on March 1<sup>st</sup>, 2006, the completed Avenues SR-1 Overlay proposal was presented in detail. After the presentation and answering all questions from attendees, a vote was taken: 48 to 5 in favor of the Proposal.

#### Methods

As discussed earlier, the expectation of the City Planning Office was that the HCC would provide documentation and research describing the characteristics of the area being considered for the proposed overlay. To this end, the primary efforts of the HCC were a comprehensive inventory of all residential properties in the SR-1 district (see Appendix D), an estimate of the number of residential properties that conformed to the minimum lot width and minimum lot square footage requirements of the SR-1 zone, and identification of vulnerable block faces within the SR-1 area which the City would then survey to obtain maximum building heights for a given block (See Appendix F). In addition, the HCC conducted a thorough review of the current SR-1 zoning ordinance, including the recently adopted citywide Compatible Infill Ordinance and the Temporary Infill Ordinance applied to the SR-1 areas of the Avenues and Capitol Hill neighborhoods and the R-1-5000 and R-1-7000 areas of the Wasatch Hollow district.

A walking inventory was conducted by Avenues residents which classified conforming use dwellings in the SR-1 zone by number of stories, the presence or absence of an attached garage on the front façade and whether or not the structure had a flat roof (see coding sheet – appendix D). Over sixty pictures of homes in the SR-1 area were

reviewed as part of a training session for those HCC members conducting the Inventory. Number of stories was used as a rough estimate of building height. Classification of stories was based upon the following criteria:

- 1.0 Stories (Do not and could not live within the roof)
- 1.5 Stories (Could build within roof, 2nd story knee walls less than 4 feet)
- 2.0 Stories (Two stories or 2nd story knee walls taller than 4 feet)

Homes were classified based upon their appearance from the front façade as seen from the street. Where homes were located on a slope and the possibility of an additional story such as a walkout basement was not readily apparent, the slope was noted.

A flat roofed structure was classified as anything less than a 3/12 pitch based upon a diagram the person doing the inventory could compare to a building's roof pitch (see Appendix D for the inventory coding sheet).

Three color coded maps were produced from the SR-1 inventory, one for number of stories, one for flat roofed buildings and one for garages as part of the front primary building's façade.

In summary, 1084 of the 2394 homes (45.3%) were classified as single story, 676 (28.2%) were classified as 1.5 stories, and 634 (26.5%) were classified as 2 stories or taller.

Results of the inventory clearly indicate the existence of entire block faces comprised of one story homes spread throughout the SR-1 district (see Inventory Height map – Appendix D). It was estimated that the tallest homes on these block faces would be 16 to 18 feet in height.

A sample of these vulnerable block faces was submitted to the City Planning Office for Survey (see Survey Map – Appendix F). Survey results to confirm these building heights are still pending at this time.





A typical block face of one story buildings (East side of K between 7<sup>th</sup> and 8<sup>th</sup> Avenues)

The inventory maps of flat roofed buildings (85 – 3.5%) and homes with garages as part of the front façade (one-car 186 - 7.8%; two-car 155 - 6.5%) revealed that these structures are uncommon in the SR-1 area and a significant number are concentrated north of 11<sup>th</sup> Avenue.

HCC members also estimated the number of residential lots that did not conform to the fifty foot minimum lot width requirement or the minimum 5000 square foot lot size requirement of the SR-1 district. Using City zoning maps and creating a template to estimate lot width and size (based upon the 330 feet X 330 feet block size that is predominant in the SR-1 area and that the typical lot size of  $\frac{1}{4}$  width of one quarter of the block results in a property that is 41 feet 3 inches in width), it was estimated that 360 (15%) of the 2394 residential SR-1 properties met the SR-1 minimum width and lot size requirements. Stated another way, 2034 properties (85%) do not meet the minimum lot size requirements upon which the other SR-1 dimensional limits such as height and side setbacks are based.

#### Review of Existing Zoning Regulations

In addition to the inventories and surveys, the HCC conducted a thorough review of the SR-1 zoning ordinance that was recently modified by the City Council (21A.24.080 SR-1 Special Development Pattern Residential District) as well as the temporary restrictions put in place for this area by the City Council (Ordinance 91 of 2005).

One very important addition to the permitting process was the tiered nature of the newly adopted Infill Ordinance. As mentioned earlier in this document, the HCC was considering a similarly tiered process to address the wide variety of development in the SR-1 district. Evaluation of the existing zoning regulations was done with the expectation that the Administrative Public Hearing process would be significantly easier to navigate for appropriate projects than the Board of Adjustment had been as the previous next step for projects exceeding the counter permit limits.

Also, in consultation with the Planning Office officials, the HCC's intent is to propose a set of dimensional limits for the SR-1 area that will not change if city wide modifications to dimensional limits are adopted. The HCC will follow the direction of the City Planning Office as to whether this is best accomplished via a comprehensive SR-1 overlay or the creation of a special Avenues/Capitol Hill SR-1 zoning district.

#### Modifications to Current SR-1 Zoning Ordinance (see Appendix G)

No modifications to section "B: Uses" based upon table 21A.24.190 for the SR-1 zoning district of the City Code are proposed.

No modifications to section "C. Minimum Lot Area and Lot Width" are proposed.

In reviewing section "D. Maximum Building Height" the HCC took several items into consideration. In October, 2005, when the City Planning Office first proposed new citywide zoning changes, the recommended citywide SR-1 and R-1 district restriction on building height was 23 feet at the peak. According to testimony of Planning Office officials at that time, 23 feet was the height restriction they estimated would be necessary to provide predictability and protection to the areas within the city most vulnerable to significant impact of incompatibly larger remodels and new construction. The Planning office at that time estimated that a height restriction of 16 feet for flat roofed buildings and exterior walls was also required to protect these same areas. The HCC feels strongly that if combined with the tiered permitting process to allow taller projects where appropriate, the 23 feet building height limits and the 16 foot exterior wall and flat roofed building height limits are essential to protect and preserve the character of the vulnerable SR-1 areas.

After reviewing section "E. Yard Requirements," the HCC has proposed several minor modifications to better address the large percentage of non-conforming lots in the SR-1 area.

In section "E: 1. Front Yard," the HCC was concerned about the potential impact of several blocks where buildings originally designed as commercial properties, but now used as residential properties, could impact the calculation of front yard setback. The zoning ordinance as recently modified calculates the required front yard setback as the average on the block face. Commercial properties were often built with no front setback, flush with the front property line. On blocks where commercial buildings have been converted to residential use, such properties could significantly impact the calculation of

the average, allowing new construction with a much smaller front setback than the other residential properties on a block. There are also several block faces in the SR-1 area where some homes were built with a significantly larger front setback, which would result in a new project being required to have a larger front setback than the other homes on a block. To minimize the impact of these atypical situations, the HCC has proposed that where there are three or more SR-1 principal buildings with front yards on a block face, the average shall be calculated excluding the one property with the smallest front setback and excluding the one property with the largest front yard setbacks.

In item 2 of section E, "Corner Side Yard" setbacks; the HCC has proposed that the language allowing inline front setback exceptions for existing buildings be stricken. Because of the history of abuse in this area of inline side setback exceptions, HCC members felt that these exceptions would best be granted on a case by case basis with the overview of the Administrative Public Hearing Officer.

The HCC has proposed a modification to item 3 of section E, "Interior Side Yard" setbacks to address the large number of very narrow non-conforming lots within the SR-1 district. Often, these lots are as narrow as thirty feet (30') in width. The proposed modification is as follows:

b. Other Uses:

ii. Interior Lots: Four feet (4') on one side and ten feet (10') on the other.

- a. Where the width of a lot is 46' 8" or narrower, total minimum side setbacks shall be equal to 30% of the lot width with one side being four feet (4') and the other side being 30% of the lot width minus four feet.
- b. Where a lot is 26' 8" or narrower, required side setbacks shall be a minimum of four feet (4') and four feet (4').
- c. In no case where required side setbacks are less than four feet (4') and ten feet (10') shall the addition, remodel or new construction be closer than ten feet (10') to a primary structure on an adjacent property.

This language is proposed as a change to the first tier or "counter permit" limits for all additions and new construction. This modification was developed in an attempt to deal proactively with a situation that would otherwise present a frequent challenge to property owners given the non-conforming nature of a majority of the lots in the SR-1 area.

No modifications to section "E. Yard Requirements; 4. Rear Yard" were proposed.

"As mentioned above, garages have recently been the subject of many controversial projects. Like many of the other issues unique to the SR-1 area, the problem is exacerbated by the number of very narrow non-conforming properties. In addition, the

SR-1 area is characterized by views of the Wasatch Mountains, the Salt Lake Valley and the Oquirrh Mountains from many properties.

The HCC considered the trend towards much larger garages and the many uses for which accessory buildings are often built. The HCC has proposed a set of restrictions that gives priority to those accessory buildings used to house up to two automobiles. At the same time, the HCC did not want to prohibit construction of additional space to be used for storage, a gazebo, a green house, or a small personal workspace. Given the often small narrow lots, the HCC has proposed a counter permit limit of 600 feet lot coverage for all accessory buildings. In addition, the HCC has proposed that 480 square feet of accessory building may have a maximum building height of fourteen feet (14') with a maximum wall height of nine feet (9'). Additional accessory building space up to the total 600 square foot limit may have a peak height up to ten feet (10') with an eight foot (8') wall height limit.

No modifications are proposed by the HCC to the remaining SR-1 sections; "F. Maximum Building Coverage," "G. Maximum Lot Size," or "H. Standards for Attached Garages."

Modifications to the SR-1 zoning ordinance to disallow the creation of garages attached to the front facade and the creation of new flat roofed buildings were considered. Given the challenges posed by often narrow lots and the overall limits on flat roofed building height (sixteen feet), it was determined that additional restrictions would be unnecessary at this time.

A complete summary of the proposed modifications to the SR-1 zoning ordinance is provided in Appendix G. The summary in Appendix H was created as a modification to the SR-1 text as it existed on March 1, 2006. Additions are depicted by underlined text. Deletions are depicted using ~~strike through text~~.

A chart of the proposed SR-1 modifications and the historic SR-1 ordinance is also provided in Appendix G.

The HCC has provided renderings of model structures/examples meeting the counter permit requirements of the proposed ordinance. These examples depict a ground floor and within the roof addition to a 1300 Square foot home on a .15 acre lot (41.25 feet by 165 feet), a depiction of the proposed modification to the minimum side setback required for interior lots, and a sketch of the proposed size and height limits for accessory buildings (see Appendix H).

As a tool to more clearly depict the proposed limits, the HCC is presently working with an AIA certified Architect to produce drawings with the proposed dimensional limits applied to example structures. These drawings should be available to the Planning Office by March 15<sup>th</sup>, 2006.

The draft proposal in Appendix H was written and submitted to the full Community Council for a vote on March 1, 2006. Copies of the chart in Appendix H were also provided to all council attendees.

### Conclusion

In recommending that counter permits be restricted to buildings and additions with a maximum peak height of 23 feet, the HCC is not only adopting the height restrictions recommended as necessary to protect the city's most vulnerable properties by the Planning Office in their original proposal, the HCC has arrived at a conclusion similar to the recommendations of the most recent Avenues Master Plan Update (July, 1987) but which were never adopted; "Many of the incompatibility problems created by new construction in residential areas are associated with excessive building height; new dwellings that tower over adjacent homes, second level or rear additions that overwhelm the original structure. A recently adopted ordinance will reduce height potential in areas encompassed by the 'F-1' Foothill Development Overlay Zone." The Master Plan goes on the comment that "If these limitations prove to be successful in accomplishing their intended purposes in the "F-1 areas, similar height restrictions may be considered for other R-1 and R-2 areas in the Avenues Community."

The Avenues has a substantial history as a community rather than just a neighborhood, with a shared vision of neighborhood interaction, historic preservation and architectural quality.

Previous down-zoning has established that single family dwellings were the community standard. Mother-in-law and basement apartments are generally acceptable, along with some duplexes. Large monolithic structures, whether apartment blocks or large homes have been discouraged.

The Avenues was mainly developed as a close-to-center residential area where mass transit use was high. Such remains the case today, with three bus routes serving the Avenues Community and many properties within an easy walk of city center. The historic development pattern for the SR-1 district has been a preponderance of smaller homes on long narrow lots.

While social factors, particularly the strong sense of neighborhood, had previously been sufficient to limit anti-social building practices, the escalating value of "close-in" residential property in combination with a weak SR-1 zoning ordinance and a large number of nonconforming lots have contributed to a pattern of abusive building practices.

A final thought on Increased Zoning Enforcement borrowed from the Avenues Master Plan. "Effective zoning enforcement is essential to maintaining desirable neighborhoods. More restrictive requirements such as reducing height limits and increasing the minimum duplex lot area actually increase temptation for additions and duplex conversions without permits. The city must therefore increase its commitment to enforcement of zoning and building codes in the suggested more restrictive requirements are to be effective."

Zoning regulations are important, but only effective if administered consistently and in a reasonable amount of time. Members of the HCC are committed to the successful implementation of the proposed ordinance and to that end will do everything possible to assist and work with the city in implementing the tier permit system and the proposed SR-1 Overlay.

<p align="center"><b>Greater Avenues and Capitol Hill Community Councils recommended modifications for the SR-1 District base zoning standards</b></p>
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1. **Maximum Building Height:** Retain the standards included in the temporary zoning standards adopted as Ordinance 91 of 2005. (citywide compatible residential infill zoning standards)
  - Maximum building height:
    - Pitched roof: twenty-three feet (23') to the ridge or the average height along the block face
    - Flat roof height and wall height along an interior side yard: sixteen feet (16')
  
2. **Front Yard Setback:** Retain the averaging provision adopted by Ordinance 90 of 2005 (citywide compatible residential infill zoning standards) with a minor modification to allow the average setback calculation to exclude the properties with the smallest and largest setbacks on the block face.
  
3. **Corner Side Yard:** Retain existing standard of ten feet (10') and delete language allowing for in-line additions.
  
4. **Interior Side Yard:** Retain existing standard of four feet (4') and ten feet (10') with added provisions to reduce the required setback based on the width of the lot.
  - Lots narrower than forty-seven feet (47') are required to provide a combined side yard setback of thirty percent (30%) of the lot width. One of the required side yard setbacks must maintain a minimum setback of four feet (4'); with the other side yard being 30% of the lot width minus four feet.
  - Lots less than twenty-seven feet (27') wide must provide a minimum of four feet on both sides.
  - When the minimum side yard setback is reduced, a ten foot (10') separation between the subject house and the house on the adjacent lot must be retained along the interior side yard which has been reduced from the base standard of ten feet (10').
  
5. **Accessory Buildings and Structures**
  - Maximum Building Coverage: 600 square feet
  - Maximum footprint of primary accessory structure: 480 square feet
  - Maximum height of pitched roof: 14 feet
  - Maximum height of flat roof: 9 feet
  - Maximum wall height: 9 feet including a provision to compensate for changes in grade due to sloping topography on the lot.
  - Secondary Accessory Building:
    - Maximum height for pitched roof: ten feet (10')
    - Maximum height for flat roof: eight feet (8')
    - Maximum wall height: eight feet (8')
  
- The proposed text amendments apply only to the base zoning standards and do not recommend any changes to the tiered review process adopted by the City Council as part of Ordinance 90 of 2005 (citywide compatible residential infill zoning standards) which allows for modification of base zoning standards through the routine and uncontested matter and special exception processes.