

**DATE:** August 23, 2006

**TO:** Salt Lake City Planning Commission

**FROM:** Ray McCandless, Principal Planner at 535-7282 or ray.mccandless@slcgov.com

**RE:** Petition 400-06-13, a text amendment request to the Salt Lake City Zoning Ordinance relative to clarifying the application of steep slope restrictions in the Foothill Residential (FR-1, FR-2, and FR-3) and Foothill Protection (FP) Zoning Districts, adding steep slope and special fencing regulations to the Open Space (OS) Zoning District, refining the definition of a legal lot and revising the building setback from undevelopable areas in the Foothill Zoning Districts from a minimum of ten feet (10') and an average of twenty feet (20') to a minimum of 15 feet.

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**PETITION NUMBER:** 400-06-13

**APPLICANT:** Salt Lake City Planning Commission

**STATUS OF APPLICANT:** Salt Lake City Planning Commission

**PROJECT LOCATION:** Citywide

**COUNCIL DISTRICTS:** All Council Districts

**REQUESTED ACTION:**

The proposed text amendment involves several revisions to the Salt Lake City Zoning Ordinance. The proposed changes include the following four actions:

- 1) Clarifying the application of steep slope restrictions in the Foothill Residential (FR-1, FR-2, and FR-3) and Foothill Protection (FP) Zoning Districts.
- 2) Adding steep slope and special fencing regulations to the Open Space (OS) Zoning District.
- 3) Refining the definition of a legal lot.
- 4) Revising the building setback from undevelopable areas in the Foothill Residential Zoning Districts from a minimum of ten feet (10') and an average of twenty feet (20') to a minimum of fifteen (15) feet.

## **PROPOSED ZONING TEXT AMENDMENT:**

The proposed zoning text language is attached as Exhibit 1.

## **APPLICABLE LAND USE REGULATIONS:**

The proposed text amendment affects the following sections of the Salt Lake City Zoning Ordinance:

- 21A.24.020 G. FR-1/43,560 Foothills Estate Residential District - Slope Restrictions
- 21A.24.030 G. FR-2/21,780 Foothills Residential District - Slope Restrictions
- 21A.24.040 G. FR-3/12,000 Foothills Residential District - Slope Restrictions
- 21A.32.040 H. FP Foothills Protection District - Slope Restrictions
- 21A.32.100 H. OS Open Space District - Slope Restrictions
- 21A.32.100 I. OS Open Space District - Proposed New Section
- 21A.38.100 Noncomplying Lots

## **MASTER PLAN SPECIFICATIONS:**

The Salt Lake City Capitol Hill Master Plan applies to this proposed text amendment. One of the Policies of The Foothill Protection and Development Section of the Capitol Hill Master Plan, (Page 20) is to "Maintain and strictly enforce existing regulations which prohibit development of land with 30% or greater slope."

## **COMMENTS:**

The following applicable City agencies were contacted regarding the proposed text amendment. The following is a summary of the comments/concerns received by the Planning Division:

**Transportation:** The Transportation Division has no concerns with the proposed text amendment.

**Public Utilities:** Public Utilities did not respond to the request for departmental comments.

**Building Services:** Building Services did not respond to the request for departmental comments.

**Police Department:** The Police Department does not have any concerns with the proposed text amendment.

**Salt Lake City Engineering:** Salt Lake City Engineering does not have any concerns with the proposed text amendment.

**Fire Department:** The Fire Department did not respond to the request for departmental comments.

**Community Council(s):** The Planning Division held an Open House for Community Councils and interested parties on July 12, 2006. Eight residents from the Donner Way and Kennedy Drive area attended the meeting. Most of their concerns were related to proposed developments on Kennedy Drive and Donner Way. However, there were no specific modifications or revisions suggested to the proposed ordinance. There was some concern expressed about allowing existing platted subdivision lots (that predated the current 30% slope restrictions) to be developed on slopes exceeding 30%. However, those in attendance generally favored the proposed text amendment.

#### **ANALYSIS:**

Staff is recommending a request to amend Sections 21A.24.020 G., 21A.24.030 G, 21A.24.040 G., 21A.32.040 H., 21A.32.100 H., 21A.32.100 I., and 21A.38.100 of the Salt Lake City Zoning Ordinance.

The purpose of this zoning text amendment petition is to clarify and standardize the application of steep slope restrictions in the FR and FP Zoning Districts, implement steep slope regulations in the Open Space Zoning District, establish fencing standards for the Open Space (OS) Zoning District, further define what a legal lot is, and revise the required building setback in Foothills Zoning Districts from an averaged setback to a set distance of fifteen (15) feet. Each of these proposed actions are discussed in the following sections:

#### **1) Clarification of the application of steep slope restrictions in the Foothill Residential (FR-1, FR-2, and FR-3) and Foothill Protection (FP) Zoning Districts.**

The existing steep slope standards apply to lots that were created after 1994 but do not address lots that were created before then, nor do they address lots that were created by deed. The proposed text amendment addresses this issue by implementing language that applies to all subdivision activity that has occurred in the Foothill Zoning Districts regardless of when the property was subdivided.

The current language regarding slope restrictions in the FR-1, FR-2 and FR-3 Zoning Districts reads as follows:

**Slope Restrictions:** For lots subdivided after November 4, 1994, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope. All faces of buildings and structures shall be set back from any nonbuildable area line, as

shown on the plat if any, a minimum of ten feet (10') and an average of twenty feet (20').

The slope restriction language of the FP Zoning District is similar, but reads as follows:

**Slope Restrictions:** To protect the visual and environmental quality of foothill areas, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope for lots in subdivisions granted preliminary approval by the Planning Commission after November 4, 1994.

The proposed text amendment allows lots that were approved through a City subdivision process to be developed at the slope requirement in effect at the time the subdivision was approved. However, all metes and bounds parcels, whether created through a City subdivision process or created by deed, must meet the current 30% maximum slope restrictions (see Exhibit 1 - Proposed Draft Ordinance).

As noted above, the steep slope language in the FR and FP Zoning Districts is similar in content but reads differently. The proposed text amendment makes the steep slope language identical for all Foothill Zoning Districts (Exhibit 1).

## **2) Steep slope and special fencing regulations to the Open Space (OS) Zoning District.**

The Salt Lake City Planning Commission has requested that the Planning Staff develop slope restrictions for the Open Space (OS) Zoning District as there currently are none. The proposed revisions implement steep slope requirements that are identical to those proposed for the FR and FP Zoning Districts (see Exhibit 1 - Proposed Draft Ordinance).

The Planning Commission has also requested that the Planning Staff look at creating new fencing standards for the City's Open Space (OS) Zoning District since there currently are none. Staff is proposing new fencing standards that would require that any new fencing on nonbuildable areas, including fencing on steep slopes, must comply with the same fencing standards required for steep slopes in the foothills Zoning Districts, Section 21A.24.010.0.10 b., Field Fencing Of Designated Undevelopable Areas, of the Zoning Ordinance. All other fencing in the Open Space (OS) Zoning District would comply with the general fencing standards found in section 21A.40.120 Regulation of Fences, Walls and Hedges, of the Salt Lake City Zoning Ordinance.

## **3) Refine the definition of a legal lot.**

The current Zoning Ordinance does have various standards for noncomplying lots, but it does not define specifically what a noncomplying lot is. For this reason, the following language is being proposed to be added to Section 21A.38.100 - Noncomplying Lots, of the Salt Lake City Zoning Ordinance to resolve this concern:

- 1) The subject property went through and was approved through the City subdivision approval process required at the time of creation of the parcel by deed,
- 2) The property could have met the minimum requirements for the zoning in place at the time of creation by deed and is subsequently administratively so determined by the Planning Director or Zoning Administrator, or
- 3) That the parcel was created prior to the adoption of the 1927 Zoning Ordinance.

These definitions are reflected in the proposed text amendment language as shown in Exhibit 1 of this Report.

#### **4) Revision of the building setback from undevelopable areas to a minimum of 15 feet.**

The proposed text amendment amends the averaging requirement that requires buildings to be set back from any nonbuildable area from a minimum of ten feet (10') and an average of twenty (20') to fifteen feet (15') in the Foothills Zoning Districts. The purpose of this revision is that a minimum of fifteen feet (15') is easier to administer and is less ambiguous than the current averaging method.

#### **CODE CRITERIA / DISCUSSION / FINDINGS**

Since the proposed text amendment request is a modification of the zoning text, the Planning Commission shall review the proposed text change and forward a recommendation to the City Council. The Planning Commission shall use the following standards:

##### **21A.50.050 Standards for general amendments.**

###### **A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.**

**Discussion:** The proposed text amendment is consistent with the Salt Lake City Open Space Plan, stating that the City seeks to implement "site sensitive regulations (architectural controls and aesthetics) that protect the hillside", as found on page 6.

###### **Findings:**

The proposed text change is consistent with Salt Lake City Open Space Plan policies of protecting the hillside.

###### **B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.**

**Discussion:** The text amendment creates consistency in the application of steep slope regulations in the Foothills and Open Space Zoning Districts making development harmonious with the overall character of existing development in

these zones. The proposed text amendment also establishes fencing requirements for the Open Space Zoning District and clarifies the definition of a legal lot. The text amendment also simplifies the setback requirement from unbuildable areas in the Foothills Zoning Districts.

**Findings:** The proposed text amendment meets this standard.

**C. The extent to which the proposed amendment will adversely affect adjacent properties.**

**Discussion:** Although the proposed text amendment has City-wide implications as Open Space Zoning Districts are found throughout the City, the proposed amendment will not adversely affect properties located in or around the Foothills or Open Space Zoning Districts. The proposed text amendment implements steep slope and fencing regulations which will further protect environmentally sensitive areas in the Foothills and Open Space Zoning Districts.

**Findings:** The proposed text amendment will not adversely impact adjacent properties.

**D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.**

**Discussion:** The proposed text amendment is not site specific, and is not associated with any overlay zoning districts.

**Findings:** The proposed text amendment meets this standard.

**E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.**

**Discussion:** The proposal is not site specific. All requests for new subdivisions and fences in the Open Space Zoning District would be reviewed to ensure compliance with City Codes and policies.

**Findings:** All pertinent City Departments will review any request through the permit process to ensure adequacy of public facilities and services.

**RECOMMENDATION:** The Planning Division recommends that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed text amendment, as reflected in this Staff Report.

**Exhibits:**

Exhibit 1 – Proposed Draft Ordinance

Exhibit 2 – Open House Notification

Exhibit 3 – Department Comments

**Exhibit 1 - Proposed Draft Ordinance**



## **Exhibit 2 - Open House Notification**

## **Exhibit 3 - Department Comments**