

DATE: June 22, 2006

TO: Salt Lake City Planning Commission

FROM: Joel G. Paterson, AICP
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RE: Staff Report for the June 28, 2006 Planning Commission Meeting

CASE NUMBER: 400-06-10

APPLICANT: Mayor Anderson

STATUS OF APPLICANT: Section 21A.06.020 of the Salt Lake City Zoning Ordinance grants the Mayor the authority to initiate petitions to amend the Zoning Ordinance

PROJECT LOCATION: City-wide

COUNCIL DISTRICT: The proposed amendments would affect all City Council Districts.

PROPOSED ZONING

TEXT AMENDMENT: In response to comments from City Council members, citizens and permit applicants regarding the Compatible Residential Infill Development Standards, Mayor Anderson initiated this petition to maximize administrative approval capabilities under the Compatible Residential Infill Development Ordinance adopted by the City Council on December 13, 2005. In doing so, the number of Compatible Residential Infill Development standards that may be modified administratively are proposed to be broadened and the processes available to make the modifications will be clarified. The result will be that more projects requiring modifications to the Compatible Residential Infill Development standards will be handled administratively.

Furthermore, the Planning Division is proposing to fine-tune some of the Compatible Residential Infill Development Standards based on public comment and six months of experience implementing the standards.

RATIONAL FOR THE

PROPOSED AMENDMENTS: The adoption of the Compatible Residential Infill Development standards represented a significant change to the regulations for single and two-family residential development and the processes used to implement these standards. As the standards have been implemented over the past six month, the Planning Staff has identified a number of opportunities to streamline the process, provide additional administrative remedies for property owners attempting to modify the base zoning standards and fine-tuning the Zoning Ordinance by making technical amendments to the zoning to clarify the role of the administrative hearing officer.

Although approximately ninety percent (90%) of all Compatible Residential Infill Development projects have obtained building permits over-the-counter without the need for a tiered review process, there is a perception that the tiered review process is cumbersome. Through this fine-tuning process, the Planning Division is proposing amendments to the Compatible Residential Infill Development standards that will provide additional administrative remedies, either through administrative determination, routine or uncontested matters or special exceptions.

Members of the City Council and the City Administration have identified a need to modify provisions of the Zoning Ordinance to tighten the standards for appeals of administrative decisions and shorten the appeal period. Currently, the Zoning Ordinance allows any aggrieved party to appeal an administrative decision. There is no requirement to demonstrate standing, an error in the process or that a decision will cause any material harm or injury. The Planning Division is proposing that additional standards be adopted that will help to limit baseless appeals and reduce the length of the appeal period.

It was the intent of the City Council and the Administration to allow some of these standards to be modified through a tiered review process utilizing some combination of public process depending on the potential impact of the standard being modified. Some Compatible Residential Infill Development standards may be modified by an administrative determination by the Planning Director (example: maximum rear yard setback for accessory structures) or by the Zoning Administrator as a Routine and Uncontested Matter process (example: additional building height or footprint size for accessory structures). Other standards, which may have a more significant impact on neighborhoods, such as additional building height for the primary structure, require a public hearing through the special exception process. However, the ordinance, as written, does not specifically identify a process for the modification of the front yard and corner side yard setback, width of an attached garage or maximum building coverage. Under the current ordinance, an applicant would have to apply for a variance to modify these standards. Staff is proposing amendments to rectify this situation by providing additional administrative remedies.

APPLICABLE LAND USE REGULATIONS: City Code section 21A.50 Amendments.

MASTER PLAN AND POLICY CONSIDERATIONS: The issues of neighborhood character and compatible infill development are addressed in several Salt Lake City master plans and other policy documents.

- **Avenues Community Master Plan:** includes a goal that encourages private property improvements that are visually compatible with the surrounding neighborhood.
- **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.
- **Central Community Master Plan:** recommends protecting and enhancing existing neighborhoods through the establishment and enforcement of architectural controls to preserve the scale and character of neighborhoods.
- **East Bench Master Plan:** recognizes that a strong sense of neighborhood identity and zoning regulations play a role in establishing the community's character. The Plan suggests that new construction and additions that are not compatible with the surrounding neighborhood detract from the residential character of the area.
- **East Downtown Neighborhood Plan:** recommends new development to reflect the character of the neighborhood and develop citywide design criteria to insure such compatibility.
- **Northwest Community Master Plan:** recognizes the importance of constructing new housing but also recognizes that the preservation of the character of the existing housing stock is also of paramount importance.
- **Sugar House Master Plan:** includes goals and policies that support creating and sustaining quality residential neighborhoods through new regulations and design guidelines.
- **West Salt Lake Master Plan:** discusses the importance of conserving, revitalizing and generally upgrading neighborhoods by protecting views, architectural forms and styles, and site design characteristics.
- **The Salt Lake City Comprehensive Housing Plan:** includes policy statements that address a variety of housing issues including quality design, public and neighborhood participation, housing preservation, rehabilitation and replacement.
- **The 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.
- **The Salt Lake City Strategic Plan and the Futures Commission Report:** expresses concepts such as maintaining a prominent sustainable city and ensuring the City is designed to the highest aesthetic standards.
- **The City Council's Growth Policy:** notes that growth in Salt Lake City will be deemed the most desirable if it is aesthetically pleasing; contributes to a livable

community environment; yields no negative net fiscal impact unless an overriding public purpose is served; and forestalls negative impacts associated with inactivity.

SUBJECT PROJECT HISTORY:

- **June 21, 2005** – The City Council adopted a legislative action requesting that the Planning Division review the City’s ordinances relating to infill housing.
- **July 12, 2005** – The City Council adopted Ordinance 44 of 2005 creating the Yalecrest Compatible Infill Overlay District.
- **October 25, 2005** – The Planning Division hosted a public open house to obtain public comment on the original amendments to the Zoning Ordinance. Approximately 35 people attended.
- **November 9, 2005** – The Planning Commission held a public hearing and forwarded a positive recommendation to the City Council to adopt the original Compatible Residential Infill Development standards.
- **December 13, 2005** – The City Council adopted Ordinance 90 of 2005 which amended the Zoning Ordinance by creating Compatible Residential Infill Development standards in single- and two-family zoning districts. The Council also adopted Ordinance 91 of 2005 which created temporary zoning standards for areas within the Capitol Hill and the Greater Avenues Community Councils zoned SR-1 and the Wasatch Hollow Community located between 1300 South and 1700 South from 1300 East to 1900 East. The City Council also adopted a Legislative Action directing the Planning Division to work with the Capitol Hill, Greater Avenues and Wasatch Hollow Community Councils to prepare neighborhood based residential infill development standards for consideration by the Council prior to June 13, 2006.
- **March 1, 2006** – The Greater Avenues Community Council voted to support the neighborhood based zoning standards proposed by the Greater Avenues Community Council’s Housing Compatibility Committee.
- **March 15, 2006** – The Capitol Hill Community Council voted in favor of supporting the neighborhood based zoning standards proposed by the Greater Avenues Community Council for application to areas zoned SR-1 in the Capitol Hill Community.
- **April 12, 2006** – The Planning Commission voted to forward a positive recommendation to the City Council to adopt the proposed Zoning Ordinance and Zoning Map amendments as recommended by the Planning Staff.
- **June 6, 2006** – The City Council adopted Ordinances 25 and 26 of 2006 rezoning areas of the Avenues and Capitol Hill community councils zoned SR-1 to SR-1A and amending the Zoning Ordinance by adopting new SR-1A zoning standards.
- **June 15, 2006** – The Planning Division hosted a public open house to obtain input on the proposed fine-tuning of the Compatible Residential Infill Development standards that is the subject of this petition. Approximately 25 people attended.

COMMENTS, ANALYSIS AND FINDINGS:

1. **COMMENTS:** A draft proposal was sent to various City Divisions and Departments for review. This proposal recommends amendments to the Zoning Ordinance and does not affect operations in other City Departments. The Building Services and Licensing Division provided verbal comments that were technical in nature and where appropriate, changes have been made to the proposed draft ordinance.

Public Open House: Approximately 25 people attended the public open house on June 15, 2006. Comments received from the public are presented in Attachment 3. The following is a general overview of comments made during the open house:

- Concern was raised that the calculation of the average front yard setback is difficult and expensive. The Building Services and Licensing Division is requiring calculations to be stamped by an architect, engineer or surveyor. A certified survey may cost between \$500 and \$1,000. Many architects will not determine the average setback because of liability concerns.
- It is difficult to obtain 100% of the signatures of property owners within the public noticing area when attempting to demonstrate widespread support of a project. Reduce the number of signatures needed to waive the administrative public hearing process. Those property owners closest to the project should be given more weight.
- Need to strengthen the standards for an appeal of an administrative decision. Require the appellant to demonstrate how a proposed project does not meet the ordinance standards.
- Streamline the administrative public hearing process.
- Need standardized submittal requirements for compatible infill projects.
- Provide greater flexibility in the tiered review process.
- Do not amend the definition of “development pattern” to allow an applicant the ability to consider both sides of the block face to demonstrate compatibility.

2. ANALYSIS

PROPOSED ZONING ORDINANCE AMENDMENTS: Based on the issues which have been raised by various entities, the Planning Staff developed a list of proposals to improve implementation and to fine-tune the Compatible Residential Infill Development standards. A description of each recommendation is provided below:

- A. **Front and Corner Side Yards:** Amend the Zoning Ordinance to modify the manner in which the front yard and corner side yard setbacks are calculated by incorporating the standard used in the Yalecrest Compatible Infill Overlay District and to create a provision to allow the Zoning Administrator to make
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administrative determinations regarding requests for modifications to the front yard and corner side yard standards.

Discussion: Under the current Compatible Residential Infill Development standards, no process is provided to modify these standards without pursuing a variance. The Planning Division has identified a need to allow additional flexibility in the process to allow modifications to front and corner side yards to accommodate various anomalies that may skew the average. In some cases, homes are required to have a greater setback than the abutting neighbors because of the setback determined by the present averaging provision. The Planning Division is of the opinion that some cases could be solved by making an administrative determination that a proposed setback, although not consistent with the average calculation, is compatible with the development pattern on the block face. If the Zoning Administrator determines that an administrative determination is not possible, the request would be heard as a special exception by an Administrative Hearing Officer.

The Planning Division also recommends incorporating the front yard setback standard from the Yalecrest Compatible Infill Overlay District (YCI) into the overall Compatible Residential Infill Development Standards (with the exception of the newly adopted SR-1A which will retain the averaging standard adopted by the City Council as part of Ordinance 26 of 2006). The YCI standard calculates the front yard setback by averaging the smallest or shallowest setbacks on fifty percent of the front yards on the block face. This approach will help to eliminate setback anomalies that skew the average setback calculations and create a system that provides additional flexibility in the administrative review process, thereby reducing the time required to obtain an approval. The current standard adopted as part of Ordinance 90 of 2005 calculates the front yard setback using all of the homes on the block face. By doing so, some homes that may be setback farther than the majority of homes on the block face may skew the average and force a home to be setback farther than necessary to preserve the character of the block face.

- B. Maximum Building Coverage:** Amend the Zoning Ordinance to allow administrative modifications to the Maximum Lot Coverage provision through the Special Exception process for substandard lots in the R-1-5,000, SR-1 and R-2 zoning districts.

Discussion: Ordinance 90 of 2005 reduced the maximum lot coverage standard in the R-1-5,000, SR-1 and R-2 (for single family dwellings) districts to forty percent (40%) and did not provide an administrative remedy. Any request to modify this standard currently requires a variance. The Planning Staff and the Board of Adjustment have observed that the standard may cause a hardship on existing lots that do not meet the minimum lot size requirement (5,000 square feet). The Planning Division proposes to allow modification of this standard as a special exception by an Administrative Hearing Officer based on the Special

Exception standards in Chapter 52 of the Zoning Ordinance. This proposal will provide more flexibility to grant relief from this standard administratively.

- C. **Width of Attached Garages:** Amend the Zoning Ordinance to allow administrative modifications to the provisions regulating Maximum Width of Attached Garages by Administrative Determination or as a Routine and Uncontested Matter.

Discussion: The current ordinance does not provide an administrative remedy for this standard. In some neighborhoods, the number of homes that exceed this standard are in the majority. In most cases, the Board of Adjustment would not be able to approve a variance to modify this standard because of the strict hardship standard that it must apply. The Planning Division recommends that the Zoning Administrator be allowed to modify this standard by making an administrative determination when the majority of homes on the block face exceed the standard. In other cases, the Planning Division recommends that the modification of this standard be allowed as a Routine and Uncontested Matter. The Planning Division also recommends that within local historic districts, this standard could be modified through the Certificate of Appropriateness process. This proposal provides an administrative remedy that does not currently exist under the provisions of Ordinance 90 of 2005.

- D. **Accessory Structures:** Amend the Zoning Ordinance to clarify the authority of the Historic Landmark Commission to modify the following Compatible Residential Infill Development standards through the Certificate of Appropriateness process.
- Building Height for Accessory Structures
 - Maximum Footprint for Accessory Structures

The Compatible Residential Infill Development standards allow the standards for accessory structures (building height, footprint size and maximum rear yard setback) to be modified as a Routine and Uncontested Matter. The Planning Division recommends allowing the Historic Landmark Commission to modify the accessory building height and footprint size through the Certificate of Appropriateness process for properties located in local historic districts. This amendment may eliminate the need for a property owner within a local historic district from pursuing more than one approval process for a single development request.

The Planning Division also recommends that the maximum rear yard setback for accessory structures be listed as a Routine and Uncontested Matter instead of a Special Exception which requires approval by an Administrative Hearing Officer. The abutting property owners would experience any negative impact of increasing the maximum setback of an accessory garage. This amendment would allow the Zoning Administrator to review such a request if all of the abutting property owners expressed support for the project.

- E. **Appeals of Administrative Decisions:** Amend the process for appealing administrative decisions to limit baseless appeals and the length of time required for an appeal to be submitted.

Discussion: Chapter 21A.16 of the Zoning Ordinance regulates appeals of administrative decisions. Under the provisions, any person or entity adversely affected by an administrative decision may appeal an administrative decision by filing a notice of appeal within thirty (30) days of an administrative decision stating the reason the appellant believes the decision is in error.

Many consider that this standard for appeal of administrative decision is too broad. The Zoning Ordinance does not provide any meaningful limitation on who may appeal nor does it require substantive reasons for the appeal. The existing standard allows for frivolous appeals which may create unwarranted delays in the approval process.

The Planning Division is proposing to:

- Reduce the appeal period for administrative decisions from thirty (30) days to ten (10) days, the minimum standard allowed under State Law.
 - Limit standing to property owners located within the area notified or if no notice is required, the abutting property owners.
 - Require that an appellant identify a specific error in the procedures required by the Zoning Ordinance or demonstrate a specific property related adverse impact created by the administrative decision.
- F. Clarify ability to approve Compatible Residential Infill Development requests that may not meet specific standards, such as the development pattern standard, but appear to be compatible with the development in the vicinity.

Through the implementation of the Compatible Residential Infill Development standards, it has become apparent, in some cases, that the standard requiring proposed development to be in keeping with the development pattern on the block face is very difficult to achieve. As such, some projects that appear to be compatible with surrounding development cannot be approved administratively or through the Administrative Public Hearing process. Therefore, the only remedy is action by the Board of Adjustment. It may be beneficial to modify existing standards or create additional standards to allow more flexibility into the review process to allow the Administrative Public Hearing officer more discretion in determining whether a project is compatible with the surrounding development.

- Allow determination of the Development Pattern to consider both sides of a block face.

Discussion: In determining compatibility of a proposed project, under Ordinance 90 of 2005, it must be shown that the proposed project is “in keeping with the development pattern” on the block face which, by definition, is limited to one side of the street. The Planning Division has received feedback that this standard is difficult to meet and that allowing a petitioner to compare a proposed project with the existing development pattern on both sides of the block face or surrounding blocks would be beneficial. This broadens the pool of properties to consider in the analysis to determine compatibility.

- Create a new process to allow an Administrative Hearing Officer to consider development requests that demonstrate widespread support of surrounding property owners based on the Special Exceptions standards in 21A.52 of the Zoning Ordinance.

Discussion: In some cases, Special Exception requests for the modification of a Compatible Residential Infill Development standard, such as building height for a principal structure, may not meet the development pattern standard but the surrounding property owners support the project. A possible solution to this issue is to waive the administrative public hearing requirement for Special Exceptions if the applicant can obtain 100% of the signatures of property owners within the required public noticing area. Furthermore, if an applicant can obtain 75% of the signatures of property owners within the noticing area, the Planning Division is proposing to allow the Administrative Hearing Officer to determine compatibility based the Special Exception standards listed in Chapter 21A.52 and waive the development pattern standard.

This approach provides the Administrative Hearing Office additional flexibility to approve projects that may not meet the strict development pattern standards but exhibit substantial support of surrounding property owners. The Special Exception standards are attached as Exhibit 3. The Special Exception standards include consideration of whether the proposed project is in harmony with the purposes of the base zoning district, any substantial impairment of property values, adverse impacts upon the character of the area, and compatibility with the surrounding neighborhood. This approach provides a mechanism for the property owner to demonstrate wide-spread support of a project and could potentially reduce the time necessary for an administrative approval. Another benefit of this approach is that it encourages property owners to inform and educate neighbors about upcoming projects. This approach may create conflict between neighbors if some choose not to sign the consent form. In this case, the project would proceed to the administrative public hearing process.

- G. **Maximum Lot Size:** Clarify the Maximum Lot Size Standards so that it is clear that the standard applies only in situations where lots or parcels are assembled to create larger lots.

Discussion: The Maximum Lot Size standard created by Ordinance 90 of 2005 limits the size of new lots to 150% of the size of the base zone minimum lot size. The original intent of this provision was to limit the creation of large lots by assembling smaller lots into one or more larger lots which might promote the development of larger homes that are not in keeping with the development pattern found in the vicinity. It is now apparent that this standard may limit the ability of a property owner to subdivide a larger parcel into smaller lots that may be more compatible than the existing large lot. In some instances, this standard can hinder the subdivision process because at times proposed subdivisions can not create lots that meet the maximum lot size and maintain other zoning standards such as minimum lot width.

- H. **Calculation of Averages for Required Setbacks and Building Height:** Clarify the required documentation for the calculation of averages used in determining required setbacks and allowable building height. Although not required by the Zoning Ordinance, the Building Services and Licensing Division is requiring documentation of averages to be stamped by an architect, engineer or surveyor in order to have defensible records. However, the City has received feedback that this requirement is costly to property owners. A survey to determine average setbacks may cost between \$500 and \$1,000; surveys of average building height may cost \$1,000 to \$1,500; and surveys of average garage setbacks may cost as much as \$2,000. Staff is proposing two options for consideration by the Planning Commission:

Option 1:

21A.24.010 GENERAL PROVISIONS

X. Documentation Required for the Calculation of Averages: A signed statement shall be submitted by the property owner or property owner's agent documenting the calculation of averages for use in determining average setback or average building height standards in 21A.24 of this title,. The person or entity signing the documentation shall be wholly responsible for the information submitted to the City.

This option requires the property owner to submit a signed statement documenting the calculation of averages and state that the property owner is responsible for the accuracy of the information. , and therefore, provides the property owner with more flexibility:

Discussion: Option 1 places the burden of proof and potential liability on the property owner. The property owner would have the option of paying for a survey or using other methods of determining the average. This option does not require the documentation to be stamped by an architect, engineer or surveyor as required by Option 2. This places liability solely on the property owner if the documentation is challenged and found to be inaccurate. The property owner may

suffer significant consequences if the submitted documentation is successfully challenged and mitigation is required.

Option 2:

X. Documentation Required for the Calculation of Averages: A document stamped by an architect, engineer or surveyor shall be submitted that demonstrates the calculation of averages for use in determining average setback or average building height standards in 21A.24 of this title.

Discussion: Option 2 maintains the status quo and would incorporate language in the Zoning Ordinance that would require the documentation of average calculations to be stamped by an architect, engineer or surveyor. The Planning Staff is of the opinion that Option 2 provides the most protection for both the property owner and the City by placing the responsibility of calculating the average setback or building height on the professionals who are best suited to provide accurate information.

Recommendation: The Planning Staff recommends that the Planning Commission forward a recommendation to the City Council to adopt Option 2.

Summary of Process Amendments: Table 1, on the next page, summarizes the existing tiered review process for each Compatible Residential Infill Development standard and the Planning Division's recommended amendments (shown in **bold**) to the processes. The proposed amendments broaden the scope of Compatible Residential Infill Development standards which may be modified through an administrative process.

Table 1: Summary of Existing and Proposed Compatible Residential Infill Development Standards and Processes

COMPATIBLE RESIDENTIAL INFILL STANDARDS	APPLICABLE ZONING DISTRICTS	EXISTING PROCESS FOR MODIFICATION UNDER ORDINANCE 90 OF 2006	PROPOSED PROCESS FOR MODIFICATION	APPROVAL BODIES
Maximum Building Height for Houses	R-1 Districts R-2 SR Districts	Special Exception	Special Exception	Administrative Hearing Officer/Board of Adjustments
		Certificate of Appropriateness	Certificate of Appropriateness	Administrative Decision/Historic Landmark Commission
Front, Corner Side Yard	R-1 Districts R-2 SR Districts FR Districts	No process specified in ordinance	<u>Administrative Determination</u>	<u>Zoning Administrator</u>
			<u>Special Exception</u>	<u>Administrative Hearing Officer/Board of Adjustments</u>
Maximum Building Coverage	R-1-5000 R-2 SR-1	No process specified in ordinance	<u>Special Exception</u>	<u>Administrative Hearing Officer/Board of Adjustments</u>
Maximum Lot Size	R-1 Districts R-2 SR Districts FR Districts	Subdivision	Subdivision	Administrative Hearing Officer/Planning Commission
Maximum Width of Attached Garage	R-1 Districts R-2 SR Districts FR Districts	No process specified in ordinance	<u>Administrative Determination</u>	<u>Zoning Administrator</u>
			<u>Certificate of Appropriateness</u>	<u>Administrative Decision/Historic Landmark Commission</u>
Building Height for Accessory Structures	R-1, R-2, SR and FR	Routine and Uncontested Matter	Routine and Uncontested Matter	Zoning Administrator/ Administrative Hearing Officer/Board of Adjustments
			<u>Certificate of Appropriateness</u>	<u>Administrative Decision/Historic Landmark Commission</u>

Maximum Rear Yard Setback for Accessory Structures	R-1, R-2 and SR	Administrative Determination	Administrative Determination	Planning Director or designee
		Special Exception	<u>Routine and Uncontested Matter</u>	Zoning Administrator/ Administrative Hearing Officer/Board of Adjustments
Maximum Footprint for Accessory Structures	R-1, R-2, SR and FR	Routine and Uncontested Matter	Routine and Uncontested Matter	Zoning Administrator/ Administrative Hearing Officer/Board of Adjustments
			<u>Certificate of Appropriateness</u>	<u>Administrative Decision/Historic Landmark Commission</u>

3. FINDINGS

A decision to amend the text of the zoning ordinance or the zoning map is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the Planning Commission and the City Council must consider the following factors:

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: Several Salt Lake City master plans and other policy documents discuss the importance of compatible residential infill development and its effect on maintaining the character of existing neighborhoods (see the “Master Plan Specifications” section of this report). This petition proposes amendments to the existing Compatible Residential Infill Development process to clarify and streamline the manner in which development proposals are reviewed through the tiered review process.

Findings: The proposed amendments are consistent with the purposes, goals, objectives, and policies of the City’s various community master plans, City Council policies and other planning documents.

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

Discussion: The proposed text amendments are designed specifically to promote single and two-family residential infill development that is compatible with surrounding development by creating regulations that relate to compatibility of setbacks, building height, garage/accessory structure standards, lot coverage and lot size.

Findings: Implementation of the proposed amendments provides additional flexibility to the process by maximizing the administrative capabilities of the Compatible Residential Infill Development standards. The Compatible Residential Infill Development standards were created to ensure that new construction and additions in residentially zoned areas of the City are compatible with the character of the surrounding neighborhood.

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

Discussion: The proposed text amendments are designed to encourage infill development that is compatible with the surrounding development. The purpose is to establish standards that encourage compatibility between new construction, additions or alterations and the existing character and scale of the surrounding neighborhood.

Findings: The proposed zoning standards are intended to minimize adverse impacts of new residential construction and additions on 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 amendments provide additional authority to the Historic Landmark Commission under the provisions of the H Historic Preservation Overlay District to consider modifications to standards regulating accessory structures. If there is a conflict between the base zoning standards and an overlay zoning district, the overlay zoning district standards prevail. The Yalecrest Compatible Infill Overlay District standards will remain in force as will Historic Preservation Overlay District standards. Both of these overlays include standards and processes designed to consider the impact of new construction on the surrounding neighborhood. The Planning Commission recently recommended amendments to the Capitol Hill Protective Area Overlay District to eliminate conflict between the new SR-1A District in Capitol Hill with the Compatible Residential Infill Development standards

Findings: The proposed amendments are consistent with the provisions of existing overlay zoning district which may impose additional standards on new development. Development projects will have to comply with any applicable overlay district.

- 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 proposed amendments will not change the land use patterns, densities or types of land uses allowed within the various planning communities in Salt Lake City. Consequently, the proposed amendments will have no impact on the adequacy of public facilities and services.

Findings: The adequacy of public facilities and services criteria does not directly relate to the proposed amendments.

RECOMMENDATION: Based on the analysis and the findings presented in this report, the Staff recommends that the Planning Commission forward a positive recommendation to the City Council to approve Petition 400-06-10 to amend the zoning ordinance as presented.

Attachments:

1. Draft Ordinance Amendments
2. Special Exception Standards
3. Public Comments