

Memorandum

Planning Division
Community & Economic Development Department

To: Planning Commission
From: John Anderson, Principal Planner
Date: 19 May 2011
Re: PLNPCM2010-000782 Approval of a Zoning Text Amendment to remove the maximum rear setback for accessory buildings.

The Planning Commission at their regular meeting on 13 April 2011 made a motion to forward a positive recommendation to the City Council to remove the existing language that requires a five foot maximum rear setback for accessory buildings in chapter 21A.40.050 of the Salt Lake City Zoning Ordinance. In putting together a transmittal to the City Council it was found by staff that the required advertisement in the newspaper had inadvertently not been published

Staff is requesting that the Planning Commission make a new motion on PLNPCM2010-000782. The required noticing has now been accomplished and the information was published. Staff has not made any changes to the staff report or to the recommendation to remove the specified section of the Zoning Ordinance.

PLANNING COMMISSION STAFF REPORT

**AMENDMENTS TO CHAPTER 21A.40.050:
5 Foot Maximum Rear Setback for Accessory Structures
Case #PLNPCM2010-00782
4 April 2011**



Planning and Zoning
Division
Department of Community
and Economic Development

Applicant

Mayor Ralph Becker

Staff

John Anderson
john.anderson@slcgov.com
(801) 535-7214

Applicable Zone

R-1 and SR-1 Districts; R-2
District

Master Plan Designation

N/A

Council District

City Wide

Lot Size

N/A

Current Use

N/A

**Applicable Land Use
Regulations**

21.40.50 – General Yard, Bulk and
Height Limitations

Notice

- Notice mailed on April 1, 2011
- Published in the Newspaper
April 1, 2011
- Posted on City & State
Websites April 1, 2011

Attachments

- A. Department Comments
- B. Proposed Ordinance

REQUEST

The applicant, Mayor Ralph Becker, is requesting an amendment to Chapter 21A.40.050A3d of the Zoning Ordinance that would remove existing language that requires a 5 foot maximum rear yard setback for accessory structures.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review the proposed modifications to Chapter 21A.40.050 to remove the existing language that requires a 5 foot maximum rear yard setback for accessory structures in residential districts forward a positive recommendation to the City Council.

Background

The proposed elimination of this section of the Zoning Code has been proposed because staff believes that in the actual implementation of this regulation it has been found that the 5 foot maximum setback requirement is in severe conflict with various other policies and goals that the city is working to achieve and because staff believes it can be an unnecessary burden for residents.

The existing maximum setback requires that any accessory building in the R-1 districts, R-2 district and SR districts be located no more than 5 feet from the rear property line. There are some existing exceptions that would allow the building to be located more than the required 5 feet:

1. If the Transportation Division requires it to be located further to guarantee safe access in and out of the accessory building. This may be allowed, for example, so that property owners can safely access a garage that is located with access to an alley
2. The Planning Director may allow it if the property owner can demonstrate that more than 50 percent of the properties on the same block face have accessory structures that exceed the 5 foot maximum rear setback.
3. The Board of Adjustment may approve an alternate location based on hardships created by topography or mature vegetation.

Public Participation

This application was reviewed at the Public Open House on 17 February 2011. There were no written comments received at that meeting but one verbal comment was received. The commenter was concerned about removing the language because of how it may affect historic neighborhoods and a continuation of compatible neighborhood design. To date, no other written or verbal comments have been received.

Issue Analysis

If adopted, the required 5 foot maximum setback for accessory structures would be removed and there would not be any maximum rear yard setbacks for accessory structures. Any new accessory structure would still be required to be built within the confines of the minimum setbacks and other standards that relate to size, height, bulk or lot coverage that currently exist in the Zoning Ordinance. Below is a summary of the section proposed for removal along with analysis and rationale for the amendment:

Affected Code Sections

Section 21A.40.050A3d General Yard, Bulk and Height Limitations; and

Qualifying Provisions

d. In the R-1 districts, R-2 district and SR districts accessory structures shall be located a maximum of five feet (5') from the rear property line subject to the following exceptions:

- (1) The maximum setback from the rear property line may be increased to meet the transportation division minimum required turning radius and other maneuvering standards.

(2) The planning director or designee may authorize the issuance of building permits for an accessory structure with a maximum setback of more than five feet (5') from the rear property line if the property owner demonstrates that fifty percent (50%) or more of the properties on the block face have accessory structures located more than five feet (5') from the rear property line. In this case, the accessory structure may be set back from the rear property line a distance equal to the average setback of the other accessory structures on the block face. An appeal of this administrative decision shall be heard by an administrative hearing officer subject to the provision of chapter 21A.52 of this title.

(3) The board of adjustment may approve an alternate location for an accessory structure as a special exception based on hardships created by topography or the location of mature vegetation.

Analysis

The enforcement and implementation of the required maximum rear setback for accessory buildings has been problematic for a number of reasons. By forcing all accessory structures to be located not more than 5 feet from the rear property line, it may cause an unreasonable burden for the owners and residents of large and deep residential lots in the city. It decreases the flexibility for some property owners in the full use of their rear yard. It may also create a maintenance hardship for some especially when snow removal is required.

Staff believes that the existing maximum rear setback will not help the city in its endeavors to become a more sustainable community. The maximum setback will require property owners in large or deep lots to install a much longer driveway in order to provide access from the accessory structure to the street. Any increase in the amount of hard surfacing on a lot increases the amount of storm drain runoff that the city must provide an outlet for and may eliminate areas for urban gardening.

The installation of more hard-surfacing on a property may contribute to an effect commonly referred to as an "urban heat island". This concept is that because the construction materials used in an urbanized area such as asphalt and concrete tend to retain heat it will continue to keep an urbanized area warmer than a less urbanized area. The effect is generally more noticeable during the night. This warming of an area may require the use of more energy to cool homes and businesses. Maintaining more landscaping on a property will help to lessen the effects of an urban heat island.

Mr. Brad Stewart representing the Public Utilities Division has stated that they do support the elimination of the maximum rear yard setback for accessory structures because there are often more utility and riparian conflicts at the rear property lines. Mr. Stewart also stated that the additional hard surfacing would increase storm water run-off in residential neighborhoods. Other departments did not have any comments on the proposed amendment.

The elimination of the maximum rear setback for accessory structures would not dramatically change the location of most future accessory structures. The average size and depth of parcels in most of the city's neighborhoods creates very few options for the location of accessory structures. The majority of accessory structures in the city are located near the rear lot line. The current requirement for a maximum rear setback is rarely a considerable factor in the review of a submitted site plan for an accessory structure. On the contrary, because of the small lot development pattern of most single-family residential neighborhoods in the city the existing minimum setbacks and standards are the most difficult to comply with. For this reason, the maximum rear yard setback to those larger lots that do exist in the city can

become an enormous burden to bear in either locating a building in the appropriate location or making application for a Special Exception. This would only apply if the applicant can prove that it meets one of the few standards listed that would allow a structures construction.

Staff received only a single comment during the Public Open House held on 17 February 2011. The concern raised at the meeting was directly related to neighborhoods located in the Historic Overlay District and whether this proposed change would allow accessory structures to be built in a manner that is not consistent with existing neighborhood design.

The proposal to remove the requirement for a 5 foot maximum rear yard setback would not have a dramatic effect on properties located in the Historic Overlay District. Any new accessory structures located within the boundaries of this overlay district are required to obtain staff approval that the proposed accessory structure fits all of the standards for the historic district. Part of the review will be to ensure that the accessory structure is a continuation of any development pattern that already exists in the neighborhood and is compatible with the applicable standards and design guidelines.

This proposed amendment should not have a dramatic effect on neighboring property owners or the development pattern in neighborhoods because the minimum standards and setbacks for accessory structures would not be changed. The existing minimum setbacks will ensure that a proper distance is maintained from the property lines and from any dwellings on adjacent lots. This will also no longer require a Special Exception to have an accessory structure located more than 5 feet from the rear lot line. This removes one barrier and simplifies the approval process for the city and its residents.



Sugar House Example

992 - 1034 East Hudson Street

Parcel A: the rear lot line is 122 feet from the rear of the primary dwelling.

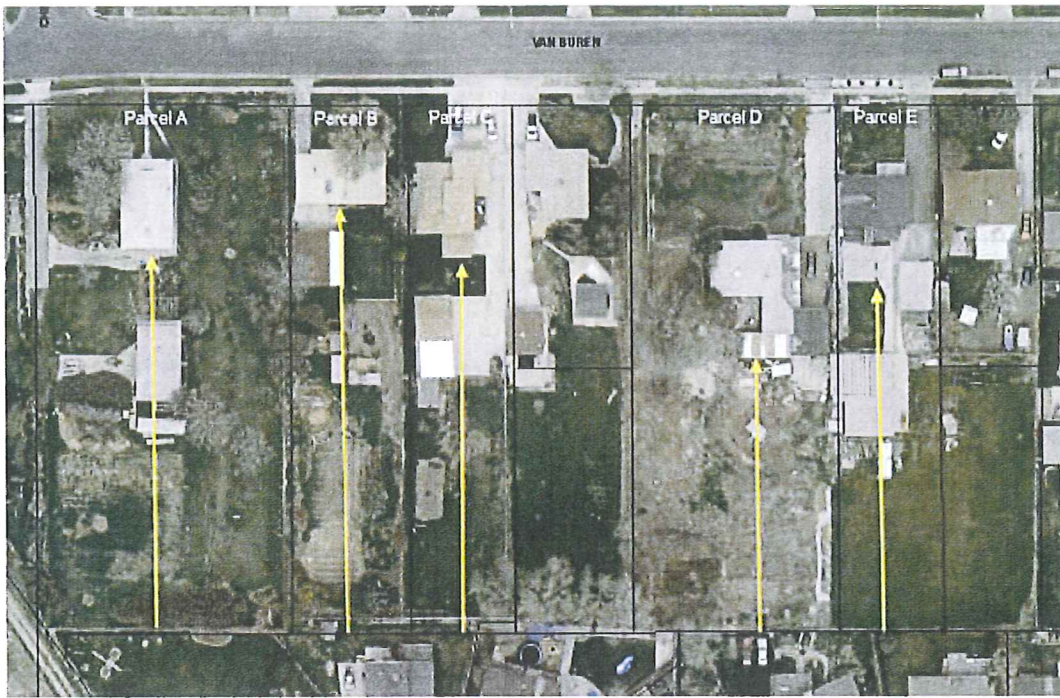
Parcel B: the rear lot line is 186 feet from the rear of the primary dwelling.

Parcel C: the rear lot line is 194 feet from the rear of the primary dwelling.

Parcel D: the rear lot line is 185 feet from the rear of the primary dwelling.

Parcel E: the rear lot line is 186 feet from the rear of the primary dwelling.

Parcel F: the rear lot line is 189 feet from the rear of the primary dwelling.



Glendale Example
1437-1497 West Van
Turner Street

Parcel A: the rear lot line is 232 feet from the rear of the dwelling.

Parcel B: the rear lot line is 258 feet from the rear of the dwelling.

Parcel C: the rear lot line is 227 feet from the rear of the dwelling.

Parcel D: the rear lot line is 169 feet from the rear of the dwelling.

Parcel E: the rear lot line is 223 feet from the rear of the dwelling.



Avenues Example

768 East 2nd Avenue, 71 - 77 North M
Street, 70 North L Street

Parcel A: the rear lot line is 100 feet from the rear of the dwelling.

Parcel B: the rear lot line is 86 feet from the rear of the dwelling.

Parcel C: the rear lot line is 105 feet from the rear of the dwelling.

Parcel D: the rear lot line is 80 feet from the rear of the dwelling.

Parcel E: the rear lot line is 95 feet from the rear of the dwelling.



*Liberty Wells Example
 2006 South 300 East, 2016 – 2030
 South 300 East
 Parcel A: the rear lot line is 163 feet from the rear of the dwelling.
 Parcel B: the rear lot line is 163 feet from the rear of the dwelling.
 Parcel C: the rear lot line is 161 feet from the rear of the dwelling.
 Parcel D: the rear lot line is 158 feet from the rear of the dwelling.*

The aerial photographs above are examples of the potential problems that are created by requiring a 5 foot maximum rear setback for accessory buildings. The majority of the shown parcels of property are large and deep. Any accessory structure constructed on these lots would have to be over 100 feet in most cases or near 100 feet in others from the rear of the primary dwelling. This would require a lengthy driveway that covers a large amount of the rear yard with hard surfacing. It is also evident that in the majority of the lots in the shown examples have demonstrated that it is a pattern in the neighborhood design to have accessory structures nearer to the home. This helps to ease the burden of maintenance and provides easier access to residents but also gives them more opportunities to fully utilize their rear yards.

Staff is aware that the examples above do not represent the neighborhood design in the majority of the city but it is not completely uncommon. Most of the single-family dwellings in the city are located on much smaller lots but the examples above prove just how burdensome the implementation of the existing code can be. Because of the burdens listed, the relative small number of applicable lots, and its negative relationship with current city endeavors to increase the sustainability of the city; staff believes that the existing maximum rear setback is not necessary to fulfill the purposes of the R-1, R-2 and SR zoning districts or the purpose of chapter 21A.40 “Accessory Uses, Buildings and Structures.”

STANDARDS FOR GENERAL AMENDMENTS

A decision to amend the text of the Zoning Ordinance or the Zoning Map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the City Council should consider the following factors:

1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;

Discussion: None of the existing Salt Lake City master plans specifically address this section of the zoning ordinance or accessory structures in residential neighborhoods. It is commonly found in many of the master plans in the city that it is important to maintain the continuity of neighborhood design and for compatible development. Because the minimum standards will still apply for accessory structures and because there will be no change in the setbacks or other standards for primary structures staff does not believe that the elimination of this section of the Zoning Ordinance will be in conflict with any of the city's master plans.

Finding: The proposed text change is consistent with adopted master plans or other adopted planning documents.

2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance.

Analysis: The R-1 Single-Family Residential Districts, 21A.24.050-070, differ in their general parcel requirements in each of their individual purpose statements they share a common trait in each of their specific purpose statements that the, "residential district is to provide for conventional single-family residential neighborhoods..."

The R-2 Single and Two Family Residential District, 21A.24.110, states in its purpose statement that the purpose of the district, "is to preserve and protect for single-family dwellings the character of the existing neighborhoods which exhibit a mix of single and two-family dwellings by controlling the concentration of two-family dwellings."

The SR-1 and SR-1A Special Development Pattern Residential District, 21A.24.080 and 21A.24.100, states in its purpose statement that the purpose, "is to maintain the unique character of older predominately low density Neighborhoods that display a variety of yards, lot sizes and bulk characteristics."

The SR-3 Special Development Pattern Residential District, 21A.24.100, states in its purpose statement that the purpose of the district "is to provide lot, bulk and use regulations in scale with the character of development located within the interior portions of city blocks."

Staff cannot find that removing the required 5 foot maximum rear setback for accessory structures will diminish in any way the existing purpose statements for the R-1 or R-2 districts. Accessory structures are commonplace throughout single-family and two-family residential neighborhoods and do have a role in their development. The minimum setbacks and standards will ensure that accessory buildings continue to be located in the rear yard and that the size requirements will limit the ability to construct a

large accessory structure that may negatively affect the compatibility of the accessory structure within the neighborhood.

The SR-1, SR-1A and SR-3 Districts, which are typically found in older existing neighborhoods in and around the Central City Community, the Avenues and Capitol Hill would not generally benefit from this specific amendment though it would certainly apply to the district. The lots in these neighborhoods are generally very small in nature and the only allowable location for accessory structures will be in the rear yard near the rear lot line. Many of these properties are served by alley access. It can be difficult to access garages located with alley access if there is only 5 feet to maneuver your vehicle into the structure.

Finding: Staff finds that the proposed changes to the Zoning Ordinance are consistent with the overall purpose of the Zoning Ordinance as stated in Chapters 21A.02.030 and in the specific purpose statements for each district as demonstrated above.

3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards.

Discussion: The proposed text amendment is not associated with any specific overlay zoning districts. Any future accessory structures may be located in existing overlay districts and any further requirements that exist due to being located in an overlay district will continue to apply. The proposed text amendment would not diminish any regulations required in any overlay district and may be a benefit for avoiding construction in and around riparian corridors.

Finding: The proposed text amendment meets this standard.

4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.

Discussion: Staff believes that the existing requirement for a 5 foot maximum rear setback for accessory structures is in conflict with professional practices of urban planning and design for larger and deeper lots in the city. The requirement does not allow for flexibility in the use of the rear yard and would force property owners to install long driveways which are not only difficult to maintain but create larger amounts of storm drain runoff.

The existing minimum setbacks and other standards for accessory structures are sufficient tools in ensuring that these structures are located in the appropriate locations and continuing to allow property owners to fully utilize their rear yards, reduce the amount of required hard surfacing and to remain more sustainable.

Finding: The proposed text amendment implements the best current practices in urban planning and design.

Attachment A
Department Comments

2 March 2011

Police Review

No comments

Public Utilities—Brad Stewart (801)483-6783

Public Utilities would be in favor of this zoning change. There are often more utility and riparian conflicts at the rear property lines. And the additional hard surfacing increases storm water run-off. Grouping buildings closer to the street frontage has functional advantages.

Zoning Review—Alan Hardman (801)535-7742

No comments.

Transportation Review—Barry Walsh (801)535-6630

The transportation division review comments and recommendations are for approval as follows: Section 21A.40.050 A3d notes the five foot setback requirement along with Section 21A.36.020B chart, and is referenced in other locations. We have found that exceptions have been required in order to resolve conflicts with other requirements and reasonably develop or replace an existing development by: Requiring compliance to current "Building Code" setback and buffer requirements. As well as, by basic physical parameters set by the site design to provide: The required geometrics for pedestrian (ADA) and vehicular access to the structures.

Engineering Review- Scott Weiler (801)535-6159

We have no concerns regarding this proposed text amendment.

Fire Review

No comments

Attachment B
Proposed Ordinance with Changes

21A.40.050: GENERAL YARD, BULK AND HEIGHT LIMITATIONS:

All accessory buildings permitted by this chapter shall be subject to the following general requirements:

A. Location Of Accessory Buildings In Required Yards:

1. Front Yards: Accessory buildings are prohibited in any required front, side or corner side yard. If an addition to residential buildings results in an existing accessory building being located in a side yard, the existing accessory building shall be permitted to remain, subject to maintaining a four foot (4') separation from the side of the accessory building to the side of the residential building, as required in subsection A3b of this section.

2. Corner Lots: No accessory building on a corner lot shall be closer to the street than the distance required for corner side yards. At no time, however, shall an accessory building be closer than twenty feet (20') to a public sidewalk or public pedestrianway and the accessory building shall be set back at least as far as the principal building.

3. Rear Yards: Location of accessory buildings in a rear yard shall be as follows:

a. In residential districts, no accessory building shall be closer than one foot (1') to a side or rear lot line except when sharing a common wall with an accessory building on an adjacent lot. In nonresidential districts, buildings may be built to side or rear lot lines in rear yards, provided the building complies with all applicable requirements of the adopted building code.

b. No portion of the accessory building shall be built closer than four feet (4') to any portion of the principal building.

c. Garages on two (2) or more properties that are intended to provide accessory building use for the primary occupants of the properties, in which the garage is located, may be constructed in the rear yards, as a single structure subject to compliance with adopted building code regulations and the size limits for accessory buildings on each property as indicated herein.

d. ~~In the R-1 districts, R-2 district and SR districts accessory structures shall be located a maximum of five feet (5') from the rear property line subject to the following exceptions:~~

~~(1) The maximum setback from the rear property line may be increased to meet the transportation division minimum required turning radius and other maneuvering standards.~~

~~(2) The planning director or designee may authorize the issuance of building permits for an accessory structure with a maximum setback of more than five feet (5') from the rear property line if the property owner demonstrates that fifty percent (50%) or more of the properties on the block face have accessory structures located more than five feet (5') from the rear property line. In this case, the accessory structure may be set back from the rear property line a distance equal to the average setback of the other accessory structures on the block face. An appeal of this administrative decision shall be heard by an administrative hearing officer subject to the provision of chapter 21A.52 of this title.~~

~~(3) The board of adjustment may approve an alternate location for an accessory structure as a special exception based on hardships created by topography or the location of mature vegetation.~~

4. Accessory Or Principal Lot: No portion of an accessory building on either an accessory or principal lot may be built closer than ten feet (10') to any portion of a principal residential building on an adjacent lot when that adjacent lot is in a residential zoning district.

B. Maximum Coverage:

1. Yard Coverage: In residential districts, any portion of an accessory building shall occupy not more than fifty percent (50%) of the total area located between the rear facade of the principal building and the rear lot line.

2. Building Coverage: In the FR, R-1, R-2 and SR residential districts the maximum building coverage of all accessory buildings shall not exceed fifty percent (50%) of the building footprint of the principal structure up to a maximum of seven hundred twenty (720) square feet for a single-family dwelling and one thousand (1,000) square feet for a two-family dwelling. The maximum footprint for a primary accessory structure within the SR-1A is limited to four hundred eighty (480) square feet with an additional one hundred twenty (120) square feet allowed for a secondary accessory structure. Notwithstanding the size of the footprint of the principal building, at least four hundred eighty (480) square feet of accessory building coverage shall be allowed subject to the compliance with subsection B1 of this section.

C. Maximum Height Of Accessory Buildings/Structures:

1. Accessory To Residential Uses In The FP District, RMF Districts, RB, R-MU Districts, And The RO District: The height of accessory buildings/structures in residential districts shall conform to the following:

a. The height of accessory buildings with flat roofs shall not exceed twelve feet (12');

b. The height of accessory buildings with pitched roofs shall not exceed seventeen feet (17') measured to the midpoint of the roof; and

c. Accessory buildings with greater building height may be approved as a special exception, pursuant to chapter 21A.52 of this title.

2. Accessory To Residential Uses In The FR, R-1 Districts, R-2 District And SR Districts: The height of accessory buildings/structures in the FR districts, R-1 district, R-2 district and SR districts shall conform to the following:

a. The height of accessory buildings with flat roofs shall not exceed twelve feet (12'); nine feet (9') in the SR-1A;

b. The height of accessory buildings with pitched roofs shall not exceed seventeen feet (17') measured as the vertical distance between the top of the roof and the finished grade at any given point of building coverage. In the SR-1A the height of accessory buildings with pitched roofs shall not exceed fourteen feet (14'); and

c. Accessory buildings with greater building height may be approved as a special exception, pursuant to chapter 21A.52 of this title, if the proposed accessory building is in keeping with other accessory

buildings on the block face. (Ord. 26-06 §§ 2, 3, 2006: Ord. 90-05 § 2 (Exh. B), 2005: Ord. 13-04 § 18, 2004: Ord. 35-99 § 57, 1999: Ord. 30-98 § 4, 1998: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(20-4), 1995)