



## CITY COUNCIL STAFF REPORT

**MEETING DATE:** 2 April 2015  
**APPLICANT:** Brice Investments, LLC  
**PROJECT NUMBER:** T-15-002  
**REQUEST:** A recommendation to the Planning Commission to amend Chapter 17.13 of the South Salt Lake Municipal Code.  
**PREPARED BY:** Alexandra White, City Planner

**SYNOPSIS:** Brice Investments, LLC is petitioning the Planning Commission and City Council to amend Chapter 17.13 Section 17.13.010 and Section 17.13.020 of the South Salt Lake Municipal Code to decrease the minimum lot widths along the frontage of residential parcels located in the Residential R-1 District. This proposal is intended for single lots splits of infill development and not for new subdivisions.

### **SUMMARY:**

- The ordinance amendment would establish reduced minimum lot widths along the frontage of residential parcels of infill development and not for new subdivisions.
- The ordinance amendment would only apply to single lot splits or flag lots.
- The ordinance amendment supports the intent of the original ordinance to promote and maintain home ownership within the community.
- The ordinance amendment maintains and does not alter other adopted Residential Design Standards.
- General Plan Goal HE-3: Infill housing should be encouraged.

### **PLANNING COMMISSION ACTION:**

At a public hearing on April 2, 2015, the South Salt Lake Planning Commission voted unanimously to recommend to the City Council to amend Chapter 17.13 Section 17.13.010 and Section 17.13.020 of the South Salt Lake Municipal Code to decrease the minimum lot widths along the frontage of residential parcels located in the Residential R-1 District. This proposal is intended for single lot splits of infill development and not for new subdivisions.



## CITY COUNCIL STAFF REPORT

### **Synopsis:**

Brice Investments, LLC is the owner of property located at 2863 South 300 East South Salt Lake City, Utah 84115. Brice Investments, LLC is petitioning the Planning Commission and City Council to amend Chapter 17.13 Section 17.13.010 and Section 17.13.020 of the South Salt Lake Municipal Code to decrease the minimum lot widths along the frontage of residential parcels located in the Residential R-1 District. This proposal is intended for single lot splits of infill development and not for new subdivisions.

Brice Investments, LLC's intent for the property located at 2863 South 300 East is to divide the residential lot into two separate lots, to extensively renovate the existing home, and build a new single family home on the additional lot. The ordinance amendment would allow Brice Investments, LLC the ability to effectively invest time and resources to accommodate for two separate single family homes on the property. The vision of two single family homes on this property fits the criteria to allow for a lot split with the current position of the existing home, setbacks, and proper square footage. Currently, the property is approximately 4 feet short of road frontage to meet the current 50 foot frontage as required in South Salt Lake's Municipal Code. The proposed amendment would allow for Brice Investments, LLC to move forward by appropriately splitting the lot in half with the vision to upgrade, beautify, and benefit the neighborhood through infill development.

### **Ordinance Requirements and Considerations:**

#### **Land Use Amendment Procedure:**

##### **17.01.150 Amendments.**

- A. Amendments to the Zoning Map. Amendments to the zoning map shall be made in compliance with the provisions of this chapter and Utah State Code Annotated.
- B. Initiating Amendments and Corrections. Any citizen, property owner, the planning commission, the city council, or the community development director may initiate proposals for change or amendment of the South Salt Lake General Plan or any chapter or regulation of this code or the official city zoning map.
- C. Application. Any person seeking an amendment to the land use code or zoning map shall submit an application with the community development department indicating the change desired and how the change will further promote the goals and objectives of the general plan. Application will be processed and noticed to the public, when applicable, according

to this code and Utah Code Annotated. Applications will be processed in an efficient manner in order to not cause the applicant unwarranted delays.

D. Planning Commission. The planning commission shall:

1. Fulfill all duties outlined in state statute that are to be performed by the planning commission.
2. Prepare and recommend to the city council the general plan or amendments to the general plan, any proposed land use ordinance or ordinances and a zoning map, and amendments thereto that represent the planning commission's recommendation for regulating the use and development of land within all or any part of the area of the municipality.
3. Hold a public hearing on a proposed land use ordinance or zoning map amendment.

E. City Council. The city council:

1. May adopt or amend:
  - a. The number, shape, boundaries, or area of any zoning district on the official city zoning map;
  - b. Any regulation of or within the zoning district; or
  - c. Any provision of the development code.
2. The municipal legislative body shall consider each proposed land use ordinance and zoning map recommended to it by the planning commission, and, after providing notice as indicated in this code and Utah State Code Annotated and holding a public meeting, the legislative body may adopt or reject the ordinance or map either as proposed by the planning commission or after making any revision the municipal legislative body considers appropriate. The city council is not bound by any recommendation from the planning commission.

**17.05.110 Purpose of the land use code.**

- A. The purposes of this title are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the city of South Salt Lake and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the city's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values.
- B. To accomplish the purposes of this chapter, the city may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development

agreements that it considers necessary or appropriate for the use and development of land within the city, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.

- C. This code is adopted to implement the city of South Salt Lake's general plan and to promote public health, safety, convenience, aesthetics, welfare, stable land values, efficient land use, sustainable land use and building practices, crime prevention, transportation and accessibility, and efficiency in land use review and administration.
- D. The land use code is also established to facilitate orderly growth and development in the City of South Salt Lake and to enhance the lives of the citizens of the city.
- E. The land use code intends to establish a fair and efficient process for development and land use applications, as accomplished through the delegation of powers among city officials and a transparent review process.

**General Plan Considerations:**

The proposed ordinance amendment supports South Salt Lake City's General Plan Goals.

**Goal HE-3:** Infill housing should be encouraged.

**Goal HE-4:** Improve the overall homeownership ratio.

**Staff Analysis:**

**Residential Design Standards Purpose – 17.21.010**

The proposed ordinance maintains the purpose of the Residential Design Standards as stated in 17.21.010:

- A. Ensure that new buildings are compatible with existing neighborhoods
- B. Support and enhance walkable neighborhoods in the City
- C. Cultivate desirable developments and neighborhoods to encourage long-term residency
- D. Facilitate innovation in building design and energy efficient standards
- E. Promote clarity, transparency, and flexibility in design review and development approval processes

**Residential Design Standards Modifications – 17.21.040**

At the discretion of the Land Use Authority, the frontage, orientation, primary façade, materials, build-to-zones and setback requirements, required amenities, or open space requirements may be modified in order to support the purpose of the Residential Design Standards.

### **Residential R1 Land Use Area Regulations - 17.13.010 & 17.13.020**

The proposed ordinance amendment maintains the minimum area requirement of 5,000 square feet (17.13.010) and 6,000 square feet (17.13.020) of any residential lot.

### **General Design Standards – 17.21.050**

The proposed ordinance amendment maintains all general design standards as outlined in section 17.21.050 of the South Salt Lake Municipal Code.

### **Building Form Standards for Build-to-Zones and Setbacks– 17.21.060**

The proposed ordinance amendment maintains all minimum and maximum required build-to-zones and setbacks for front, side and rear yards.

### **Detached House Building Design Standards – 17.21.070**

As indicated in attachment 3, the proposed ordinance amendment for a 10% reduction in frontage allows for Residential Design Standards to be maintained.

- A. Orientation – All structures shall front a primary street or private drive.
- B. Building Height
- C. Materials
- D. Porches, Landings, Stoops or Porticos
- E. Roofs and Overhangs
- F. Facades
- G. Garages – In no case shall front facing garages comprise of more than fifty percent (50%) of the primary façade of a home.
- H. Carports
- I. Accessory Structures
- J. Architectural Variability

### **Planning Commission Recommendation:**

At a public hearing on April 2, 2015, the Planning Commission unanimously recommended approval of this amendment with the following findings:

1. Residential Design Guidelines will be met as otherwise stated in the South Salt Lake Municipal Code.
2. This amendment only applies to infill development single lot splits, not new subdivisions.
3. This amendment complies with the General Plan's goals of supporting infill housing.

### **Attachments:**

1. Chapter 17.13 Land Use Districts Section 17.13.010
2. Chapter 17.13 Land Use Districts Section 17.13.020
3. Diagram of change with Residential Design Standards
4. Aerial Photo of Brice Investments, LLC property
5. Planning Commission Minutes

## Attachment 1: Proposed Text Change

### Chapter 17.13 Land Use Districts

#### Sections:

#### 17.13.010 – Residential R1-5,000 (R1-5) District.

- A. Purpose. The purpose of the residential R1-5 district is to provide for low density single family, residential housing neighborhoods on lots not less than five thousand (5,000) square feet in size.
- B. Uses. In the R-1 district, uses, buildings, structures or land shall not be used or developed except in accordance with the adopted land use matrix as found in Chapter 15 of this title. Uses are intended to be compatible with the existing scale and intensity and to preserve the existing character of the neighborhood.
- C. Regulations.
  1. Area. The minimum area of any lot shall be five thousand (5,000) square feet except as specifically approved otherwise in a residential planned unit development (PUD) project. All existing lots, whether vacant or occupied by dwellings, shall be considered conforming if such lots are not less than four thousand five hundred (4,500) square feet.
  2. Buildings and Site Development. Buildings, sites, and structures shall comply with the requirements for design review found in Chapter 21 of this title and any other building, fire, or other relevant codes in effect within the city.
  3. Minimum Width. Width regulations are as follows:
    - a)The minimum width of any lot five thousand (5,000) square feet or larger shall be fifty (50) feet at all points along the length of the property.
    - b)The land use authority may decrease the minimum lot width along the frontage for residential parcels when accessed from a cul-de-sac or turnaround area. The land use authority may decrease the rear lot width when natural or man-made features would obstruct or impede the lot from meeting the minimum width requirements. **The land use authority may decrease the minimum frontage width to forty five (45) feet for lots created from the result of a lot split.**

## Attachment 2: Proposed Text Change

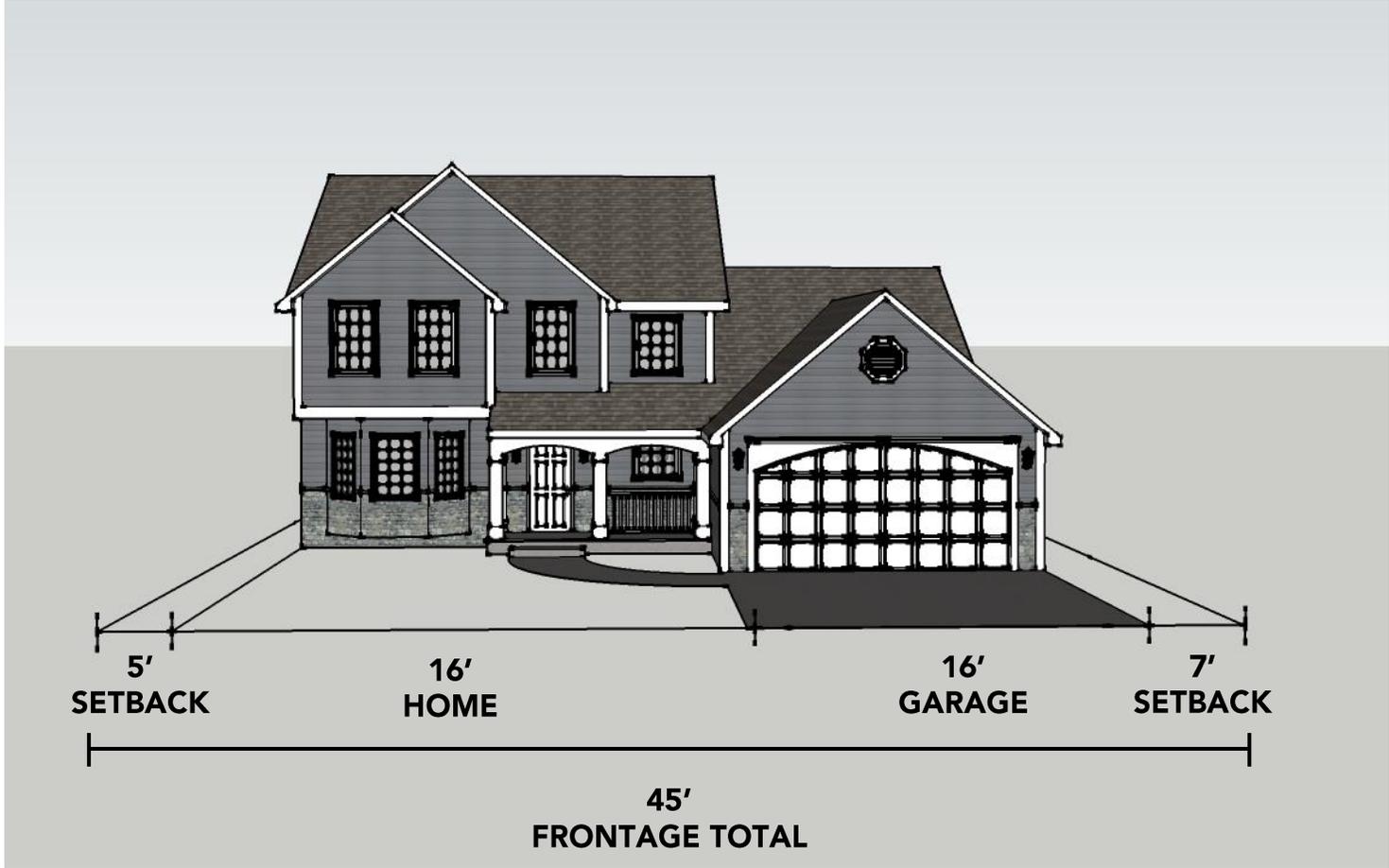
### Chapter 17.13 Land Use Districts

#### Sections:

#### 17.13.20 Residential R1-6,000 (R1-6) District.

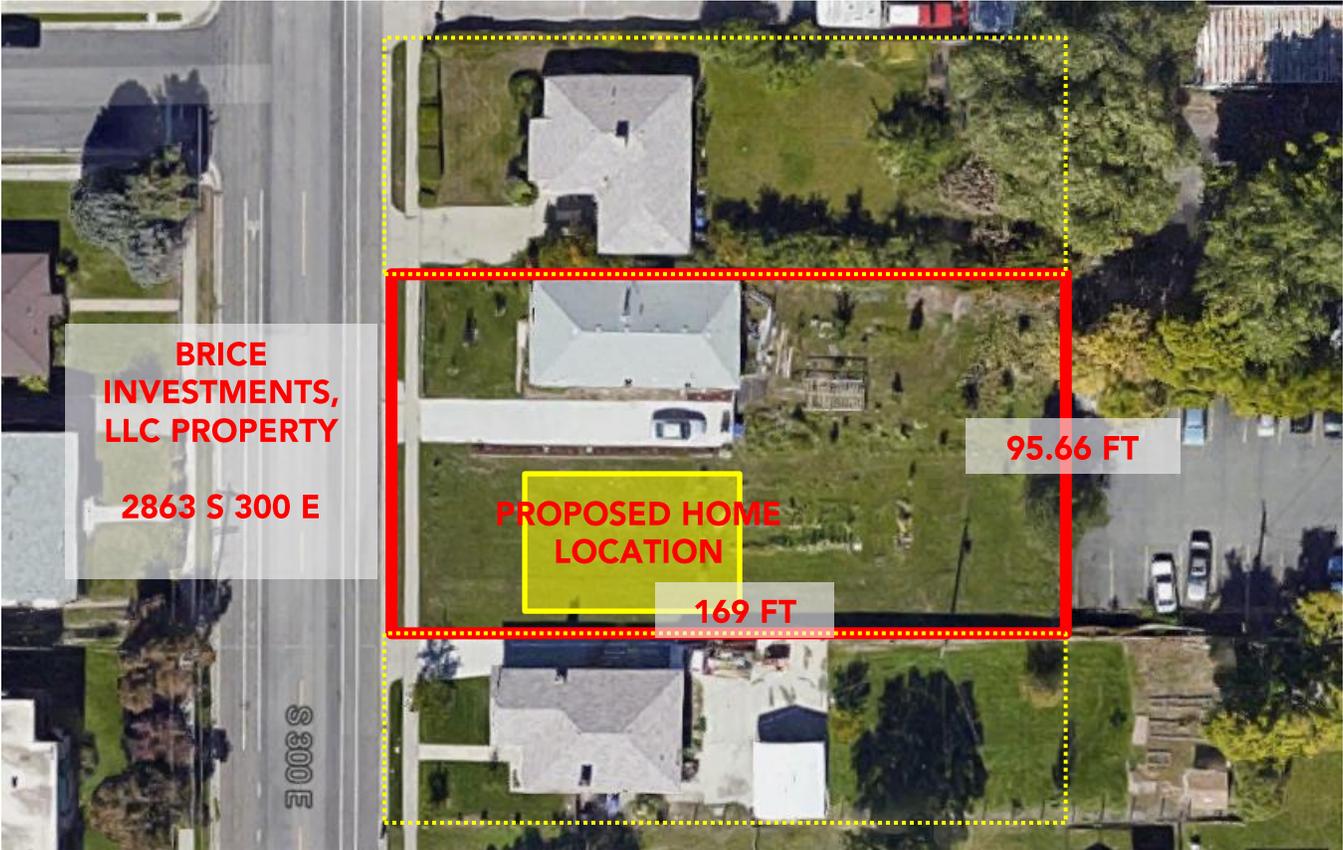
- A. Purpose. The purpose of the residential R1-5 district is to provide for low density single family, residential housing neighborhoods on lots not less than six thousand (6,000) square feet in size.
- B. Uses. In the R-1 district, uses, buildings, structures or land shall not be used or developed except in accordance with the adopted land use matrix as found in Chapter 15 of this title. Uses are intended to be compatible with the existing scale and intensity and to preserve the existing character of the neighborhood.
- C. Regulations.
  1. Area. The minimum area of any lot shall be six thousand (6,000) square feet except as specifically approved otherwise in a residential planned unit development (PUD) project. All existing lots, whether vacant or occupied by dwellings, shall be considered conforming if such lots are not less than four thousand five hundred (4,500) square feet.
  2. Buildings and Site Development. Buildings, sites, and structures shall comply with the requirements for design review found in Chapter 21 of this title and any other building, fire, or other relevant codes in effect within the city.
  3. Minimum Width. Width regulations are as follows:
    - a)The minimum width of any lot six thousand (6,000) square feet or larger shall be fifty (50) feet at all points along the length of the property.
    - b)The land use authority may decrease the minimum lot width along the frontage for residential parcels when accessed from a cul-de-sac or turnaround area. The land use authority may decrease the rear lot width when natural or man-made features would obstruct or impede the lot from meeting the minimum width requirements. **The land use authority may decrease the minimum frontage width to forty five (45) feet for lots created from the result of a lot split.**

### Attachment 3



- Proposal meets the approved Residential Design Standards of Section 17.21.060 for front build-to-zones, side and rear setbacks.
- Proposal meets the approved Residential Design Standards of Section 17.21.070 for garage standards. Front facing garages must be 50% or less of the primary façade.
- Proposal maintains the minimum lot size requirement outlined in Chapter 17.13 Section 17.13.10 and Section 17.12.020.

**Attachment 4**



- The property is 4.3 feet total or 2.1 feet for each lot short of meeting the current 50 foot frontage requirement if the property is divided.

## **Attachment 5**

### ***Planning Commission Work Meeting Minutes***

*Thursday, April 2, 2015*

*City Council Chambers*

*220 East Morris Avenue*

*Time 6:50 p.m.*

#### **Commission Members Present:**

Rachel Lauritzen, Presiding  
Carly Klein  
Holly Carson  
Brandon Dalton  
Mark Kindred

#### **Staff Members Present:**

Michael Florence, Community Development Director  
Alexandra White, City Planner

### **1. Discussion of Agenda Items.**

City Planner, Alexandra White, gave a brief presentation of the first agenda item and stated that the applicant, Brice Investments, LLC, proposed an ordinance amendment that would allow for a reduction in lot widths for lot splits in the single-family residential zones. The proposed changes would be applied to Chapter 17.13 of the South Salt Lake City Municipal Code.

Ms. White stated that the applicant owns property located at 2863 South 300 East. It is their intent to split the lot, restore the existing home, and build a new single-family dwelling on the second lot. Currently, the Code requires a minimum of 50 feet of frontage along all residential lots in the R-1 Districts. The proposed amendment would decrease that requirement to 45 feet. Ms. White pointed out that the proposal is intended for single lot splits only, which would be considered infill development rather than a new subdivision. She displayed an aerial photo of the property.

Ms. White described the purpose of the Land Use Code and the goals of the General Plan, particularly those dealing with infill housing and improving the overall home ownership ratio. Staff found the proposal to be in harmony with the goals. Ms. White reviewed how staff came to specify 45 feet as the minimum using the Residential Design Standards, including the side yard setbacks of five and seven feet, and the requirements for the garage being less than 50% of the home façade. Staff recommended approval of the application.

Chair Lauritzen clarified the language of the proposal and stated that it would specify that the Land Use Authority may decrease the minimum frontage requirements. It implies that the standard would still involve a length of 50 feet and the property owner would have to petition the proper land use authority to obtain that reduction. Mr. Florence stated that most of the applications would be staff's decision. He also reminded the Commission that they would be addressed on a case-by-case basis. It was clarified that it would not apply to flag lots.

The Planning Commission Work Meeting adjourned at approximately 6:58 p.m.

***Planning Commission Regular Meeting Minutes***

*Thursday, April 2, 2015*

*City Council Chambers*

*220 East Morris Avenue*

*Time 7:00 p.m.*

**Commission Members Present:**

Rachael Lauritzen, Presiding  
Carly Klein  
Holly Carson  
Brandon Dalton  
Mark Kindred

**Staff Members Present:**

Michael Florence, Community Development Director  
Alexandra White, City Planner

**Moment of Reflection:**

**Chair Lauritzen**

**Pledge of Allegiance:**

**Chair Lauritzen**

**Motion to Approve the Agenda:**

**Commissioner Klein**

**Second to the Motion:**

**Commissioner Carson**

**Vote:**

**Unanimous**

**New Business**

• **Public Hearing  
T-15-002**

**1. A Recommendation to the City Council to Amend the Zoning Ordinance to Allow for a Reduction in Lot Width for Lot Splits in the Single-Family Residential Zone.**

**Action Item**

**Applicant: Brice Investments, LLC**

City Planner, Alexandra White, presented the staff report and stated that the applicant has proposed to amend Chapter 17.13 of the South Salt Lake City Municipal Code to decrease the minimum lot widths along the frontage of residential parcels in the residential R1 districts. The current minimum is 50 feet, while the proposed length would be 45 feet. Ms. White stated that the proposal is intended for infill housing and not new development.

The applicant, Brice Investments, LLC, owns property at 2863 South 300 East. Their intention is to divide the property into two separate lots, extensively renovate the existing home, and build a second home on the additional lot. Ms. White confirmed that all setback and square footage

requirements would be met. She informed the Commission that each lot would only be approximately four feet short of the required frontage.

Ms. White read the proposed text amendment as it would appear in both the R1-5 and R1-6 zoning ordinances. The change was that the land use authority may decrease the minimum frontage width to 45 feet for lots created as a result of a lot split.

Ms. White described how staff decided on the 45-foot minimum using the Residential Design Standards, including the side yard setbacks of five and seven feet, and the requirements for the garage being less than 50% of the home façade. Ms. White confirmed that the proposal meets the approved Residential Design Standards and the goals of the General Plan, particularly with regard to infill housing and improving the overall home ownership ratio. Staff recommended approval of the application.

William English who resides at 4210 Holloway Drive in Holladay and Michael Eisenger whose address is 634 Pheasant Ridge Court in Alpine, were present representing the applicant, Brice Investment, LLC. Mr. English informed the Commission of their intention for the property and the existing home. He stated that the two lots would have slightly more square footage than was presented in the aerial photographs. The frontage would be just over 45 feet for both lots, if split directly in half.

In response to a question raised by Commissioner Kindred, Mr. English confirmed that the new home would have the same setback as the existing home. Community Development Director, Michael Florence, clarified that the Code requires a setback of 20 to 25 feet. Chair Lauritzen asked the applicants if they knew what the actual area of the lots would be after the split, which was confirmed to be 47.83 feet per side. Mr. English reported that they had owned the property for approximately one month.

**Chair Lauritzen opened the public hearing at 7:17 p.m.**

Sharon Cameron gave her address as 490 East 3360 South. She questioned the side yard setback requirements and where the new home will be located on the property.

Polly Hough who resides at 602 East 3610 South, was concerned with the amendment being applied to all R1 districts. She felt it would change the character of the neighborhoods and adjust the density.

**There were no further public comments. Chair Lauritzen closed the public hearing.**

Chair Lauritzen asked staff to clarify some of the issues presented by Ms. Cameron and Ms. Hough. It was verified that the proposal would not change the total square footage and setback requirements of the zones and the proposal would not allow for double structures. The homes must still front the main street and cannot be constructed behind an existing home. Ms. White restated that the proposed amendment would not apply to new subdivisions or developments, and would be addressed on a case-by-case basis.

Mr. Florence clarified the setback requirement, which is five and seven feet for side yards and a 20 to 25-foot front setback. He stated that the requirements had not been changed for the last 15 to 20 years so what is proposed would not be out of place in the neighborhood.

Chair Lauritzen commented that the proposal seemed reasonable and taking away a few feet from a frontage requirement would not increase the density significantly.

Commissioner Dalton remarked that he looked at an aerial map of the neighborhood and all of the homes appeared to be five to 10 feet apart. As a result, he did not feel that what is proposed would be out of place. He could see the change benefiting many areas in the City.

Commissioner Klein saw nothing wrong with the proposal, especially since the setback and square footage requirements are not being effected.

**Motion to recommend the City Council APPROVE the proposed Land Use Ordinance amendment establishing reduced residential frontage requirements for infill development based on the following:**

**Findings:**

- 1. Residential Design Guidelines will be met as otherwise stated in the South Salt Lake Municipal Code.**
- 2. This amendment only applies to infill development single lot splits, not new subdivisions.**
- 3. This amendment complies with the General Plan's goals of supporting infill housing.**

**Commissioner Dalton**

**Second on the motion:**

**Commissioner Kindred**

**Vote:**

**Unanimous**