

NOTE – On August 18, 2009 the Salt Lake County Council’s Committee of the Whole established a five member Special Committee on Residential Compatibility. The purpose of that working group was to review the Millcreek Township Planning Commission’s recommendations on that matter and report back to the County Council on any changes or modifications the Special Committee deemed appropriate. The following identifies those changes. Words to be deleted are indicated by ~~strikeout~~. Words to be inserted are indicated by underline.

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. _____ DATE _____

RESIDENTIAL COMPATIBILITY OVERLAY ZONE

AN ORDINANCE ENACTING CHAPTER 19.71, ENTITLED “RESIDENTIAL COMPATIBILITY OVERLAY ZONE,” PROVIDING OPTIONS, STANDARDS, AND PROCEDURES FOR APPROVAL OF MAJOR RESIDENTIAL INFILL, EXTERIOR REMODEL AND NEW CONSTRUCTION IN MILLCREEK TOWNSHIP.

The Legislative Body of Salt Lake County ordains as follows:

SECTION I. Chapter 19.71 of the Salt Lake County Code of Ordinances, 2001, is hereby enacted to read as follows:

Chapter 19.71

RESIDENTIAL COMPATIBILITY OVERLAY ZONE

Sections:

- 19.71.010 Purpose of provisions.**
- 19.71.020 Overlay zone—Scope and application.**
- 19.71.030 Option A. General standards—Planning and development services division review.**
- 19.71.040 Option B. Deviations from general standards based on neighborhood compatibility.**
- 19.71.050 Option C. Deviations from general standards based upon Floor Area Ratio**
- 19.71.060 Option ~~C~~. D. Special Exception—Planning commission review.**
- 19.71.0670 Definitions.**

19.71.010 Purpose of provisions.

A. The general purpose of the residential compatibility overlay zone (“RCOZ”) is to promote public welfare and to balance neighborhood compatibility with the private property

interests of those who wish to expand, develop, improve or otherwise make exterior modification to their residential property.

B. Recognizing the wide variation of circumstances incident to a residential application and the need for architectural freedom, the county is adopting a ~~three-tiered~~ four-tiered approach:

1. Option A provides for strict standards of height, area, and setback with permits issued by the Salt Lake County planning and development services division (the “division”).

2. Option B allows the division to consider deviations from one or more of the standards provided in Option A based upon the compatibility of the proposed residential application with other houses in the immediate neighborhood.

3. Option C allows the division to consider deviations from one or more of the standards provided in Option A based upon the use of Floor Area Ratio (FAR) in building design and construction.

~~3~~ 4. Option ~~E~~ D allows the planning commission to consider at a public hearing a special exception for unusual or extraordinary circumstances that justify deviations from one or more of the limitations under Options A, ~~and B and C.~~

19.71.020 Overlay zone—Scope and application.

A. Geographic Area of Application. Maps delineating the boundaries of the RCOZ are attached to this ordinance as Appendix A and will remain on file with the division. Such maps, as amended, are a part of this title as if fully described and detailed herein. Additional areas may be approved by the county council.

B. Development Activities Covered. The standards and regulations contained in this chapter shall apply to all single and two-family residential development, exterior remodeling and new construction projects commenced after the effective date of this ordinance in the RCOZ, according to the zones listed in Table I below.

~~C. Applicability to Lots of Record. The standards and regulations contained in this chapter shall apply to all legally subdivided lots, including those that were recorded prior to the enactment of this ordinance.~~

D. Exemption for previous residential development. Nonconforming additions or expansions of buildings or structures commenced or completed prior to the enactment of this ordinance are exempt from the requirements of this chapter.

D. Inconsistent Provisions. When the provisions of this chapter are inconsistent with provisions found in any other chapters of county ordinances, the most restrictive provisions shall apply.

19.71.030 Option A. General standards—Planning and development services review.

A. Application. Any person seeking to build a new residential structure or to significantly reconstruct, renovate or rebuild an existing structure in any zone listed in Table i, shall obtain land-use approval from the division. An applicant may seek a determination of the applicable limits under Option A from the division prior to the submission of any building plans.

B. Standards. Unless applying for approval under Options B or Option C or D, all applications shall comply with the following minimum standards:

1. Maximum Building Height. ~~Each point on the highest ridge of the structure shall be no more than twenty-eight feet above the point on the original grade vertically below it (not including chimneys and vent stacks)~~

a. ~~Building height shall be measured as defined in this Title with the exception that for the purposes of this Chapter building height shall be to the ridge or highest point of a pitched or hipped roof. The maximum building height under Option A is twenty-eight feet. Chimneys and vent stacks may exceed the specified maximum building height limits. On sloped properties buildings may be stepped to accommodate the slope of the terrain provided that each step shall be at least twelve feet in horizontal dimension.~~

b. ~~The total residential floor area of each story other than the base floor in a multi-story dwelling shall not exceed eighty percent (80%) of the area of the base floor.~~

2. Maximum Lot Coverage. The lot coverage of all structures on the lot shall be not more than the percentages given in Table I, column (b).

3. ~~Setbacks. Averaging of setbacks in all yard areas shall be allowed as shown below. Variations across the setback line may not exceed fifteen percent (15%) of the minimums required. In no event shall structural improvements be less than six feet from an adjacent property line. Calculation of the average shall require at least ten (10) equally spaced measurements across any one "building line", as defined in this Chapter and as shown in figure 19.71.030.B.3 of this section.~~

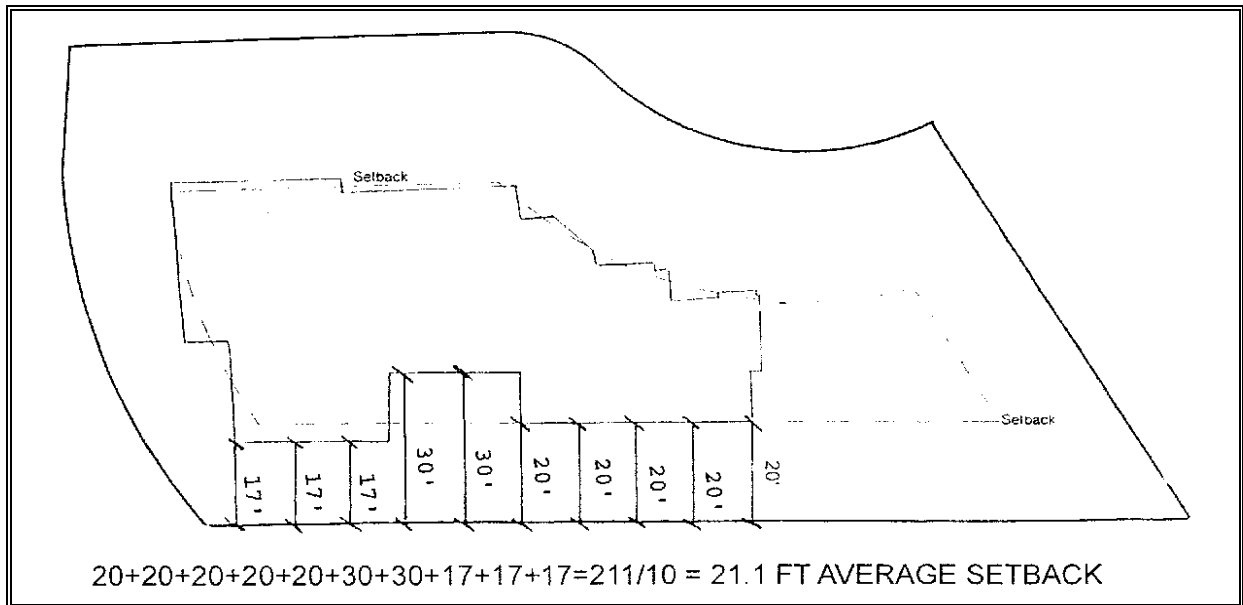


FIGURE 19.71.030.B.3

The average setback is calculated using the length of 10 equidistant points along the building line perpendicular to the lot line.

3 4. Front Yard. The minimum front yard setback shall be as specified in the applicable Salt Lake County code.

4 5. Side Yard. The combined side yard setbacks for any main structure shall be at least twenty-five percent of the lot width with no side setback less than eight feet. For purposes of this provision, “lot width” is the diameter of the largest circle that can be inscribed entirely within the lot, not including streams, floodplains, wetlands, areas of thirty percent slope or greater or other natural hazard areas. No ground level or upper story cantilevered extensions, bay windows or similar building elements may encroach into the required setbacks under Option A, except for (a) attached air conditioning units, electrical boxes, utility meters and the like and (b) roof overhangs or eaves that extend no more than two feet into the area of the minimum side setback.

5 6. Rear Yard. The minimum rear setback of the primary residence and any accessory building shall be as specified in the applicable Salt Lake County code.

6 7. Building Envelope. The height of all structures is further limited by the building envelope created by starting at a point eight feet above ground at each point on the property line of the lot and extending on a line at a forty-five degree angle from the vertical toward the interior of the lot, the projection of such line on the horizontal plane of the lot to be perpendicular to the property line. The entire building must fit under this envelope except for dormers and gables that satisfy the following limitations:

- a. A dormer may exceed the graduated height envelope, provided:

- i. The width of the dormer is no more than ~~fourteen~~ eight feet;
 - ii. With multiple dormers, the distance to the front or side edges of the roof is at least one-half the distance between dormers; and
 - iii. The dormer is no higher than the ridge of the roof.
- b. A gable may exceed the graduated height envelope, provided:
- i. The height of the gable is no more than 1.75 times higher than the point where the graduated height envelope intersects the gable; and
 - ii. The height of the gable is less than the maximum building height.

7 8. Mass and Scale. To avoid a large, continuous building mass of uniform height; no portion of any building shall continue more than forty feet horizontally without a minimum of an 18-inch break in the roofline or an architectural element such as an overhang, projection, inset, material and textural change to create shadow patterns along the elevation of the building. The elements required by this section are in addition to all other requirements under this Part.

8 9. Accessory Building. The highest ridge point of any accessory building shall be no more than twenty feet above the original grade vertically below it. All other requirements for auxiliary structures shall be as specified in the applicable Salt Lake County code.

9 10. The following illustration (FIGURE 19.71.030.B.10) depicts building limitations under Option A:

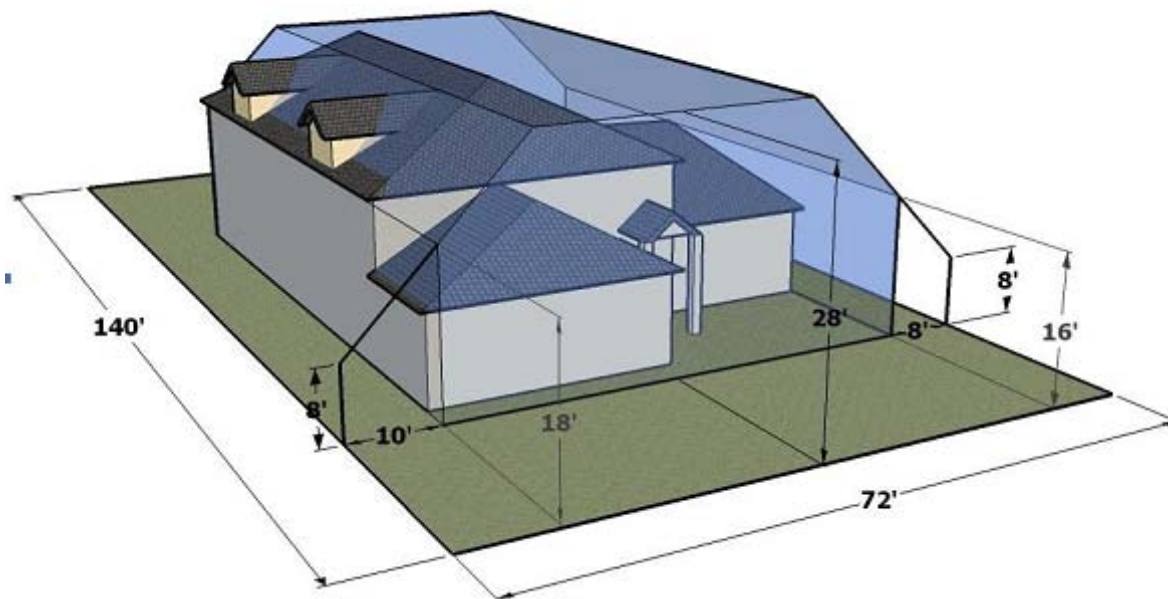


FIGURE 19.71.030.B.10

19.71.040 Option B. Deviations from general standards based on neighborhood compatibility.

A. Application. To obtain division approval of deviations from one or more of the requirements of 19.71.030.B.1, B.2, B.3 or B.4, an applicant must file a separate application in compliance with the corresponding conditions of 19.71.040.D.1, D.2, D.3 or D.4. An applicant may seek a pre-determination of the allowable deviations for proposed construction under Option B from the division prior to submitting building plans.

B. Evidence. Compliance with the corresponding conditions of Option B must be established by reliable photographic, engineering, architectural or other evidence from the proximate neighborhood.

C. Deviations from Other Option A Requirements. No deviations from the Option A requirements of 19.71.030.B.5 through B.8 may be approved by the division.

D. Permissible deviations from maximum building height, maximum lot coverage and minimum front and side setbacks under Option B are:

1. Maximum Building Height. The maximum building height that may be approved by the division under Option B is the lesser of:

a. ~~Three feet plus the average maximum ridge height of residential structures that are on six lots of applicant's choice that~~ the two closest lots on the same block face and on each side of the subject property, excluding corner lots; and

i. ~~Are within the proximate neighborhood of the subject property, as defined in section 19.71.060.B ; and~~

ii. i. For which the applicant provides adequate evidence of the maximum building height, as defined in this chapter; or

b. Thirty-five feet.

2. Maximum Lot Coverage. The maximum lot coverage is 1.15 times the average of the lot coverage percentages of residential structures that are on six lots of applicant's choice that are within the proximate neighborhood of the subject property, such coverage not to exceed the percentages specified in Table I, column (c).

3. Minimum Front Setback. The minimum front setback is the average of the front setbacks of residential structures that are on ~~six lots of applicant's choice that are within the proximate neighborhood of the subject property~~ the two closest lots on the same block face and on each side of the subject property, excluding corner lots

4. Minimum Side Setbacks. Subject to the twenty-five percent requirement of 19.71.030.B.4, the minimum side setback is the average of the shorter side setback of residential structures that are on ~~six lots of applicant's choice that are within the proximate neighborhood of the subject property,~~ the two closest lots on the same block face and on each side of the subject property, excluding corner lots but in no event may it be less than six feet.

5. Approval of more than one deviation from subsections 19.71.040.D.1 through .4 must use ~~the same six lots from the proximate neighborhood~~ the two closest on the same block face and on each side of the subject property, excluding corner lots to support the requested deviations, whether or not requests for multiple deviations are in one or separate applications.

E. Table 19.71.040.E below summarizes and further defines lot coverage and distance in the various zones under Options A and B:

<i>Zone (a)</i>	<i>Option A Maximum Building Height primary structure (b)</i>	<i>Option A Maximum Lot Coverage all structures (d)</i>	<i>Option B Maximum Lot Coverage all structures (e)</i>	<i>Option C Proximate neighborhood Distance from lot (f)</i>
R-1-6	24 35 ft.	35%	40%	100 ft.
R-1-8	24 35 ft.	33%	38%	150 ft.

Zone (a)	Option A Maximum Building Height primary structure (b)	Option A Maximum Lot Coverage all structures (d b)	Option B Maximum Lot Coverage all structures (e c)	Option C Proximate neighborhood Distance from lot (f)
R-1-10	26 <u>35</u> ft.	31%	36%	175 ft.
R-1-21	28 <u>35</u> ft.	25%	30%	200 ft.
R-1-43	30 <u>35</u> ft.	23%	28%	300 ft.
R-2-6.5	24 <u>35</u> ft.	40%	45%	100 ft.
R-2-8	24 <u>35</u> ft.	38%	43%	150 ft.
R-2-10	26 <u>35</u> ft.	35%	40%	175 ft.
A-1	26 <u>35</u> ft.	31%	36%	175 ft.

TABLE 19.71.040.E

19.71.050 Option C. Deviations from general standards based upon Floor Area Ratio.

Option C allows the division to consider deviations from one or more of the standards provided in Option A based upon the use of Floor Area Ratio (FAR) in building design and construction.

A. Maximum Floor Area Ratio. The floor area ratio of the main structure on the lot shall be not more than the percentages given in Table 19.71.050, column (b) with respect to lots equal to or less than the minimum lot size required for the zone in which the lot is situated. Properties with land area in excess of the minimum lot size required for the zone shall be allotted additional floor area as specified in Table 19.71.050, column (c) up to a maximum floor area coincident to a lot size no greater than 1.5 times the minimum lot size for the zone.

Zone (a)	Option C Floor Area Ratio for lots with land area equal to or less than the minimum required by zone (b)	Option C Additional Floor Area per 1,000 sq. ft. of land area in excess of the minimum required for the zone (up to 1.5 x) (c)	Option A Maximum Lot Coverage (All Structures) (d)	Option C Maximum Lot Coverage (Main Dwelling) (e)	Option C Maximum Lot Coverage (All Structures) (e)
R-1-6	<u>30%</u>	<u>100 sq. ft.</u>	<u>35%</u>	<u>30%</u>	<u>40%</u>
R-1-8	<u>25%</u>	<u>100 sq. ft.</u>	<u>33%</u>	<u>25%</u>	<u>38%</u>
R-1-10	<u>25%</u>	<u>75 sq. ft.</u>	<u>31%</u>	<u>25%</u>	<u>36%</u>
R-1-21	<u>20%</u>	<u>50 sq. ft.</u>	<u>25%</u>	<u>20%</u>	<u>30%</u>
R-1-43	<u>15%</u>	<u>50 sq. ft.</u>	<u>23%</u>	<u>15%</u>	<u>28%</u>
R-2-6.5	<u>30%</u>	<u>100 sq. ft.</u>	<u>40%</u>	<u>30%</u>	<u>45%</u>
R-2-8	<u>25%</u>	<u>100 sq. ft.</u>	<u>38%</u>	<u>25%</u>	<u>43%</u>

<u>Zone</u> <u>(a)</u>	<u>Option C</u> <u>Floor Area Ratio</u> <u>for lots with land area equal to</u> <u>or less than the minimum</u> <u>required by zone</u> <u>(b)</u>	<u>Option C</u> <u>Additional Floor Area</u> <u>per 1,000 sq. ft. of land area in excess</u> <u>of the minimum required for the zone</u> <u>(up to 1.5 x)</u> <u>(c)</u>	<u>Option A</u> <u>Maximum</u> <u>Lot Coverage</u> <u>(All Structures)</u> <u>(d)</u>	<u>Option C</u> <u>Maximum</u> <u>Lot Coverage</u> <u>(Main Dwelling)</u> <u>(e)</u>	<u>Option C</u> <u>Maximum</u> <u>Lot Coverage</u> <u>(All Structures)</u> <u>(e)</u>
R-2-10	25%	75 sq. ft.	35%	25%	40%
A-1	25%	75 sq. ft.	31%	25%	36%

Table 19.71.050

B. Application. To obtain division approval of deviations from one or more of the requirements of 19.71.030.B.1 or B.2 an applicant must file a separate application in compliance with the corresponding conditions of 19.71.050.C.1 or C.2. An applicant may seek a pre-determination of the allowable deviations for proposed construction under Option C from the division prior to submitting building plans.

C. Deviations from Other Option A Requirements. No deviations from the Option A requirements of 19.71.030.B.3 through B.8 may be approved by the division under Option C.

D. Permissible deviations from maximum building height and maximum lot coverage under Option C are:

1. Maximum Building Height. The maximum building height that may be approved by the division under Option C is thirty five feet.
2. Maximum Lot Coverage. The maximum lot coverage for a main dwelling is as specified in Table 19.71.050, column (e). The maximum lot coverage for all structures under option C is 1.15 times the comparable maximum as specified in Option A, as shown in column (e) of Table 19.71.050.

19.71.050 060 Option C D. Special Exception—Planning commission review.

A. An applicant whose proposed residential structure meets neither the requirements of Option A nor of Options B or C may seek extraordinary relief and exceptions to the limitations of sections 19.71.030.B.5, B.6, or B.7, or sections 19.71.040.D.1, D.2, D.3 or D.4, or sections 19.71.050.A, D.1 or D.2, by submitting an original and seven copies of an application to the applicable planning commission setting forth in detail:

1. The specific provisions from which the applicant seeks exceptions and the requested relief;
2. Detailed information and explanation establishing that:
 - a. The proposed residence will be in harmony with the purpose of this ordinance, the

general plan and any other land use document applicable to the area.

b. The proposed residence will be compatible with existing residential development within a reasonable distance in terms of height, mass and lot coverage, with particular focus on the proximate neighborhood.

c. The proposed residence will not be detrimental to the health, safety and general welfare of persons residing within a reasonable distance, with particular focus on the proximate neighborhood.

d. Each point on the highest ridge of the structure will be no more than forty feet above the point on the original grade vertically below it (with allowances for chimneys and vent stacks).

e. The front yard setback will be at least eighteen feet.

3. Additional factors that the planning commission may consider in deciding whether to grant an exception under this Part include:

a. Unusual lot shape;

b. Unusual or difficult terrain;

c. Drainage problems;

d. Situations that appear not to be clearly addressed by the provisions of Options A ~~or B~~ or C.

4. An application for an exception under this Option ~~C~~ D will be subject to a public evidentiary hearing before the planning commission, for which notice of no less than ten days prior to the hearing will be given to:

1. All property owners appearing on the latest plat in the Salt Lake County recorder's office who own property within three hundred feet of the boundary of the subject lot; and

2. The chair of the community council for the area in which the subject lot is located.

B. A decision on the application shall be based on the evidence presented at the hearing. The burden of proof shall rest with the applicant. An affirmative vote of no less than 5 of the 7 members total of which a fully-staffed commission is comprised, as opposed to a majority of the members present at any particular meeting, shall be required for approval. The planning commission may impose such conditions and limitations upon the approval of an exception to the requirements of this ordinance necessary to prevent or mitigate adverse effects on other properties in the neighborhood of the subject properties, consistent with the standards of this chapter.

19.71.060 Definitions.

For the purposes of this chapter, the following terms shall have the following meanings:

A. ~~“Residential lot” means a legal lot included in one of the zones listed in Table I, column (a).~~

~~B. “Proximate neighborhood” of a subject lot means every residential lot, excluding the subject lot, which is within the distance from the subject lot specified in Table I, column (d). For the purpose of calculating maximum building height only, an immediately adjacent multi-resident structure such as an apartment or condominium building may be considered part of the proximate neighborhood.~~

A. “Building Line” means The line of that face, or corner, or part of a building nearest the property line.

B. “Floor” means the horizontal surface inside a structure designed and intended for human use and occupancy.

C. “Floor Area, Gross” means the sum of the horizontal areas of all floors, including but not limited to garages and accessory buildings, measured in square feet from the exterior faces of the exterior walls or from the centerline of walls separating two (2) attached single family dwellings.

For the purposes of this Title the following shall be included in the calculation of gross floor area:

1. Those areas in excess of 400 square feet of an attached garage. Those areas in excess of 250 square feet of attached porches, patios, and breezeways covered by a roof and open on at least two sides.
2. Any attic or portion of an attic with a ceiling height of more than seven feet.
3. Two times (twice the square footage) of any portion of a building or structure with a ceiling height greater than 14 feet.
4. The area of stairways (counted once) regardless of ceiling height.
5. Those portions of a basement where the upper surface of the floor or roof above the basement is greater than 60% above the original grade of the property adjacent to the building.

The following are excluded in the calculation of gross floor area:

6. Detached accessory buildings not exceeding 200 square feet.
7. A parking area that is open on two or more sides, if it does not have habitable space above it.
8. Porches, patios, and breezeways that have an open lattice roof.

D. “Floor Area Ratio” is a mathematical expression determined by dividing the gross floor area of dwelling improvements by the area of the lot on which those improvements are located.

E. “Lot Coverage” means the measurement of land use intensity that represents the portion of the site occupied by the principal buildings and all accessory buildings, but excluding all other impervious improvements such as sidewalks, driveways, patios, decks and open porches.

SECTION II. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this _____ day of _____, 2009.

SALT LAKE COUNTY COUNCIL

ATTEST:

By _____
Chair

Salt Lake County Clerk
rt.word.19.71-residentialinfill-08-06-09-tlc

ORDINANCE HISTORY

Council Member Allen voting	_____
Council Member Bradley voting	_____
Council Member Burdick voting	_____
Council Member Hatch voting	_____
Council Member Horiuchi voting	_____
Council Member Iwamoto voting	_____
Council Member Jensen voting	_____
Council Member Wilde voting	_____
Council Member Wilson voting	_____

Vetoed and dated this _____ day of _____, 2009.

By _____
Mayor Peter Corroon or Designee

(Complete As Applicable)
Veto override: Yes__ No__ Date _____

Ordinance published in newspaper: Date _____
Effective date of ordinance: _____