

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. Special Exception—Planning commission review.**
- 19.71.060 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 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 specified in Option A based upon the compatibility of the proposed residential application with other houses in the immediate neighborhood.

3. Option C 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.

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 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. Noncomplying 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.

E. 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 Option B or Option C, 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 that specified in Table I, column (b) for the zone in which the property is situated. Maximum building height shall be measured in feet from that point on the original grade vertically below the referenced ridge height (not including chimneys and vent stacks).

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 (d).

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

4. 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 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. 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.

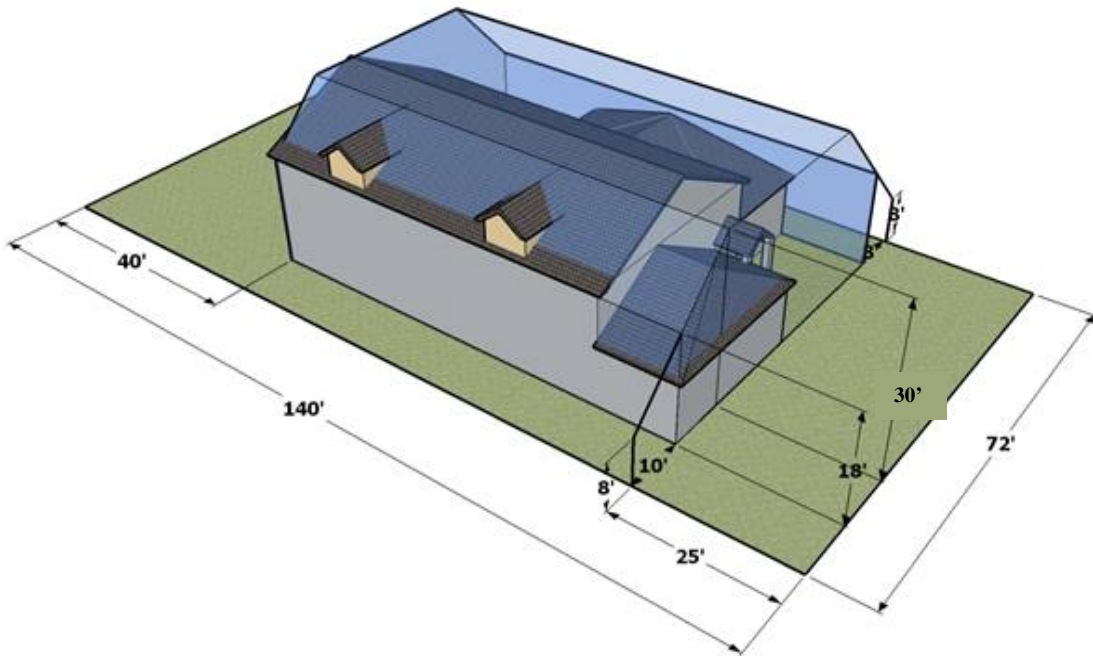
6. Building Envelope. The height of all structures is further limited by the building envelope created by starting at a point eight feet above ground at each point on the property line of the lot and extending on a line at a forty-five degree angle from the vertical toward the interior of the lot, the 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 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. 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. 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. The following figure depicts selected building limitations as described above and is for illustrative purposes only:



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:

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

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

b. The height specified in column (c) of Table I for the applicable zone.

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 (e) for the applicable zone.

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.

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, 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 to support the requested deviations, whether or not requests for multiple deviations are in one or separate applications.

E. Table I below summarizes and further defines maximum building heights, lot coverage and distance in the various zones under Options A and B:

Table I

Zone (a)	Option A Maximum Building Height ⁽¹⁾ (b)	Option B Maximum Building Height ⁽¹⁾ (c)	Option A Maximum Lot Coverage ⁽²⁾ (d)	Option B Maximum Lot Coverage ⁽²⁾ (e)	Option B Proximate Neighborhood ⁽³⁾ (f)
R-1-5	28 ft.	33 ft.	35%	40%	100 ft.
R-1-6	28 ft.	33 ft.	35%	40%	100 ft.
R-1-8	28 ft.	33 ft.	33%	38%	150 ft.
R-1-10	30 ft.	35 ft.	31%	36%	175 ft.
R-1-21	32 ft.	37 ft.	25%	30%	200 ft.
R-1-43	35 ft.	40 ft.	23%	28%	300 ft.
R-2-6.5	28 ft.	33 ft.	40%	45%	100 ft.
R-2-8	28 ft.	33 ft.	38%	43%	150 ft.
R-2-10	30 ft.	35 ft.	35%	40%	175 ft.
A-1	30 ft.	35 ft.	31%	36%	175 ft.

- (1) Main dwelling
- (2) All structures
- (3) Radial distance from property boundaries

19.71.050 Option C. Special Exception — Planning commission review.

A. An applicant whose proposed residential structure meets neither the requirements of Option A nor of Option B 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 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.

4. An application for an exception under this Option C 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. 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 (f). 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.

C. "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 November 30, 2009, 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 3rd day of November, 2009.

SALT LAKE COUNTY COUNCIL

ATTEST: By _____
Chair

Salt Lake County Clerk

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: _____