

JANUARY 5, 2011 PLANNING COMMISSION MEETING

4. CONTINUE DISCUSSION AND RECOMMENDATION OF AN AMENDMENT TO SECTION 11-10-6C "ADDITIONAL HEIGHT REGULATIONS" AND 11-7B-4 "SITE DEVELOPMENT STANDARDS" IN THE CITY ZONING ORDINANCE.

Barker said that he has prepared a staff report discussing the different definitions in the ordinance. He discussed the main use definition and the principal use definition. He said that there is no definition for the main building. Commissioner Hulme pointed out that it says any dwelling shall be deemed as the main building. He said that if there are two dwellings then they both would be the main building.

Mr. Barker talked about the definition of the building, accessory building, main building, and principal building. He discussed the main building and that it is the building in which the principal use is conducted. The requirements may vary depending on the zone. For example, in the two agricultural zones, a person that owns a piece of property and they want to put up a barn for their horses and there is no other structure; the barn would be categorized as a main building. He said that by definition an accessory building is a detached subordinate building that is incidental to and located on the same lot as the main building. He said that those might be sheds, garages, or some other storage type building.

He said they are proposing adding the definition of a large accessory building. He said the large accessory building would be larger than 600 square feet. He said some examples of those would be a detached garage used to store RVs or various other personal items. He said that they could also be used for a hobby workshop, but not a home occupation. He said they specifically stated that no home occupation would be allowed in the large accessory buildings.

Commissioner Hulme asked what the square feet is the Council Chambers for reference. Mr. Baker said it is probably over a 1000 square feet. He said the large accessory building would be similar in size to a three car garage. Mr. Barker said that under the current standards a person could possibly put up a 1200 square foot accessory building.

Mr. Barker said that a standard accessory building can be three feet from the property line and up to 15 feet high. He said that a building larger than 600 square feet must be set back 20 feet and can be up to 25 feet high. He said that they added that it also has to be 60 feet away from any neighboring dwelling, but the Commission can change that number. Commissioner Bingham said he thinks that is good because it will prevent very tall buildings from being too close to a property line even if they are not 600 square feet. Commissioner Hulme said that in the smaller zones you really are not going to be able to build a really big building with these restrictions. Mr. Barker said that there is nothing magic about the numbers and they can change them.

Commissioner Brown said she does see a need for these changes. They discussed a number of large accessory buildings that have been put up in the City. Mr. Barker said if the Commission agrees with what is proposed then they can put it in final ordinance form. Commissioner Bingham said that he thinks it looks great and it could possibly be more restrictive. Commissioner Hulme said he thinks it is a pretty reasonable compromise. Commissioner Quinney clarified that an accessory building that is 15 feet in height can be set back three feet; and anything over that up to 25 feet high has to be set back 20 feet. Mr. Barker replied that is correct. Commissioner Hulme asked if property line means all property lines. Mr. Barker replied yes. He said they may want to look at the setback requirements for parcels two acres in size. He said that it may be varied with a conditional use permit. He said what they may do is look at the potential for development in that area and give the neighbors an opportunity to comment. Commissioner Kiser asked how an odd shaped lot would come into play. Mr. Barker said that if there is an odd shaped lot that cannot meet the conditions then they may take it to the Board of Adjustments for a variance. Commissioner Bingham asked if they are recommending a large accessory building, then along with that will there be a different set of standards. Mr. Barker said that depending on the height will determine the setback requirements. He said that large accessory buildings shall not be located closer than 15 feet from the property lines, even if there is only a 15 foot high building. Mr. Barker said that they will include that in their draft ordinance that they bring back for review. Commissioner Bingham asked if there are any further questions or comments. With nothing further the Commission moved to item number five on the agenda.

FEBRUARY 2, 2011 PLANNING COMMISSION MEETING

6. CONSIDERATION AND APPROVAL OF AN AMENDMENT TO INCLUDE “LARGE ACCESSORY BUILDINGS” DEFINITION AND STANDARDS AND TO AMEND “ACCESSORY BUILDING” STANDARDS IN THE CITY ZONING ORDINANCE.

Mr. Barker said there are some things you think should be relatively simple, but as you begin working on it you find there is much more to it. He said there are accessory buildings in more than just the single-family zones. He said staff determined that they needed to look through the entire zoning ordinance. He said most zones use the three foot set-back requirement. He said Jennifer Thomas did a word search in the ordinance for accessory buildings. He said we had to make a lot of changes to accomplish what the Commission is trying to do.

Mr. Barker said staff first had to add a definition for “Large Accessory Building”. He said the definition states any accessory building over 600 square feet or larger is categorized as a “Large Accessory Building”. He said the building use will be similar to accessory building; it is supplemental to the main use or principal use on the property. Staff did add that if the accessory building meets the definition of a garage no home occupation will be allowed within that building. The reason that was added is if you have a 600 square foot garage you can put a lot of manufacturing activity in there.

Mr. Barker said the next chapter, 11-7A-4, is the RE-20 zone. He said the three feet under the minimum yard setback section was removed and then added under section E. The section states the minimum setback requirements are three feet from the property line and six feet from the building. Under building height it states it can only be 15 feet high. The exception allows it to be 25 feet high if it is setback 20 feet from the property line. There is an exception for parcels over one acre; the setbacks may be less than 15 feet with a conditional use permit.

Mr. Barker said 11-7B includes the majority of the single family zones. He said they added in “Large Accessory Buildings” standards. They said for large accessory building on interior lots would be 15 feet. He said for corner lots the setbacks are 30 feet from the property line. He said he isn’t sure it should be 30 feet. He said that is the rear yard of any of the zones. He said it should be 15 feet. Commissioner Hulme said he agrees with that. He said if it is higher than 15 feet then it has to be setback 20 feet. Commissioner Hulme said they do have a setback on item three. He said perhaps it should be setback 20 feet on the abutting side street. Mr. Barker said that makes sense. Commissioner Hulme asked if they want to propose that amendment as ongoing.

Commissioner Bingham asked if it follows through with the rest of the chart. He said he was looking at HP zones and they also have a 30-foot setback. Mr. Barker said it should be 20 feet. Mr. Barker said the original ordinance say the accessory building must be setback three feet from the rear yard. Mr. Barker drew a diagram on the white board to show the distance where the accessory building is allowed. He said on a corner lot there is a 30 foot setback from the front property line. The minimum side yard is 10 feet, but must total 24 feet. Commissioner Hulme added that it varies by the zone. Mr. Barker agreed.

Mr. Barker said most rear yard setbacks are 20 feet. On a corner lot there is also a 20 foot side yard setback requirement that is adjacent to the street. Mr. Barker said they used to require the narrow side of a lot to be the front, but it has changed.

Mr. Barker said most people build the accessory building 3 feet from the property line. He said they are proposing that big buildings must be set back further. The height will also determine where the building can be located. Mr. Barker said he thinks it should be changed to a 15 feet setback for a corner lot on the sides and 20 foot setback for the side adjacent to the street. Commissioner Hulme agreed and stated that would prevent the building from infringing on the side yard next to the street.

Commissioner Hulme suggested changing it to say the side facing the street on a corner lot must setback 20 feet. He said there is no reason it can’t setback 15 feet from the other rear property lines. Mr. Barker said he thinks they do need that clarification. Commissioner Dalpias asked if it is referring to the rear requirement. Mr. Barker said there are two requirements on a corner lot. There is the 20 foot rear setback adjacent to the street and then there is the setback from the other two rear property lines. He said they have to be careful because the neighbor behind them may only be 10 feet away from their property line. Staff is trying to provide a cushion so there is not a big building right next to the property line.

Commissioner Hulme stated they haven't proposed changes for the small accessory buildings that would require them to be 13 feet away from the neighboring house. He said it could be even closer in other zones like the R-1-8. Mr. Barker said some of zones go down to six foot side yards requirements if there is an attached garage. Mr. Barker said they do require buildings to be at least six feet away.

Commissioner Hulme suggested writing "1, interior lot, corner lot non-street side, corner lot street-side". He said they could just include the corner lot street-side with the other setbacks to reduce confusion. Commissioner Bingham said that might be confusing and suggested adding more lines. Commissioner Hulme said they could add "1" and then "2a" and "2b". Commissioner Hulme asked if everyone is tentatively ok with what Commissioner Bingham said. The first thing they addressed is changing the 30 foot setback to 20 feet. Commissioner Hulme clarified that it would be 20 feet and 15 feet for corner lots. Commissioner Bingham asked if it would be in all the zones. Mr. Barker said yes they will include it in all the zones. Commissioner Bingham clarified asking if the 30 feet needs to be changed in all of them. Mr. Barker replied yes.

Mr. Barker said the 11-7-F4 is the R2 zone. He said 11-7G4 is the R3 and then the next one is 11-7H, which is the R4 zone. He said 11-7J is the Residential City Center Zone. He said on the second page they use the corner lot and staff will change that. He said the next one is the 11-8A, which is a commercial zone. He said 11-9A is the Hillside Protection Zone and they will change the numbers for the corner lots there also. The last one is 11-10-6,"Additional Height Restrictions." Right now it says accessory buildings cannot be higher than 15 feet. He said they added an exception stating that if the building is higher than 15 feet up to 25 feet it must be set back 20 feet from the property line and 60 feet from any neighboring dwelling. He said the Commission may want to add if you are within 3 feet the building can be no higher than 15 feet and then all the dimensions in the prohibited height section. He said that statement may be not clear enough. Commissioner Hulme said it is probably ok not to list every single rule there.

Mr. Barker said staff will go back and make the appropriate changes and bring them back to you. Commissioner Kiser asked if it will show up in a different color. Mr. Barker said they can do that. Commissioner Hulme asked if it will come back for final approval at the next meeting. Mr. Barker said that is what he anticipates.

Commissioner Brown asked if someone builds an accessory building is there a time frame in which to complete it. Gary Kerr, the Building Official, said it is the same as any other building. They can't abandon it for more than six months. Commissioner Brown said they have a lot of accessory buildings in various stages that have gone on for a long time. Mr. Barker said some may have lost their permit if they haven't continuously worked on it. Mr. Kerr said they usually don't have that problem. He said once in a while someone will have to renew their permit for a garage because they ran out of money to finish it. Commissioner Brown said there is one that backs up to Green Acres. She said they have been working on it for two years and they finally wrapped it in insulation. She said she has seen two or three in that condition throughout the City. Mr. Barker said hopefully they have a permit. He said that is something Mr. Kerr can look into it if you give him the address. Commissioner Kiser said he wonders about those. They end up sitting for a long time and become more run down. Mr. Barker said the City is able to abate those. He said staff may never see them if they are on an internal lot.

FEBRUARY 16, 2011 PLANNING COMMISSION MEETING

5. CONSIDERATION AND APPROVAL OF AN AMENDMENT TO INCLUDE "LARGE ACCESSORY BUILDINGS" DEFINITION AND STANDARDS AND TO AMEND "ACCESSORY BUILDING STANDARDS" IN THE CITY ZONING ORDINANCE.

Mr. Barker said he thinks this is the third or fourth time they have gone through these changes. He said the amendment has affected a number of chapters. Mr. Barker said there is a question whether they want to make changes to the commercial and manufacturing zones. He said in those zones the maximum building height is 35 feet with no setbacks. Mr. Barker explained that if a commercial property abuts a residential zone there is a 10 foot setback. He said there must also be an eight foot screened fence along the property line that abuts the residential property. He asked the Commission if that is sufficient protection for abutting residential properties or should there be the same setbacks as those in the residential zones for accessory buildings.

Mr. Barker said the larger accessory buildings have a 15 foot setback and if the buildings are higher than 15 feet then there is a 20 foot setback, but there are no fencing requirements. Mr. Barker stated they struck out the statement about accessory buildings and moved it to section E. He said there is still a three foot setback for the smaller accessory buildings that are not over 15 feet high. He said any accessory building that is larger than 600 square feet must meet a 15 foot setback. An accessory building can be 25 feet high if it is set back 20 feet.

Commissioner Bingham suggested adding “Accessory Buildings” as a title in the R-2 section. Commissioner Bingham said the “c” needs to be changed to a “b” on the R-2 zone.

Commissioner Quinney asked if the eight foot fence requirement in commercial and manufacturing zones is already in there. Mr. Barker replied yes and stated that is why he raised the question there. Mr. Barker said they also have landscape requirements that help to lessen the impact on abutting residential zones.

Commissioner Bingham said that he feels the existing commercial requirements are adequate. He thinks there are enough regulations for that in place. Mr. Barker said they have the ability to require landscaping for additional protection to residential properties when the applicant comes in for a site plan review.

Mr. Barker explained they have standardized the requirements throughout the rest of the residential zones. Commissioner Bingham asked if they standardized the corner lots as well. Mr. Barker replied yes.

Mr. Barker said the 11-7J-4, which is the Residential City Center zone, has a little different format. He said they have covered the requirements for the corner lots and the height restrictions. He added that they have also updated the three Hillside Protection zones. Commissioner Bingham said he commends staff for being able to go through and pick out all of the changes. He said in the beginning they all thought it was going to be a simple change, but it wasn't.

Mr. Barker said they have also added a section in the additional height restrictions. Commissioner Bingham asked where the “Large Accessory Building” definition will go. Mr. Barker replied that it will be included in the beginning of the Zoning Chapter.

Commissioner Dalpias asked if everyone agrees that the commercial and manufacturing zones do not need additional restrictions for accessory buildings. Mr. Barker said if you really have some concerns you can take action tonight and then if they have concerns about the commercial and manufacturing zones they can change those at a later date. Commissioner Bingham said they have had complaints about the large accessory buildings in residential areas not commercial areas.

Commissioner Quinney made the motion to recommend to City Council an amendment to include “Large Accessory Buildings” definition and standards and to amend “Accessory Building Standards” in the City Zoning Ordinance with the corrections as noted from staff. Commissioner Bingham seconded the motion.

Voting on the motion:

Jon Bingham	yes
Joan Brown	yes
Steve Quinney	yes
Allan Dalpias	yes

Motion passed.

Commissioner Dalpias asked if all voting has to be unanimous tonight because there are only four Commission Members present. Mr. Barker replied no. He said that he has provided the Commission with a draft of the Rules of Procedures. He said that the Planning Commission will have to decide if the simple majority rules or if they have to have the majority of the Commission. He said there are pros and cons with both ways. He said if there is a slim Commission they may have trouble getting enough votes. Commissioner Bingham said if there is a seven member commission then a quorum would be four. He said the determination is whether the majority of the four is sufficient or whether it would require three votes. Commissioner Brown asked when the closing is for applications. Mr. Barker replied that he does not know. Commissioner Bingham said he thinks they have some applications. Mr. Barker said the applicants have to go through the interview process and that could take three to six weeks.

APRIL 26, 2011 CITY COUNCIL MEETING

PUBLIC HEARING TO RECEIVE COMMENTS REGARDING AMENDMENTS TO SECTIONS 11-2-1, DEFINITIONS; 11-7A-4, 11-7B-4, 11-7F-4, 11-7G-4, 11-7H-4 AND 11-7J-4, RESIDENTIAL ZONES; 11-9-8, HILLSIDE PROTECTION ZONES AND 11-10-6, REGULATIONS APPLICABLE TO ALL ZONES, AS THEY RELATE TO ACCESSORY BUILDINGS.

Craig Barker, Community Development Director, said this is one of four public hearings scheduled for tonight. This comes from the Planning Commission working diligently on issues of concern to the City Council and citizens. There have been some issues on some properties with these tall accessory buildings on lots with main dwellings of a lesser height. We have defined what a large accessory building is and are amending the definition of that. Most of us have a shed where we put mowers or a detached garage where we park our automobiles, those are accessory buildings. Any building of 600 sq. ft. or larger meets the definition of a large accessory building. We also talk about height in these sections and there are some discrepancies there. We allow a maximum coverage of the rear yard by accessory buildings. This proposal would allow accessory buildings up to 15 ft. and 600 sq. ft. to be 3 ft. from property line; with different setbacks requirements as the buildings get larger.

Mayor Harris opened the public hearing 6:07pm.

Stanley Kippen, 629 E 2600 N, said this proposal seems a little bit over the top since we live in a place where we can have barns. He was thinking of a large building in his own yard that would be higher than the proposed height. He doesn't see what it would hurt to have a large shop on his property. He said he is an inventor and he needs more space for his inventions; right now he is working on solar power. There needs to be room to include height for solar energy collection.

Aaron Christensen, 2428 Barker Pkwy, said if you look at the bottom of 700 E there is a prime example of why we need this type of ordinance. There is a person in that neighborhood with a building that is an eyesore and he wishes it had never been built. His understanding is that as the law stands they are within their rights to have it. He encouraged the City Council to look seriously at this.

Melanie Barker, 2524 Barker Pkwy, said we live in a beautiful community; we don't want it to look commercial and it is starting to.

Stanley Kippen, 629 E 2600 N, said he lives straight across from the LDS 5th ward and that building exceeds that height. He stated you have to consider that if a church can build in the middle of a residential area and the building is that tall, the residents have the right to build higher to have a view over that building.

Council Member Bigler moved to close the public hearing. Council Member Turner seconded.

Voting on the motion:

Council Member Bigler	yes
Council Member Turner	yes
Council Member Flamm	yes

Motion passed.

The public hearing closed at 6:13pm.

ACCESSORY BUILDING, LARGE: A building which is six hundred (600) square feet or larger located on a lot with an existing principal use. The building's use may be for any accessory use allowed in the particular zone in which the lot is located. Allowed uses include: detached garage, personal storage, lawn care equipment, etc. If the large accessory building meets the definition of a garage, no home occupation may be allowed in the building.

ACCESSORY USE OR BUILDING: A subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or building.

		R-1-12.5	R-1-10	R-1-8	R-1-8(A)	R-1-8(AG)
4.	Rear:					
	a. Main building	20	20	20	20	20
	b. Accessory building:	3	3	3	3	3
	(1) Large accessory building:					
	(A) Interior lot	15	15	15	15	15
	(B) Corner lot (nonstreet side)	15	15	15	15	15
	(C) Corner lot (street side)	20	20	20	20	20
	(D) Exception: On parcels larger than 1 acre location proposed closer than 15 feet may be allowed by conditional use permit					
	c. There shall be provided a minimum spacing between main and accessory buildings of at least	6	6	6	6	6
	d. Rear yard coverage by accessory building shall not exceed the following	25%	25%	25%	25%	25%
D.	Total lot coverage:					
	1. Under roof	25%	30%	35%	35%	35%
	2. Minimum vegetative area	50%	50%	50%	50%	50%
E.	Building height (in feet):					
	1. Minimum	10	10	10	10	10
	2. Maximum	35	35	35	35	35
F.	Accessory building height (in feet):	15	15	15	15	15
	1. Exception: Any accessory building that is set back at least 20 feet from the property line and 60 feet from a neighboring dwelling	25	25	25	25	25

RE-20

11-7A-4: SITE DEVELOPMENT STANDARDS:

D. Building Height:

1. Minimum: Ten feet (10').

E. Accessory Buildings: No accessory building or group of accessory buildings shall cover more of the rear yard than twenty five percent (25%).

1. Minimum setback requirements:

a. Three feet (3') from the property line.

b. Large accessory building, fifteen feet (15').

c. Six feet (6') from the main dwelling.

2. Building height:

a. Maximum: Fifteen feet (15') if set back three feet (3') from property line.

(1) Exception: Twenty five feet (25') if set back twenty feet (20') from the property line and sixty feet (60') from a neighboring dwelling.

(2) Exception: On parcels larger than one acre location proposed closer than fifteen feet (15') may be allowed by conditional use permit. (Ord. 2011-07, 5-10-2011)

F. Open Space: The minimum vegetative open space per lot shall be fifty percent (50%). (Ord. 2002-05, 4-9-2002)