

**TAYLORSVILLE CITY COUNCIL
AGENDA ITEM SUMMARY**

MEETING DATE: July 20, 2011

AGENDA ITEM: Public Hearing - Ordinance #11-07 for a proposed text amendment to Section 13.10.050-A of the Zoning Ordinance regarding open sided (3 sides) structures attached to a home.

PRESENTER: MARK MCGRATH

AUTHOR: MICHAEL MELDRUM

ISSUE SUMMARY:

The City has recently received two applications that were presented before the Board of Adjustment regarding structures (patio covers) that do not comply with the current setback requirements found in Section 13.10 of the Zoning Ordinance. These two applications sought variances from rear and side yard setback requirements for attached awning structures. In both cases the items were denied by the Board because in the Board's opinion they did not meet the minimum standards for them to grant a variance as found in State Code. The Board of Adjustment recommended that both parties seek an ordinance amendment as a more appropriate means of addressing their issues.

In addition to the two items that appeared before the Board of Adjustment, there are numerous other attached structures in the City that have been built without permits and are in violation of building and zoning standards as established in their respective codes. The City of Taylorsville needs to determine if an ordinance amendment is appropriate, and if so, to what degree would existing ordinances need to be modified.

After consultation with the City's Building Official and a representative of the Unified Fire Authority, staff offers the following observations:

1. Locating a main building closer than five feet to a property line poses potential fire threats not only to the property on which the structure is located, but also to structures on adjacent properties, without the use of an approved fire wall.
2. Attached structures may not be located any closer than five feet to the property line due to fire transference issues unless a fire wall is used as explained in the International Residential Code (IRC).
3. Structures that are not fully enclosed (ie. carports, patio covers, and awnings) cannot be fire rated.
4. As a general rule of thumb accessory buildings and carports are much more likely to contain fuels that are accelerants.

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5. According to the IRC, “exposure is the potential for heat to be transmitted from one building to another during a fire in the exposing building. Radiation is the primary means of heat transfer.

Staff has consulted additionally with the Chief Building Official (CBO) for the City and has been informed by him that attached structures would require a building permit regardless of the size. Additionally, staff has been informed by the CBO that there is nothing in the International Building Code (IRC) that would prohibit reducing the side and rear yards to a minimum of five feet each.

Staff’s recommendation is that allowing a five foot setback for attached structures that are open on at least three sides would allow for more flexible use of a residential lot. In staff’s opinion, a structure that remains open on three sides and is not located closer than five feet to a rear property line could provide opportunities for property owners to use their yards in ways not currently available without infringing on the property rights of an adjacent property owner. In addition to allowing future construction, this proposal also eliminates many non-conforming structures throughout the City of Taylorsville. The Planning Commission and staff recommend that the City Council consider amending Section 13.10 of the Zoning Ordinance to allow such structures.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission unanimously recommends that the City Council grant approval for Ordinance #11-07 for a text amendment to Section 13.10.050-A of the Zoning Ordinance regarding open sided (3 sides) structures attached to a home.

STAFF RECOMMENDATION:

Staff recommends that the City Council grant approval for Ordinance #11-07 for a text amendment to Section 13.10.050-A of the Zoning Ordinance regarding open sided (3 sides) structures attached to a home.

TAYLORSVILLE, UTAH
ORDINANCE NO. 11-07

AN ORDINANCE OF THE CITY OF TAYLORSVILLE TO AMEND SECTION 13.10.050-A
OF THE ZONING ORDINANCE

The City Council of Taylorsville ordains as follows:

WHEREAS, on May 24, 2011 the Taylorsville Planning Commission properly noticed and held a public hearing and voted 6-0 to recommend approval amending the text of Section 13.10.050-A of the Zoning Ordinance; and

WHEREAS, on July 5, 2011 a notice of public hearing regarding the proposed zoning text amendment was posted in both the Deseret News and the Salt Lake Tribune; and

WHEREAS, on June 29, 2011 a notice of public hearing regarding the proposed zone change was posted in 3 different places within the City of Taylorsville boundaries; and

WHEREAS, the Taylorsville City Council met in a regular session on July 20, 2011 to conduct and consider, among other things, a public hearing regarding the proposed text amendment; and

WHEREAS, after careful consideration and review, the City Council has determined that it is in the best interest, health, safety, and welfare of the citizens of Taylorsville to amend Section 13.10.050-A of the Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Taylorsville, Utah City Council that this document be adopted to change the text of the zoning ordinance:

13.10.050: YARDS:

The minimum yard requirements for a dwelling unit are as follows:

CHART 13.10.050-A
 MAIN BUILDINGS AND ATTACHMENTS

Zone	Minimum Front Yard ¹	Minimum Side Yards	Minimum Rear Yard
All R-1 zones		On corner lots, 20 feet from the adjacent street	
R-1-5	20 feet	Minimum of 5 feet on each side	15 feet <u>15 feet for enclosed structures; 5 feet for structures open on at least 3 sides</u>
R-1-6, R-1-7, R-1-8	25 feet	Minimum side yard shall be 5 feet and the total width of both side yards combined shall not be less than 16 feet	15 feet <u>15 feet for enclosed structures; 5 feet for structures open on at least 3 sides</u>
R-1-10, R-1-15, R-1-21	25 feet 30 feet 30 feet	10 feet	25 feet <u>15 feet for enclosed structures; 5 feet for structures open on at least 3 sides</u>
R-1-43	30 feet	15 feet	25 feet <u>15 feet for enclosed structures; 5 feet for structures open on at least 3 sides</u>

Note:

1. See section 13.10.045 of this chapter for permitted exceptions.

The minimum yard requirements for a main building other than residential are as follows:

Zone	Minimum Front Yard	Minimum Side Yards	Minimum Rear Yard
R-1-5	20 feet	20 feet	20 feet
R-1-6, R-1-7, R-1-8	25 feet	20 feet	30 feet
R-1-10	25 feet	20 feet	30 feet
R-1-15, R-1-21, R-1-43	30 feet	20 feet	30 feet

PASSED AND APPROVED this ___ day of July 2011.

TAYLORSVILLE CITY COUNCIL

By: _____
Jerry W. Rechtenbach, Council Chair

VOTING:

Dama Barbour	Yea ___ Nay ___
D.L. "Bud" Catlin	Yea ___ Nay ___
Larry Johnson	Yea ___ Nay ___
Morris K. Pratt	Yea ___ Nay ___
Jerry W. Rechtenbach	Yea ___ Nay ___

PRESENTED to the Mayor of the City of Taylorsville for approval this ___ day of July 2011

APPROVED this ___ day of July 2011.

Russ Wall, Mayor

ATTEST:

Cheryl Peacock Cottle, Recorder

DEPOSITED in the Recorder's office this ___ day of July 2011.

POSTED this ___ day of July 2011.