

**TAYLORSVILLE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**MEETING DATE:** June 19, 2013

**AGENDA ITEM:** Public Hearing - Ordinance #13-13 for a proposed amendment to Section 13-20-02 of the Taylorsville Land Development Code for side yard setbacks in the R-1-10, R-1-15, R-1-20, R-1-30, and R-1-40 zoning districts.

**PRESENTER:** MARK MCGRATH

**AUTHOR:** MICHAEL MELDRUM

**ISSUE SUMMARY:**

The applicant is requesting an amendment to Section 13-20-02 of the Taylorsville Land Development Code regarding side yard setbacks from properties in the R-1-10, R-1-15, R-1-20, R-1-30, and R-1-40 zoning districts. The applicant has submitted a side yard setback comparison that includes the setbacks used by 5 other cities for similar lot sizes (see attached). In the detailed request section of the application the applicant states: "The recent adoption of a new Taylorsville City development code created excessive side yard restrictions."

The zoning districts included in this request are identified in the City's General Land Use Plan as either Low Density Residential or Estate Residential. Regarding Low Density Residential, the City's General Land Use Plan states the following: "Low Density Residential (LDR) districts are residential areas that contain existing or proposed residential developments less than 6 dwelling units per acre. Properties that are assigned the LDR classification are generally (but not necessarily limited to) neighborhoods consisting of single family dwellings." The General Land Use Plan contains the following language regarding Estate Residential: "Estate Residential (ER) is a very low density classification that allows residential and/or limited animal and agricultural uses on properties 1/3 acre or more." The recommendation from the Planning Commission is attached as Exhibit A and shows the proposed side yard setbacks.

Both of these land use designations are intended to provide larger lots and greater separation between homes on those lots. Reducing the side yard setbacks in these zoning districts could allow for greater flexibility in placing a home on a lot.

The Planning Commission discussion focused on the ability to get a vehicle in the side yard and/or back yard. The eleven (11) foot width on one side will allow that. The R-1-10 zoning district was not included in the original request from the applicant. The recommendation from the Planning Commission and staff is to include the R-1-10 zoning district in this proposed text amendment. This is to avoid lots of 10,000 square feet from having larger side yard setbacks than in the R-1-15 zoning district.

Ordinances #13-13  
Side Yard Setbacks Amendment  
June 19, 2013

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission unanimously (6-0 vote) recommends that the City Council amend Section 13-20-02 of the Taylorsville Land Development Code regarding side yard setbacks for homes in the R-1-10, R-1-15, R-1-20, R-1-30, and R-1-40 zoning districts.

**TAYLORSVILLE, UTAH**  
**ORDINANCE NO. 13-13**

AN ORDINANCE OF THE CITY OF TAYLORSVILLE TO AMEND THE TEXT OF SECTION 13-20-02 THE TAYLORSVILLE LAND DEVELOPMENT CODE FOR SETBACKS IN THE R-1-10, R-1-15, R-1-20, R-1-30, AND R-1-40 ZONING DISTRICTS

The City Council of Taylorsville ordains as follows:

**WHEREAS**, on April 9, 2013 and May 14, 2013 the Taylorsville Planning Commission properly noticed and held a public hearing and voted 6-0 to forward a positive recommendation to amend the text of Section 13-20-02 of the Taylorsville Land Development Code ; and

**WHEREAS**, on June 11, 2013 a notice of public hearing regarding the proposed Zoning map amendment was posted on the state public notice website; and

**WHEREAS**, on June 5, 2013 a notice of public hearing regarding the proposed Zoning map amendment was posted in 3 different places within the City of Taylorsville boundaries; and

**WHEREAS**, the Taylorsville City Council met in a regular session on June 19, 2013 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 13-20-02 of the Taylorsville Land Use Development Code.

**NOW, THEREFORE, BE IT ORDAINED** by the Taylorsville, Utah City Council that this document be adopted to amend the text of Section 13-20-02 of the Taylorsville Land Development Code.

This Ordinance, assigned Ordinance No. 13-13, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**TAYLORSVILLE CITY COUNCIL**

By: \_\_\_\_\_  
Dama Barbour, Chairman

**VOTING:**

|                           |                 |
|---------------------------|-----------------|
| Dama Barbour              | Yea ___ Nay ___ |
| Ernest Burgess            | Yea ___ Nay ___ |
| Bradley W. Christopherson | Yea ___ Nay ___ |
| Larry Johnson             | Yea ___ Nay ___ |
| Kristie S. Overson        | Yea ___ Nay ___ |

**PRESENTED** to Mayor of Taylorsville for his approval this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

By: \_\_\_\_\_  
Jerry Rechtenbach, Mayor

ATTEST:

\_\_\_\_\_  
**Cheryl Peacock Cottle**, Recorder

**DEPOSITED** in the Recorder's office this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**POSTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

# Exhibit A

**13-20-02 Table of Residential Building Setbacks (in feet), Building Heights (in feet), Required Off-street parking for R-1 & R-2 Zoning Districts**

| Table 13A-20-02  |          |          |          |          |          |       |       |       |       |            |            |
|--|----------|----------|----------|----------|----------|-------|-------|-------|-------|------------|------------|
| Residential Building Setbacks, Building Heights, Required Off-street Policy for R-1 and R-2 Zoning Districts Requirement | R-1-0    | R-1-30   | R-1-30   | R-1-35   | R-1-35   | R-1-8 | R-1-8 | R-1-6 | R-1-6 | R-1-8      | R-1-8      |
| Front to Living Area   | 30       | 30       | 30       | 30       | 30       | 30    | 30    | 25    | 25    | 30         | 30         |
| Front to Attached Garage   | 25       | 25       | 25       | 25       | 25       | 25    | 25    | 20    | 20    | 25         | 25         |
| Front Corner Lot – Side A**  | 30       | 30       | 30       | 30       | 30       | 30    | 30    | 30    | 30    | 30         | 30         |
| Front Corner Lot – Side B**  | 20       | 20       | 20       | 20       | 20       | 20    | 20    | 20    | 20    | 20         | 20         |
| Front – Lot on cul-de-sac  | 20       | 20       | 20       | 20       | 20       | 20    | 20    | 20    | 20    | 20         | 20         |
| Front – Lot on elbow   | 20       | 20       | 20       | 20       | 20       | 20    | 20    | 20    | 20    | 20         | 20         |
| Side (minimum)   | 15-9     | 12-9     | 10-7     | 10-7     | 5        | 5     | 5     | 5     | 5     | 5          | 5          |
| Side (both combined – minimum)   | 30<br>20 | 27<br>20 | 24<br>18 | 22<br>18 | 20<br>16 | 16    | 12    | 12    | 12    | 16         | 16         |
| Side – minimum for zero lot line development   | N/A      | 27<br>20 | 24<br>18 | 22<br>18 | 20<br>16 | 16    | 12    | 12    | 12    | 16         | 16         |
| Rear – regular lot   | 30       | 30       | 30       | 30       | 30       | 20    | 20    | 20    | 20    | 20         | 20         |
| Rear – structures attached to the main structure and open on three sides (carports, covered patios, etc.)                | 30       | 30       | 30       | 10       | 5        | 5     | 5     | 5     | 5     | 5          | 5          |
| Rear – irregular lot (average)   | 30       | 30       | 30       | 30       | 30       | 20    | 15    | 15    | 15    | 20         | 15         |
| Rear – minimum setback for an irregular lot  | 15       | 15       | 10       | 10       | 10       | 10    | 10    | 10    | 10    | 10         | 10         |
| Rear – corner lot  | 30       | 30       | 30       | 25       | 25       | 15    | 15    | 15    | 15    | 20         | 15         |
| Maximum Building Height (measured to the peak of the roof)*  | 35       | 35       | 35       | 35       | 35       | 35    | 35    | 35    | 35    | 35         | 35         |
| Maximum Accessory Building Height (measured to the peak of the roof)   | 30       | 30       | 30       | 30       | 25       | 25    | 25    | 20    | 20    | 25         | 25         |
| Required Off-street Parking Stalls (not including covered stalls)  | 2        | 2        | 2        | 2        | 2        | 2     | 2     | 2     | 2     | 2/<br>unit | 2/<br>unit |

# DRAFT

Minutes – May 14, 2013

Item #9 – Text Change for Minimum Side Yard Setback Distances in the R-1-15, R-1-20, R-1-30 and R-1-40 zones. Brent Overson – 2Z13.

Mr. Meldrum presented this item:

This item came before the Planning Commission a couple of months ago, submitted on March 1<sup>st</sup> by the applicant and then subsequently heard a month later on April 9<sup>th</sup>. On July 11<sup>th</sup> of 2012, the City Council adopted the new Land Development Code which included the setbacks that are currently in City Ordinance. At the April 23<sup>rd</sup> work session, the Planning Commission considered this item again and had discussion regarding that. No decisions were made at that meeting, however, direction was given in that meeting and at that meeting we discussed what is in your packet this evening. That being the zoning districts R-1-40 and R-1-30 - one acre and ¾ acre respectively. The side yard minimum would be 9' on one side only and then the combined sideyards between those two would be 20' total. Effectively that would be 9' on one side and 11' on the opposite. In the R-1-20 and R-1-15 zones, half acre and 1/3 acre zones the minimum sideyard recommendation is 7' with the combined sideyard total of 18'. Again that would result 11' on one side. The R-1-10 zone district, which was not included originally with the application but included here as a recommendation from Staff is that the minimum sideyard on one side would be 5' with the total combined sideyard being 16'. Staff is recommending approval of this request and recommends that you forward a positive recommendation to the City Council based on the information contained in this report and oral testimony that will be presented by the applicant for this request.

Applicant: Brent Overson, 1063 West Stanley Glen Lane, Taylorsville. He stated that he thought there might be a technical glitch on one element of this. I know Dale (Kehl) was concerned that there be at least 11' on one side so a vehicle could be there. I don't think that is accomplished necessarily with this because if you make a minimum of 5' on one side, that doesn't mean that they couldn't split it equally on both sides. So it seems to me that if you want to have an 11' minimum on one side, with a maximum of 18' or something . . . Do you follow what I am saying Dale? Commissioner Kehl - I do. I think the purpose was for a developer that is a little astute that he has the option to do that. Mr. Overson - So you mean't it to be flexible then. Commissioner Kehl - Correct. I agree with you. I think this is going to be an improvement. I appreciate you bringing this application forward. We didn't do anything to meet your specific needs but does it? Mr. Overson - Yes. Not only mine but several other builders in the area. Thank you very much.

Commissioner Fink - So we are referring to R-1-10, there where you are saying that. Mr. Meldrum - To all these zones. What could happen is someone could come in and instead of saying I want to do 9' as a minimum on one side, I am going to do 11' and 11' or 10' and 10' Commissioner Fink - Could they do that or would they have to come in and get a variance? Mr. Overson - I think that Dale (Kehl) pointed out that is the

flexibility of the builder. Mr. Meldrum - That is exactly correct. The intent to have the flexibility while still providing an opportunity for someone to put a vehicle in the back. Mr. Overson - In Dale's subdivisions and my subdivisions we want them to be able to get into the back yard.

SPEAKING: Rod Engar – I am not a resident of Taylorsville any longer but I am a builder in this valley and I just want to say I commend you for this proposal as it makes good sense as a developer and one who attempts to meet the needs, wants and desires of our respective residents. I am totally in favor of this.

DISCUSSION:

MOTION: Commissioner Faursehou – I will make a motion to send a positive recommendation to the City Council to approve this change in the Land Development Code with all of the different zoning sideyard minimums.

SECOND:

VOTE: All in favor.

***DRAFT***

SUBMITTED BY THE APPLICANT

**Sideyard Setback Comparison**

| Zone     | Taylorsville<br>Prior<br>min/total | Taylorsville<br>Current<br>min/total | West<br>Jordan<br>min/total | West<br>Valley<br>min/total | Murray<br>min/total | South<br>Jordan | Riverton |
|----------|------------------------------------|--------------------------------------|-----------------------------|-----------------------------|---------------------|-----------------|----------|
| R1-15    |                                    | 10/22                                | 8/16                        | 10/20                       |                     | 10/20 (R2.5)    | 8/18     |
| R1-21    |                                    |                                      |                             |                             |                     |                 |          |
| R1-30    |                                    | 12/27                                |                             |                             |                     |                 |          |
| R1-43    |                                    |                                      |                             |                             |                     |                 |          |
| A1/R1-20 | 8/18                               | 10/24                                | 8/16                        | 10/20                       |                     | 10/20 (R1.8)    | 8/18     |
| A2/R1-40 | 10/20                              | 15/30                                | 8/16                        |                             | 8/20                | 10/20 (A1)      | 8/18     |