

**TAYLORSVILLE CITY COUNCIL
AGENDA ITEM SUMMARY**

MEETING DATE August 3, 2016

AGENDA ITEM PUBLIC HEARING: Ordinance #16-06 concerning a Text Amendment amending Section 13.11.010.E – Additional Requirements for Approval of a Guesthouse – of the City Of Taylorsville Municipal Code to update sections related to the locations of guesthouses.

PRESENTER Mark McGrath, AICP

AUTHOR Matthew Taylor, AICP

SUMMARY An application to amend the zoning code to permit within a front yard under limited circumstances was submitted by Kammon Gray, who desires to construct a guesthouse in the front yard area of an existing single-family residence. Mr. Gray has a unique situation:

- The property is landlocked and largely unseen from the public right-of-way.
- The property has limited access at the dead end of a private right-of-way.
- The home has limited rear yard space in comparison to its 100-foot front yard area.

Current City Code does not permit the construction any accessory building, including guesthouses, in front yards. Mr. Gray’s original proposal to allow guesthouse in the front yard of any private street was not supported by planning staff. Mr. Gray has submitted an alternative proposal to help him achieve his objective, but mitigate the concerns of Planning Staff, as follows:

a. Location Within A Front Yard: Guesthouses may be permitted within a Front Yard subject to the following standards:

- i. The lot has no more than thirty feet (30’) of a property line abutting a public or private street. No lots may abut a cul-de-sac.
- ii. There is a minimum of eighty feet (80’) between the primary single-family dwelling and a front property line. As defined by Section 13.21.220(B), the staff portion of a flag lot shall not apply to this requirement.
- iii. The guesthouse may be located between a single-family dwelling and the minimum front building setback.
- iv. A guesthouse may not exceed ten percent (10%) of the total square footage of the front yard.

Staff has evaluated this proposal to find that the proposed standards would allow guesthouses in front yards in very limited circumstances. The staff analysis indicates that 12 developed single-family properties in would be able to take advantage of the new regulation. The proposal does not undermine the standard zoning objectives for front yards as each of the eligible properties are land-locked parcels where these objectives largely do not apply, including providing for aesthetic consistency and visual rhythm to

the street, ensuring adequate depth for parking in front of a garage, prohibiting interference with public utility easements, the preservation of light, air and openness, or facilitating future road widening.

The Planning Commission also recommended that additional standards be incorporated addressing front yard coverage limitations and that the new standards only apply to lots with a maximum frontage of fifty or fewer feet on public or private right-of-ways or easements. Staff is proposing this is limited to 30 feet (see Exhibit 'A' of the proposed ordinance).

PLANNING COMMISSION RECOMMENDATION

On May 10, 2016, with a vote of 4:2, the Planning Commission made a positive recommendation to the City Council that the proposed amendments are approved. The latest draft has not been reviewed by the Planning Commission

STAFF RECOMMENDATION

City staff recommends approval Mr. Gray's proposed text amendment if the Council feels it does not jeopardize the objectives of the City.

RECOMMENDED MOTION

I move that we approve Ordinance Number 16-06 amending Section 13.11.010.E – Additional Requirements for Approval of a Guesthouse – of the City Of Taylorsville Municipal Code to update sections related to the locations of guesthouses in Front Yards.

TAYLORSVILLE, UTAH
ORDINANCE NO. 16-06

AN ORDINANCE OF THE CITY OF TAYLORSVILLE TO AMEND SECTION 13.11.010.E – ADDITIONAL REQUIREMENTS FOR APPROVAL OF A GUESTHOUSE – OF THE CITY OF TAYLORSVILLE MUNICIPAL CODE TO UPDATE SECTIONS RELATED TO THE LOCATIONS OF GUESTHOUSES.

The City Council of Taylorsville ordains as follows:

WHEREAS, Kammon Gray, APPLICANT, has made a request to amend 13.11.010.E(3) – Additional Requirements for Approval of a Guesthouse: Location – in order to facilitate the construction of a guesthouse in a front yard area; and

WHEREAS, Taylorsville Planning Staff developed an alternative proposed amendment should the Planning Commission desire to facilitate the construction of a guesthouse in limited circumstances; and

WHEREAS, on May 10, 2016, the Taylorsville Planning Commission properly noticed and held a public hearing and voted 4-2 to forward a positive recommendation to amend the City of Taylorsville Municipal Code of the alternative planning staff proposed language, with additions; and

WHEREAS, on May 6, 2016, a notice of public hearing regarding the proposed amendment was posted on the state public notice website; and

WHEREAS, on April 29, 2016, a notice of public hearing regarding the amendment was posted in the Deseret News and Salt Lake Tribune; and

WHEREAS, the Taylorsville City Council met in a regular session on July 20, 2016, to consider, among other things, the proposed City of Taylorsville Municipal Code amendment; and

WHEREAS, after careful consideration and review, the City Council has determined that it is in the best interest of the health, safety, and welfare of the citizens of Taylorsville to amend the City of Taylorsville Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the Taylorsville City Council that this document is adopted to amend Section 13.11.010.E – Additional Requirements for Approval of a Guesthouse – of the Taylorsville Municipal Code according to the attached Exhibit A.

Exhibit A: Attached

This Ordinance, assigned Ordinance No. 16-06, 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 _____, 2016.

TAYLORSVILLE CITY COUNCIL

By: _____
Ernest Burgess, Chair

VOTING:

Daniel Armstrong	Yea ___ Nay ___
Dama Barbour	Yea ___ Nay ___
Ernest Burgess	Yea ___ Nay ___
Bradley W. Christopherson	Yea ___ Nay ___
Kristie S. Overson	Yea ___ Nay ___

PRESENTED to Mayor of Taylorsville for his approval this _____ day of _____, 2016.

APPROVED this _____ day of _____, 2016.

By: _____
Lawrence Johnson, Mayor

ATTEST:

Cheryl Peacock Cottle, Recorder

DEPOSITED in the Recorder's office this _____ day of _____, 2016.

POSTED this _____ day of _____, 2016.

Exhibit A:

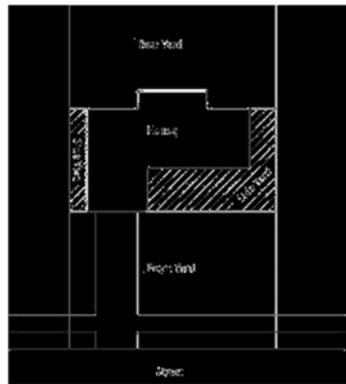
13.11.010: ACCESSORY APARTMENTS, EXTENDED LIVING AREAS, AND GUESTHOUSES:

- A. Purpose: This section is established to provide regulations and design standards for accessory apartments, extended living areas, or guesthouses related to single-family dwellings in residential zone districts, which make living units available which are appropriate for households at a variety of stages in the life cycle.
- B. General Requirements: The following requirements must be met in order to have either an accessory apartment, extended living area, or a guesthouse:
1. Residence Required: The owner(s) of the residence shall live in the dwelling in which the accessory apartment/extended living area was created, and a letter of application, sworn before a notary public, shall be provided by the owner(s) stating that such owner(s) will occupy the said dwelling, except for bona fide temporary absences. For a guesthouse, the property owner shall live in the primary dwelling unit on the same premises that a guesthouse is proposed.
 2. Number Permitted Within Each Single-Family Dwelling: Only one accessory apartment/extended living area shall be created within a single-family dwelling, and said area shall clearly be a subordinate part of the dwelling. The accessory apartment/extended living area shall not occupy any accessory buildings. No lot or parcel shall contain more than one guesthouse.
 3. Home To Retain Single-Family Dwelling Appearance: The accessory apartment/extended living area shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence, including retention and enhancement of landscaping. A carport or garage may not be converted to living space to accommodate an accessory apartment unless a new carport or garage of equal or greater size is constructed or where another garage that meets current city standards already exists on the property. Any garage or carport conversion or new garage or carport construction shall be designed and constructed as to be compatible with the architectural components of the primary dwelling, e.g., exterior materials, color, and roof pitch. A guesthouse shall be designed and constructed as to be compatible with the architectural components of the primary dwelling unit, e.g., exterior materials, color, and roof pitch.
 4. Utility Meters And Addressing: It shall be prohibited to install separate utility meters and separate addresses.
 5. Building Code Compliance Required: The design and size of the accessory area shall conform to all applicable building, fire, and health codes. The applicant shall obtain all necessary building permits prior to construction of the accessory apartment, extended living area, or guesthouse.
 6. Parking: At least one off street parking space shall be available for use by the occupant(s) of the accessory apartment, extended living area, or guesthouse. This space shall be in addition to those required for residents of the main portion of the dwelling and shall comply with the city's adopted residential parking standards. Any additional vehicles by occupants must be accommodated on site. On street parking shall be reserved for visitors only.
 7. Mobile Homes: It shall be prohibited to construct an accessory apartment/extended living area within a mobile home.
 8. Transferability: Upon sale of the home or change of primary occupant, the approval for an accessory apartment/extended living area shall expire and is not transferable.
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- E. Additional Requirements For Approval Of A Guesthouse: A guesthouse may be allowed only with approval of an administrative conditional use. Such use shall not exempt the applicant from meeting other applicable ordinances, codes, or laws recognized by the city. The following standards must be met in order to grant a conditional use:
1. Occupants: Accessory dwellings in guesthouses are allowed only with approval of an administrative conditional use and subject to the provisions of title 5, chapter 5.76 of the Taylorsville code. Such use shall not exempt the applicant from meeting other applicable ordinances, covenants, codes, or laws.

2. Lot Size: A guesthouse will only be considered for a conditional use on a lot containing at least one-third (1/3) acre which has an existing owner occupied single-family dwelling unit, or where a building permit has been issued and construction is in process for the single-family dwelling on a lot twenty thousand (20,000) square feet or larger.
3. Location: ~~Guesthouse~~ setbacks shall be no less than ten feet (10') from the side and rear property lines and six feet (6') from the primary dwelling unit. If a guesthouse is attached to an existing accessory structure, the living space of the guesthouse shall be ten feet (10') from the property line. Except as provided in subsection 13.11.010(3)(a), the ~~The~~ guesthouse may be located within the rear (the area lying between the rear lot line and rear wall of the primary dwelling extended to the side lot lines) of the primary dwelling or within the side yard, provided that the guesthouse is located behind the front plane of the home (see figure 1 of this section). If the guesthouse is located within the side yard, the side yard setback shall be the same as the minimum in the zoning district in which the lot is located.

FIGURE 1

SETBACKS AND NO BUILD AREAS (LOCATION)

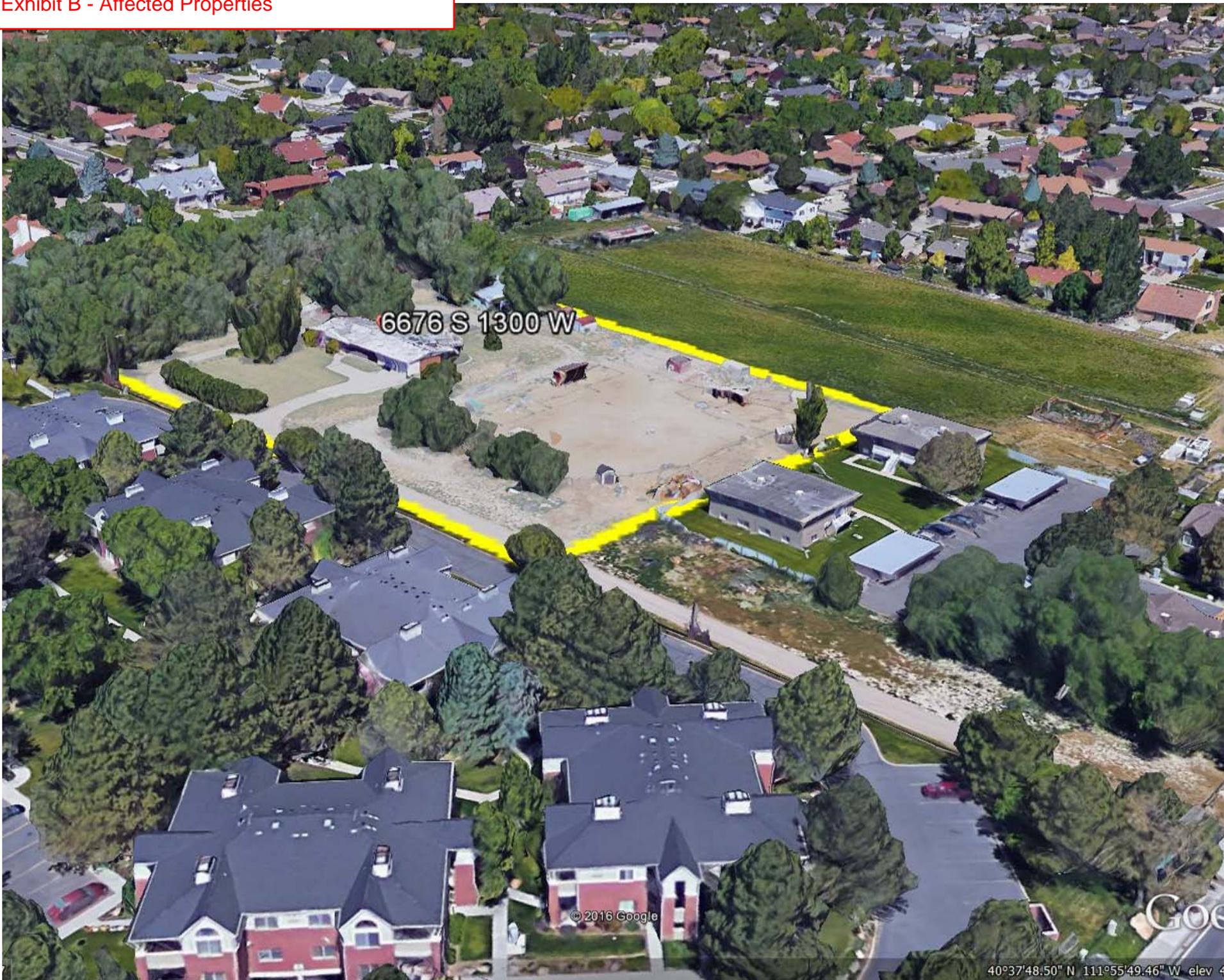


a. Location Within A Front Yard: Guesthouses may be permitted within a Front Yard subject to the following standards:

- i. The lot has no more than thirty feet (30') of a property line abutting a public or private street. No lots may abut a cul-de-sac.
- ii. There is a minimum of eighty feet (80') between the primary single-family dwelling and a front property line. As defined by Section 13.21.220(B), the staff portion of a flag lot shall not apply to this requirement.
- iii. The guesthouse may be located between a single-family dwelling and the minimum front building setback.
- iv. A guesthouse may not exceed ten percent (10%) of the total square footage of the front yard.

4. **Maximum Size Permitted:** In no case shall the area of a guesthouse comprise more than seventy five percent (75%) of the footprint area of the principal dwelling and have no more than one bedroom. This square footage will be considered part of the allowable square footage for the respective zoning district for accessory structures.
5. **Height:** A guesthouse shall be limited to a single story.
6. **Kitchen Facilities:** A guesthouse may contain a full kitchen.
7. **Site Plan:** A site plan and architectural elevations shall be submitted to the community development department to determine compliance with the requirements herein prior to approval of an administrative conditional use. The site plan shall be drawn to scale, clearly showing the location of all existing and proposed structures, walls, parking, driveways, and walkways.
8. **Conversions:** Existing accessory structures (shed, garage, workshop, etc.) may be converted to a guesthouse provided that the proposed guesthouse complies with all development code standards and the adopted building codes. The number of required off street parking stalls shall not be eliminated with the conversion of an accessory garage.
9. **Basements:** No basements will be allowed within a guesthouse.
10. **Recordation:** The city shall keep approvals for a guesthouse, including any special conditions of approval to guarantee compliance with the approval.
11. **Inspections:** Yearly inspections may be required to determine compliance if determined appropriate by the director or chief building official.
12. **Duration Of Approval:**
 - a. **Approval Nontransferable:** Upon sale of the home or change of primary occupant, the conditional use shall expire and is not transferable.
 - b. **Length Of Approval:** The effective period of the conditional use for a guesthouse shall be two (2) years from the date of the original approval. At the end of every two (2) years, the city may investigate to determine if all conditions continue to be met. Notification may be sent to the owner for response. Failure to meet the conditions may be the basis for revocation of the conditional use. (Ord. 14-06, 4-16-2014)

Exhibit B - Affected Properties



6301 S 1300 W

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40°38'11.88" N 111°55'42.94" W elev 4



5830 S Jordan Canal Rd

Doug Cove

© 2016 Google

GOO

40°38'42.56" N 111°57'01.50" W elev 4



1355 W Diane Dr.

6540 S

© 2018 Google

Go

40°38'52.57" N 111°55'49.96" W elev 4



2920 W 5245 S

W 5245 S

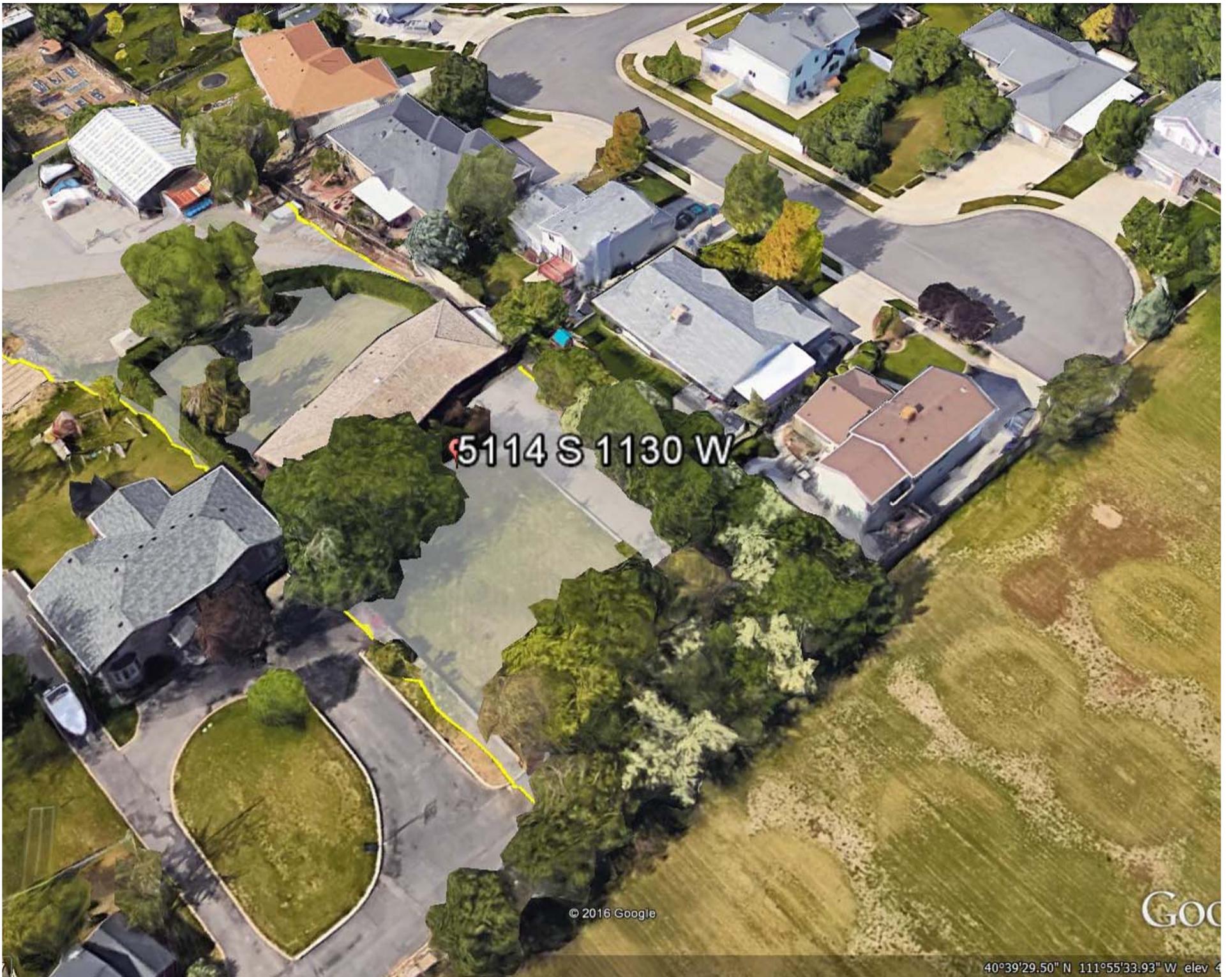
Jordan Gate Dr

5200 S

© 2016 Google

Goo

40°39'24.14" N 111°57'41.62" W elev 4



5114 S 1130 W

© 2016 Google

Go

40°39'29.50" N 111°55'33.93" W elev 4



5097 S 2200 W

© 2016 Google

Go

40°39'29.81" N 111°56'50.97" W elev 4'



5022 S Jordan Canal Rd

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40°39'36.48" N 111°57'59.53" W elev 4



5001 S 3200 W

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40°39'38.53" N 111°58'00.26" W elev 4

4701 S 1065 W

© 2016 Google

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40°40'01.11" N 111°55'15.24" W elev 4



1212 W 4800

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40°39'52.76" N 111°55'34.85" W elev 4

Exhibit C - Applicant's Property



Proposed Location
of Guesthouse

5983 S Jordan Canal Rd

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40°38'32.90" N 111°56'46.24" W elev 4