

PLANNING COMMISSION
STAFF REPORT

Meeting Date: March 2, 2016

***LUO 2016-01
Amendments to
Chapter 16 of the
Tooele County Land
Use Ordinance
Regarding Setbacks in
the R-1-8 and RM-7
Zones******Public Hearing***Applicant: Clearwater
HomesTCLUO: 3-7, 16-1-2
and 16-2-2Attachments:
ApplicationReport by:
Blaine Gehring,
County Planner**BACKGROUND**

Clearwater Homes (aka Penelope Rose LLC) purchased the remaining properties from Leucadia (Parcels 9H, 9I and 9J) under what is known as the Parcel 9 Development Agreement. That agreement allows for up to 771 dwelling units on the three parcels some of which can be attached or multiple family units. Clearwater Homes wants to do only single family detached units and has received concept subdivision approval for (420) lots. Their parcels are all zoned RM-7 which allows for a 7,000 square foot minimum lot with the following setbacks and lot coverage: front – 25 feet, rear – 30 feet, sides 8 feet and 35% maximum lot coverage. They are requesting that these setbacks and lot coverage be amended to better reflect the purposes of the RM-7 zone which are “to provide for areas for *medium and high residential density* with the opportunity for varied housing styles and character.” (TCLUO 16-2-1)

ANALYSIS

Most zoning or land use ordinances I have worked with or authored in the past have setbacks reflecting the size of an allowed lot by reducing the setbacks as the lots become smaller. Our ordinance, for whatever reason, does not follow that reasoning. For instance, in the R-1-10 zone which allows for a minimum 10,000 square foot lot, the setbacks are 20 feet front and rear with 8 foot side yards. Yet in the R-1-8 zone which allows for a minimum of 8,000 square foot lots, the setbacks are 25 feet on the front, 20 feet on the rear and 8 foot side yards. The in the RM-7 Zone which allows for the 7,000 square foot minimum lots, the setbacks are even larger as described above.

There are further discrepancies to these setback requirements as well. The setbacks in the R-1-10 zone would allow for a lot within the 35% maximum lot coverage. However, if a house were to meet the maximum setbacks in the R-1-8 zone the coverage would be 48% way over the allowed maximum of 35% coverage.

Most of the subdivisions created in the area adjoining the Clearwater Homes parcels have been approved as Planned Unit Developments with special setbacks of 20 feet front and rear with 5 or 6 foot side yards. This brings up another rule of thumb

I have used several times. If an ordinance is being waived or a variance granted several times for the same reason, the ordinance should be changed and not exceptions continually being granted. All of these mentioned developments were done as PUDs with the setbacks being modified rather a uniform ordinance change.

There is one other change that needs to be considered. In other ordinances I have worked with or authored, a corner lot is required to have additional width to accommodate two front yard setbacks. Our ordinance does not require that extra width but still requires two front yard setbacks on a corner lot. This penalizes the corner lot by requiring excessive setbacks on a street side setback.

This brings us to the request for the amendment to the setback and lot coverage requirements in the RM-7 Zone. These setbacks should be amended to better reflect the purposes of the zone and the size of the allowed lots. However, staff feels that further amendments should be made to the R-1-8, R-1-10, R-1-12 and RR-1 Zones as well to make things more consistent and fair.

STAFF RECOMMENDATION

Staff recommends the following amendments to the setback requirements in Chapter 16 of the Tooele County Land Use Ordinance:

1. In the R-1-8 Zone, amend Section 16-1-2(4), (5) and (7) as follows:

(4) Minimum yard setback requirements:

(a) front yard – ~~25~~ 20 feet.

(b) rear yard:

(i) main building - 20 feet; and

(ii) accessory buildings: three feet providing that they do not encroach on any easement.

(c) side yard:

(i) main building 8 feet; and

(ii) accessory buildings – 3 feet, provided they do not encroach on any easement.

(5) On corner lots, ~~two front yards and two side yards are required~~ the side yard adjacent to a street shall be a minimum of 10 feet.

- (6) Maximum building height - 35 feet.
 - (7) Maximum building coverage - ~~35~~ 45 percent.
2. In the R-1-10 Zone, amend Section 16-2-2 as follows:
- (4) Minimum yard setback requirements:
 - (a) front yard - ~~25~~ 20 feet.
 - (b) rear yard:
 - (i) main building - ~~30~~ 20 feet; and
 - (ii) accessory buildings - 3 feet, provided they do not encroach on any easement.
 - (c) side yard:
 - (i) main building - ~~8~~ 6 feet; and
 - (ii) accessory buildings - 3 feet, provided they do not encroach on any easement.
 - (5) On corner lots, ~~two front yards and two side yards are required~~ the side yard adjacent to a street shall be a minimum of 10 feet.
 - (6) Maximum building height - 35 feet.
 - (7) Maximum building coverage - ~~35~~ 45 percent.
3. In the R-1-12 Zone, amend Section 16-1-6(5) and (7) as follows:
- (5) On corner lots, ~~two front yards and two side yards are required~~ the side yard adjacent to a street shall be a minimum of 15 feet.
 - (7) Maximum building coverage – ~~30~~ 35 percent.
4. In the RR-1 Zone, amend Section 15-3-2(5) as follows:
- (5) On corner lots, ~~two front yards and two side yards are required~~ the side yard adjacent to a street shall be a minimum of 15 feet.

MODEL MOTION

Approval ---“I move the Planning Commission send a favorable recommendation to the County Commission for the amendments to Chapters 15 and 16 of the Tooele County Land Use Ordinance as presented.”

Denial ---“I move the Planning Commission send an unfavorable recommendation to the County Commission for the amendments to Chapters 15 and 16 of the Tooele County Land Use for the following reasons _____.”