



COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Brian Fullmer
Policy Analyst

DATE: November 12, 2024

**RE: Obstructions in Required Yards and Height Exceptions Tables Amendment
PLNPCM2024-00231**

Item Schedule:

Briefing: October 15, 2024

Set Date: October 15, 2024

Public Hearing: November 12, 2024

Potential Action: November 19, 2024

BRIEFING UPDATE

During the October 15 briefing Council Members discussed whether a five-foot high railing on a rooftop patio would be adequate. Planning staff confirmed with Building Services that the minimum height of a rooftop patio railing in residential areas is 34-38 inches, and in commercial zones the minimum is 42 inches. The proposal would limit railing heights to five feet, but they would not need to exceed the minimum requirements currently in City code.

The Council also discussed increasing the proposed 40% maximum shade structure coverage and reducing the 10-foot required setback for these structures. In response, Planning staff proposes the following:

- Rooftop amenity setback: The setback from property lines for rooftop amenities has been reduced from 10 feet to 5 feet, regardless of the abutting zoning districts.
- Shade structure setback: Shade structures will adhere to the same 5-foot setback (from property lines) requirement as rooftop amenities.
- Shade structure coverage limitations: The maximum rooftop coverage for shade structures has been increased from 40% to 60%.

It is Planning staff's opinion that these proposed adjustments will balance a desire for increased rooftop amenity space with community concerns. The ordinance was updated to include these changes. As a reminder, these standards apply only if a rooftop patio exceeds the maximum building height within the zoning district. Rooftop patios, and structures on buildings that do not exceed the maximum building height would not be subject the above limitations.



The following information was provided for October 15, 2024 Council briefing. It is included again for background purposes.

The Council will be briefed about a proposal initiated by the Planning Commission that would amend City code to allow additional height up to 10 feet for rooftop amenities such as a patio, with associated unenclosed shade structures including shade sails, pergolas, gazebos, etc. The proposal would allow these in all zoning districts except residential districts. Under current City code rooftop patios are considered habitable space, so must be within the allowed building height for the zoning district within which they are located.

If the additional height exception is utilized, coverage with shade sails or other structures would be limited to 40% of the roof area and require them to be set back a minimum of 10 feet from the edges of the building. If the rooftop amenity and shade structure are within the building's permitted height without a height exception, then the coverage and setback restrictions would not apply.

Additional changes include updating the table of obstructions in required yards. These changes include removing outdated language, complying with changes to State statutes, and adding clarity to simplify administration of the zoning code. A new obstruction type was added to the draft ordinance that includes "Other accessory structures not regulated elsewhere and not exceeding 10 feet in height and 120 square feet." Arbors and trellises were removed as a specific category and they along with pergolas and other similar structures would be addressed in this section, simplifying the code.

The Planning Commission reviewed this proposed text amendment at its June 26, 2024 meeting and held a public hearing at which no one spoke. **The Commission voted unanimously to forward a positive recommendation to the City Council.**

Goal of the briefing: Review the proposed text amendment and determine if the Council supports moving forward with the proposal.

POLICY QUESTION

1. Is the Council supportive of the proposed 40% limit on shade structures and 10-foot setback for buildings utilizing additional height?

ADDITIONAL INFORMATION

Planning staff believes limiting the rooftop shade structure coverage on buildings utilizing additional height will allow them to cover areas such as pools and grilling areas, while providing space for mechanical equipment so it does not need to be located at ground level. A 10-foot setback for shade structures on the top of a building will help ensure the apparent building height from the ground will not change. In addition, under the proposal buildings with rooftop amenities that abut residential zoning districts would be required to have a physical barrier such as a fence or planter to help provide privacy for neighboring properties.

KEY CONSIDERATIONS

Planning staff identified two key considerations related to the proposal, found on pages 3-4 of the June 26, 2024 Planning Commission staff report, and summarized below. For the complete analysis, please see the Planning Commission staff report.

Consideration 1 – Rooftop amenities, associated unenclosed shade structures and their impacts

As discussed above, City code considers rooftop patios to be habitable space, so they must be within the maximum allowed building height for the zoning district where the building is located. The Planning Commission has reviewed projects requesting a few as five additional feet of building height to build rooftop amenities through the planned development process. Allowing them on buildings that utilize additional building height will simplify the process for applicants and the Administration to include these amenities on buildings.

Rooftop amenities such as pools, patios, and grilling areas are a benefit to residents of multi-family buildings, but without shade they are not frequently used during the hot summer months.

The proposed 40% limit on coverage and 10-foot setback from the roof's edge is anticipated to minimize the impact of rooftop amenities to neighboring properties, and passersby. Planning staff stated, "By allowing for rooftop amenities as a permitted height exception, and therefore allowing additional private open space, the text amendment implements best planning practices."

Consideration 2 – Public feedback

Planning received requests from the East Liberty Park Community Organization (ELPCO), Liberty Wells Community Council, and the Sugar House Community Council Land Use and Zoning Committee for a presentation on the proposed text amendment.

ELPCO had concerns about a lack of setbacks from abutting single-family homes. Planning staff then recommended adding the 10-foot setback for shade structures, and a physical barrier to help prevent those on a building's roof from looking into neighboring backyards. ELPCO did not share concerns about the proposed changes, and the Liberty Wells Community Council, and Sugar House Community Council Land Use and Zoning Committee were supportive of the additional requirements.

ANALYSIS OF STANDARDS

Attachment B (pages 32-33) of the June 26, 2024 Planning Commission staff report outlines zoning text amendment standards that should be considered as the Council reviews this proposal. The standards and findings are summarized below. Please see the Planning Commission staff report for additional information.

| Factor | Finding |
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| Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents. | <i>Complies</i> |
| Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance. | <i>Complies</i> |
| Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards. | <i>Complies</i> |
| The extent to which a proposed text amendment implements best current, professional practices of urban planning and design. | <i>Complies</i> |

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| The impact that the proposed text amendment may have on city resources necessary to carry out the provisions and processes required by this title. | <i>Complies</i> |
| The impact that the proposed text amendment may have on other properties that would be subject to the proposal and properties adjacent to subject properties. | <i>May impact residential properties but proposal incorporates regulations to minimize impact.</i> |
| The community benefits that would result from the proposed text amendment, as identified in 21A.50.050.C. (21A.50.050.C applies only to private property owner-initiated amendments. This amendment initiated by the Planning Commission.) | <i>Not applicable</i> |

PROJECT CHRONOLOGY

- February 14, 2024 – Petition initiated by Salt Lake City Planning Commission.
- February 28, 2024 – Petition assigned to Ben Buckley, Associate Planner.
- March-April 2024 – Planning staff reviewed the petition and drafted language to support goals of the petition.
- April 12, 2024 – Notice of petition sent to all city recognized community organizations.
- April 16, 2024 – Petition posted to the Planning Division’s open house webpage. Public comment period ended May 31, 2024.
- May 9, 2024 – Planning staff presented the proposal to the East Liberty Park Community Organization.
- May 16, 2024 – Planning staff presented the proposal to the Liberty Wells Community Council.
- May 20, 2024 – Planning staff presented the proposal to the Sugar House Land Use Committee.
- June 13, 2024 – Planning Commission agenda posted to the website and emailed to the Planning Division listserv.
- June 26, 2024 – Planning Commission meeting and public hearing. The Commission voted 5-0 to forward a positive recommendation to the City Council.
- June 28, 2024 – Ordinance requested from the Attorney’s Office.
- August 27, 2024 – Ordinance from Attorney’s Office received by Planning Division.
- September 18, 2024 – Transmittal received in City Council Office.