



## PLANNING MEMORANDUM

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To: Planning Commission  
From: Trevor Cahoon, Community Services Director  
Re: Public Hearing and Action on: Ordinance 2023-02- Amendments to Residential Multi-Family (R-7) to Residential Multi-family (R-5), adoption of Strategic Growth Overlay Zone (SG), and Rezone Parcels 13-018-0084 & 13-034-0068 from (R-7) to (R5-SG).

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### **ACTION**

Public Hearing and Action on: Ordinance 2023-02- Amendments to Residential Multi-Family (R-7) to Residential Multi-family (R-5), adoption of Strategic Growth Overlay Zone (SG), and Rezone Parcels 13-018-0084 & 13-034-0068 from (R-7) to (R5-SG).

### **ORDINANCE REVIEW**

In the November Planning Commission meeting the Planning Commission discussed the creation of an overlay zone to help encourage quality construction. Throughout the conversation the Commission discussed what things they would like to regulate and require to allow for increased density. Based upon that discussion Staff has drafted an ordinance for a Strategic Growth Overlay zone and made amendments to all areas of the code that reference to the R7 zone to now say R5.

Planning Commission will now make a recommendation on the Amendments to the R-7 Zone, Creation of the SG Overlay Zone and subsequent Rezones of current properties that have the R-7 Designation but do not have any construction within the property. This rezone does not affect any applications that were received or approved prior to the amendment of this ordinance.

### **BACKGROUND**

The City Council when approving the Final Plat for the South Weber Gateway project, instructed the Cod Committee to consider zoning text amendments to facilitate the development in amending the approved final plat to allow for a townhome development for individual ownership. The items that were brought forward by City Staff as areas that prohibited this type of development included the following:

- The exclusion of provisions surrounding zero lot line developments.
- The absence of a dwelling, townhome definition within the code.
- The inclusion of setback provisions that oriented buildings based on lot configuration and not on orientation of the buildings toward a right-of-way.

As the Code Committee reviewed the R-7 zone, it became clear that the ordinance was written with parameters in a similar fashion to a single-family zone thus making it difficult to plan a multi-family development. The reason that these inconsistencies were not noticed in other developments lies in the fact that other projects utilized the Planned Unit Development conditional use section of our code. The

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South Weber Gateway was the first project to follow development guidelines strictly under the R-7 zoning code.

As conversation progressed within the Code Committee other areas of concern toward multi-family developments were discussed in relation to the R-7 code and future development. While it is still a desire to limit the use of this zone, the Code Committee discussed various housing types that would be more appealing to future development other than traditional townhome, high-rise, or garden style apartments. Through the conversation the Committee identified the main issue with multi-family housing is the visual appeal and congruence of form with surrounding single-family units already established within the area. To answer these concerns two concepts were discussed, type of housing unit and design standards.

In the case of design standards, the State of Utah has limited the City's Ability to impose design standards upon single-family developments. It does not prohibit a city from imposing design standards on multi-family units. Therefore, if the city wishes to pursue developing a design standard for multi-family housing this is a possibility. Townhomes are the outlier within this context because although there is more than one unit within the building, state code does identify these units as single-family attached developments. Within the state code there is a provision to allow a city to impose a design standard on single family developments if the code allows for a density incentive utilizing an overlay zone. This would mean that if the city were to allow a developer to have more density than a zone would typically allow then we would be able to impose design standards for the development.

With this line of thinking if the city were to seek for particular multi-family or single-family units by offering more density then we would be able to dictate the form of the units themselves. The Code Committee then discussed the possibility of reducing the allowed density within the R-7 zone to 5 units an acre and offering an incentive of 7 units and acre then the city may be able to better control the type of development that is found within the city.

For example, including smaller single-family housing complexes like Cottage Courts. In these types of development, we would offer a higher density for the creation of single-family homes with smaller lots on a shared court. Some items to discuss would be how many units an acre we would want to encourage and the style of development.

Mansion style apartments or condos was another housing concept that was attractive to the Code Committee. Allowing a building to look like a large single-family home, but housing 4-7units within the home. So that appearance would be single family while providing more variety and density of housing.

While the idea is new and needs more work to determine the viability of the incentive, the prospect of this update with an eye toward the Moderate-Income Housing Updates becomes an idea that can provide a better development and use of land within the future. Further discussion on whether it is viable to reduce the R-7 zone's density further and then offer the now current density as incentive would provide the desired outcome would be important for the Planning Commission to discuss.

At this stage it has become necessary to get the feedback from the Planning Commission on the potential changes the R-7 zone and receive their recommendations on what to include in the draft

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ordinance. The following table breaks down the changes proposed by the Code Committee for the Planning Commission review.

After a discussion in Planning Commission on September 15, the Commission gave the following directions to staff to update the code in the following ways:

- Update the definitions as recommended
- Allow townhouses as a permitted use
- Maintain density at 7 units an acre, but explore in a future update overlay zone
- Establish a minimum lot area and minimum lot width
- Utilize sections for zero lot lines and setback orientation for share common space as recommended
- Alter front setback lines to 25 feet to accommodate for large vehicles
- Include diagrams to demonstrate setback requirements

Staff has made updates based on the recommendations from the Planning Commission. The only exception is including a minimum lot area. Staff would recommend that having a minimum lot width would be sufficient to dictate design aesthetic and would allow for more flexibility of design than restricting a minimum lot area. This is something that the Planning Commission could recommend be included back in the ordinance.

The Planning Commission met on October 13 to discuss the draft ordinance and make their recommendation to City Council. In a 3-0 discussion by the Planning Commissioners present a recommendation was made to approve the drafted changes to the Residential Multi-family zone, and recommend the council begin the process in the creation of overlay zones to address design standards in accordance with Utah State code.

In a discussion item with the City Council on October 25, the Council expressed a desire for the Planning Commission to have a more in-depth discussion on the reduction of density within the R-7 zone to 5 units per acre and the creation of draft ordinance for an overlay zone to grant bonus density of up to 2 units and the implementation of design standards. The Council feels that the exploration of creating an overlay zone now would be pertinent to protect the interests of the city in facilitating development standards for projects in South Weber.

Planning Commission reviewed the ordinance in the December Planning Commission and felt it was ready to make the recommendation.

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