ZT-13-2008
Darrin Balfour and Mark Sudbury
An ordinance revision amending Section 7-2-126 that addresses the division of two-family dwellings

Mr. Darrin Balfour and Mark Sudbury are requesting an amendment to Section 7-2-126 which addresses the division of two-family dwellings. The current ordinance language allows a legally existing two-family dwelling or duplex to be divided into two separate dwellings or a twin home under certain conditions. One of those conditions is that each lot resulting from the division of a duplex lot must be at least 4,000 square feet. If approved, this ordinance would eliminate the 4,000 square foot minimum lot size and add additional standards that would verify that the property is appropriately maintained and require improvements to be made. Attached to this report is a document provided by the applicant that addresses the questions outlined on the ordinance text change application. The proposed ordinance deletions are struck out and additions are highlighted in gray. Staff worked with the applicant to develop the list of improvements.

There are about 700 duplex buildings (1,400 dwelling units) in the City. According to the City's mapping system, about 30% of these duplex buildings are on lots that are less than 8,000 square feet in area.

There are two zones in the City that are specifically for duplexes – R-2-8 and R-2-6.5. The R-2-8 zone requires a minimum lot size of 8,000 square feet and the R-2-6.5 zone requires a minimum lot size of 6,500 square feet. Most of the duplexes in the City were constructed prior to 1980 (the year West Valley City was incorporated) under Salt Lake County's jurisdiction. For those duplexes that were built under the County's jurisdiction, the zoning requirements, if zoning was even in place, were different from those in place today.

During the Planning Commission study session on November 5th, four issues were raised concerning this application. First, vinyl siding wasn't considered an upgrade from wood or aluminum. The latest proposed ordinance does not include vinyl as an upgrade option. Second, Commissioners felt that the maintenance standards and upgrades should apply to all duplex to twin home conversions, regardless of the lot size. The latest proposed ordinance has been modified to address this issue. Third, the need for a homeowners association to coordinate maintenance was discussed. When staff raised this issue with the applicants, we received the following response from Mr. Sudbury: "I am not sufficiently acquainted with City authority to know if this should be left to the owner or could be required. Our intent would be to set up an HOA for the reasons you mention above. We are comfortable with leaving this to the wisdom/necessity of the owner with perhaps providing a strong suggestion/reasoning for establishing an HOA in the duplex to twin home conversion instructions but if City would like it required and can place this requirement, then we would not object." Fourth, Commissioners asked what the general condition of twin home properties is in the City. Staff will look at existing twin home properties and report our findings during the public hearing.

Staff supports this ordinance change for two reasons. The first reason is that even if the duplexes on lots less than 8,000 square feet are nonconforming in terms of zoning, lot area, lot width, setbacks or parking, its very unlikely that the owners of these duplexes could or would make

them conforming. The Zoning Ordinance allows nonconforming buildings to continue and even rebuilt if they are destroyed by calamity or act of nature. The second reason is that this ordinance requires maintenance and improvements that may not be done otherwise.

Staff Alternatives:

1. Approval of the ordinance as submitted.
2. Approval of the ordinance with an additional standard that requires the formation of an HOA for maintenance.
3. Continuance, for reasons determined at the public hearing.
4. Denial, the ordinance should remain as it is.

Applicant:	**Applicant**	**Present**
Darrin Balfour	Mark Sudbury	Donna Birdsall
9202 S. Kensington Pk Dr.	2220 Murray-Holladay Rd.	1869 S. 1750 W.

Discussion: Steve Pastorik presented the application. About 30% of the duplex buildings are on lots that are less than 8,000 square feet. Commissioner Matheson presented a scenario... if you were to convert to a twin home(and typically you would have property on both sides of a division line with the actual property including fences and landscaping) and they become ownership under two separate owners each homeowner would be responsible for their share of the property. What kind of requirements would there be for them to implement the necessary upgrades? Would you require the original owner to implement the upgrades before he sells the property?

Mr. Pastorik responded as part of the application they would need to provide us with the improvements that will be made and as a condition of subdivision approval those improvements would be made to the property. One alternative would be to require the improvements before the subdivision is recorded. The other would be a condition stating that the owner must follow up within a certain time frame after the subdivision occurs. There would be a requirement to complete the improvements within a certain length of time. Currently, the ordinance is not worded clearly enough to distinguish when those improvements have to be completed. It would be a good idea to clarify by adding a phrase that states that the applicant has to complete them before the property is divided or a condition that the improvements can be completed after.

Commissioner Matheson questioned if the property owner would be filing a minor subdivision application in order to divide the property. Mr. Pastorik responded that some of these have been done as a lot split. So it is a little easier process than actually completing the minor subdivision.

Commissioner Matheson inquired, so you are not requiring a full survey on the property? Mr. Pastorik replied they will still need to have a survey; however, with a lot split there is not a plat involved.

Chairman Woodruff noted that a public hearing would not be required with a lot split application and Mr. Pastorik replied that it would be handled by staff.

Mark Sudbury
Mr. Sudbury explained that he has been working with the owner, Darrin Balfour, who owns a duplex in West Valley City. I believe one standard that would greatly improve the area is landscaping as it makes properties appear more desirable and contributes to the aesthetics of the neighborhood. Inadequate landscaping is one of the primary areas of neglect that are often associated with duplex buildings. The duplex buildings that we felt had greater possibilities were the units with nice trees and landscaping clumps to help screen items in the resident's yards. Residents often place unattractive objects in their yard and it is very difficult to prevent those problems from occurring. If landscaping is implemented, it helps screen objects in the yard and blocks their view from the street to help create a more attractive residence. I believe it is beneficial to encourage some of the money to go towards landscaping and an irrigation system. By placing money into installing drip systems and timer irrigation, it would enhance neighborhood appeal more than spending a lot of money on the building itself.

Darrin Balfour
Mr. Balfour explained that providing ownership will help create better neighborhoods instead of having so many rental units in the City. If dwellings are made more affordable by selling them after they are split, residents will take better care of their homes and their neighborhoods. I own a duplex and maintain the yard to help keep the duplex looking nice. Many rental units expect the tenants to do their own maintenance and the yards are not well taken care of. Our thinking is that if we can create some reasonably priced ownership, this may be very helpful.

Commissioner Matheson agreed and noted that the residents won't be as transient if they are property owners. Mr. Balfour responded that is the whole idea for the proposed amendment.

Mr. Sudbury indicated that it seems like a "win – win" situation for us and due to the fact that the buildings are existing there are not many options available for changing some of the issues that we are addressing and I believe it will be quite beneficial to the City.

Chairperson Woodruff remarked that these are all very good points and wondered if 25 points would be enough to make much of a difference. He noted that residents could change the windows, and install rain gutters and central air, however there might not be any real improvements seen in the property.

Mr. Sudbury suggested that he would like to see landscaping implemented by providing consistent themed trees down the street which would be cost effective, but have a very big impact. Many of the streets that have these improvements and have implemented a few landscaping standards have made a big difference. I would also like to see a homeowners association formed before starting redevelopment and implement some consistent themes for landscaping and believe that this would be an excellent time for

taking advantage of this opportunity. Personally, I would like to see something more specific regarding landscaping and I don't believe that the building is the way to accomplish this. If a lot of cost is put into building improvements, people are not going to follow through and this would cancel out the main reason for wanting to do this. I don't believe it would provide the sense of place that can be created with landscaping. I believe that if you left every one of those buildings exactly like they are and installed nice landscaping, people would drive through and feel the nice atmosphere and would be interested in buying and fixing it up.

Commissioner Matheson agreed and mentioned that if you look at the roof lines, it would be difficult to change some of the roof lines on multi-level buildings because they are what they are. However, I think landscaping would make a huge difference.

Mr. Pastorik clarified and said that the ordinance standard states that the property owner would have to do this and that they would get extra points for providing more landscaping. The ordinance states that landscaping shall include at least one tree and a combination of lawn, shrubs or ground cover. The ground cover is required to provide at least 50% live plant material. Rock and bark mulch can be used, but only to the extent that ends up being 50% or less than the total landscaped area.

Commissioner Matheson questioned if it talks about an irrigation system?

Mr. Pastorik responded no it does not, however I think that is standard in new development for homeowners to install an automatic irrigation system and many of the new development agreements have required that the builder put in an irrigation system. The standard that I am referring to applies to all properties in the City. It may be difficult for someone to retroactively try to require someone who does not already have an automatic irrigation to be required to install one. That idea could be something that we state that is not a point option - you just have to put in an automatic irrigation system if you do not already have one in place.

Chairperson Woodruff said he felt that makes a lot of sense and then they would have to at least bring the landscaping up to the standards for new development.

Mr. Pastorik suggested, giving more points for exceeding the landscaping standards. Currently, it is just five and maybe it could be we should bump that to ten or more.

The Planning Commission were in agreement that this idea sounded very reasonable.

Mr. Pastorik explained that what staff was trying to achieve in setting this up was to have a general standard that could be enforced in the City as a whole without dictating what specific plants you were going to plant. Because this would apply to duplexes across the City it seems like we should leave the specifics to the owners as far as what type of landscaping they would use as long as it meets the minimum standards.

Mr. Sudbury remarked that as we get more involved in this, we will probably try to begin

forming some associations in the larger areas where we can work with landowners to come up with some common ways for improvements. It's not practical in some of the areas that we looked at today to go in and buy one building and try and make improvements on it when the rest of the area remains the same - there needs to be a cohesive effort. While we are here proposing to amend some of the codes I guess it will be up to us to try and form some reasonable associations; however, we are always interested in what the input is from the City.

Chairperson Woodruff questioned, so you are actually looking at purchasing duplexes and then converting them?

Mr. Sudbury responded, well Darrin owns one of the duplexes and that is what started things, but part of what I do is that I am interested in community issues and community design and in doing things that are beneficial for the community.

Commissioner Conder said that he was quite impressed with Mr. Sudbury's comments. It is quite rare that we have someone come to us and speak so intelligently about how things might work and be improved and that's what the Planning Commission is all about. I am very thankful for that and believe that it makes sense to do this. The Planning Commission had a discussion about the HOA and did not feel that it makes sense to impose and enforce those types of issues.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for approval with an additional standard that requires the formation of an HOA for maintenance and with the following changes:

- The required improvements and any needed maintenance must be completed prior to the property being divided.
- Automatic irrigation systems are required for duplex to twin home conversions.
- The number of points assigned for enhanced landscaping shall be increased to 10.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Conder	yes
Commissioner Matheson	yes
Commissioner Mills	yes
Chairman Woodruff	yes

Unanimous - ZT-13-2008 – Approved