

### **Lack of Open Space –**

Development of single-family attached/detached, two-family, or live/work use(s) or zoning are exempt from providing 15% open space as identified in sec. 29-4.4(c)(2)(ii) of the UDC. The current standard providing this exemption is found within sec. 29-4.4(b)(2) and reads:

- (2) Notwithstanding paragraph (1) above, lots or parcels having single-family attached, single-family detached, two-family residential, or live work use(s) or zoning shall be exempt from the general provisions (section 29-4.4(c)), and property edge buffering (section 29-4.4(e)) requirements of this section.

To address the desire to ensure open space within in “small” lot development (i.e. anything less than 5,000 sq. ft) the following change is recommended:

- (2a) Notwithstanding paragraph (1) above, lots or parcels **meeting the following criteria shall be exempt from the general provisions (section 29-4.4(c)), and property edge buffering (section 29-4.4(e)) requirements of this section.**
  - a. **Single-family attached residential on lots or parcels greater than 3,500 sq. ft. in area, or**
  - b. **Single-family detached residential on lots or parcels greater than 5,000 sq. ft. in area, or**
  - c. **Two-family residential on lots or parcels greater than 7,000 sq. ft. in area, or**
  - d. **Live-work use(s) on lots greater than 3,500 sq. ft.**
- (2b) **For new developments containing 30 or more single-family detached residential lots, where three-quarters (0.75) or more are less than 5,000 sq. ft. in area, there shall be 300 sq.ft of centralized common open space provided for each lot within the development. This allocation may be reduced if the development is located within a one-quarter (0.25) mile radius of a public park that is connected to said development by a public sidewalk or publicly maintained trail connection.**

### **Lack of Diversity – housing & architectural-style**

Section 29-4.6 of the UDC specially addresses design standards and guidelines for new development. These provisions exempt single-family detached residences from compliance. In light of the desire to ensure housing and architectural diversity the following changes would be proposed.

Sec. 29-4.6. Design standards and guidelines.

- (a) *Intent.* The intent of this section is to:
  - (1) Allow full development of properties consistent with the dimensional standards established in Article 2 of Chapter 29 and Section 29-4.1 while establishing baseline requirements for building and site features that will create stable residential neighborhoods, mixed use, commercial, and industrial areas;

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(b) *Applicability.*

- (1) The standards of this section shall apply to all new development in any district except:
  - (i) Development or redevelopment in the M-DT District (Section 29-4.2).
  - (ii) Structures in which the principal use is one of the following use categories or subcategories as shown in Permitted Use Table 29-3.1.
    - (A) One-family Detached residential on lots greater than seven thousand (7,000) square feet in the R-1 District or on lots greater than five thousand (5,000) in the R-2 or R-MF districts;
    - (B) One-family Attached residential;
    - (C) Two-family residential;
    - (D) Park or Playground;
    - (E) Utilities;
    - (F) Parking Lot or Structure (primary use);
    - (G) Urban Agriculture;
    - (H) Farmer's Market; or
    - (I) Industrial (except Artisan Industry).
  - (iii) A change in the principal use of an existing structure that does not alter the exterior of the structure, or only affects the signage on the exterior of the structure.
- (2) In the case of a conflict between the design standards in this section and design standards applicable to a particular project because of its location in an overlay district listed in section 29-2.3 (Overlay Zoning Districts), or because of a use-specific standard in section 29-3.3 (Use-Specific Standards), the provisions of the overlay district or use-specific standard shall govern.

(c) *Design standards and guidelines.*

- (1) *Entries.* Each principal building shall have one or more operating entry doors facing and visible from an adjacent public street. The location of the entry on the building façade shall be emphasized by the use of different materials, wall articulation around the entry, or foundation plantings around the entry.

**(1a) Architectural style. To promote housing diversity and visual interest within single-family detached residential developments containing 30 or more lots, where three-quarters (0.75) or more are less than five thousand (5,000) square feet in area in the R-2 or R-MF districts or less than seven thousand (7,000) square feet in the R-1 district, the following standards shall apply to each developed lot:**

- (i) There shall be no less than 2 unique building styles provided within the development differentiated by structure height and square footage.
- (ii) Adjacent dwelling units shall contain a minimum of twenty (20) percent change in their exterior building materials and/or fenestration. Change in material/paint color shall be insufficient.
- (iii) A maximum of 6 dwelling units utilizing the same building floor plan shall be constructed adjacent to each other – mirroring a building floor plan to create diversity is highly encouraged;
- (iv) Transitions between adjacent structures where there is a story or more of difference in height shall be mitigated as enumerated in sec. 29-4.7(c) of the UDC.

**(1b) Lot Typology Variation. To promote lot area and width diversity within single-family detached residential developments containing 30 or more lots with proposed lot area less than five thousand**

(5,000) square feet in the R-2 and R-MF districts or seven thousand (7,000) square feet in the R-1 district, the following standards shall apply:

- (i) No fewer than three (3) different lot configurations (area and width) shall be proposed
- (ii) Minimum variations between lot configurations shall be no less than 20% between area and width

(2) *Transparency.*

- (i) When the primary use of the ground floor frontage of a structure categorized as food and beverage service, office, personal services, or retail in Table 29-3.1, a minimum of twenty (20) percent of each façade area that faces a public street shall be composed of transparent materials.

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### ***Parking – Don’t have requirement drive form of development***

Sec. 29-4.3, Table 4.3-1 establishes minimum parking requirements for each land use and provide where such parking may be located. Single and two-family dwellings are required to have **2 on-site** parking spaces regardless of structure size or the number bedrooms within the structure. Reducing required parking just because a small footprint home may be constructed is not advised given there is no assurance that vehicle usage will be reduced especially if small lot development is within a “greenfield” environment without access to public transit or “walkable” employment and resident services.

That being said, allowing on-street parking to count as “required” parking may be a viable option to address this issue. **HOWEVER, it should be noted** that this was once allowed within the Benton-Stephens UC Overlay; however, was removed in 2017 given the challenges it created. Parking permit programs within neighborhoods have also been created to address long-term parking issues on street by non-residents/guests within certain areas of the City with varying levels of success and resident acceptance.

The issue of accommodating the automobile in a contemporary neighborhood is believed to be a “design exercise” of the civil engineer and land developer’s architect/designer. Such accommodation also requires modification of the placement of driveways from property lines given there were neighborhood protection standards created to restrict the placement of a driveway within 5-feet of residential property line and not permitting it to occupy more than 50% of the lot frontage (i.e. 15-ft on a 30-ft wide lot).

Given these considerations, the following is offered as a mean of not having required parking dominate or “drive” the form of small lot development:

**Revision #1 – Table 4.1-5: Yard Area Exceptions**

Table 4.1-5: Yard Area Exceptions		
Structure, Feature, or Use	Yard Encroachment (maximum)	Conditions or Limits
Building sills, belt courses, cornices, chimneys, buttresses, ornamental features, eaves, and rain barrels	2 ft. into a yard	

<b>Canopies or open porches</b>		6 feet into front or rear yard		Roof area limited to 60 sf or less; Porch cannot be enclosed
<b>Driveways</b>	Single- and Two-Family Residential	Up to a 2-car garage	Permitted to a maximum width of 20 ft. in any front, rear, side, or corner side yard	Single- and two-family residential driveways <b><u>on lots greater than 60-feet of roadway frontage</u></b> shall maintain a setback of 5 ft. from the side property line and shall not occupy more than 50% of the lot width. <b><u>Single- and two-family residential driveways on legal lots with less than 60-feet of roadway frontage may locate their driveway on the property line.</u></b>
		3-car garage	Permitted to a maximum width of 28 ft. in any front, rear, side, or corner side yard	
		Shared duplex driveway	Permitted to a maximum width of 36 ft. in any front, rear, side, or corner side yard	
	Multi-Family, Commercial, and Mixed-Use	Permitted to a maximum width of 42 ft. without a turning analysis, in any front, rear, side, or corner side yard		Multi-family, commercial, and mixed-use driveways shall maintain a setback of 10 ft. from any side property line adjacent to a Residential district, or as determined by the required driveway radius.
<b>Lot boundary fences, walls, and retaining walls</b>		Permitted up to lot line		May not encroach on public right-of-way or adjacent property without consent of owner
<b>Open fire escape</b>		Into side yard, by no more than ½ the side yard width		Cannot extend more than 4 feet from the building
<b>Open paved terraces</b>		10 feet into front or rear yard		
<b>Solar or geothermal energy equipment</b>		Permitted in a side or rear yard		Not within 2 feet of a side or rear property line

## Revision # 2 – Required parking “location”

### Sec. 29-4.3(f) – Location and use of Parking Facilities

#### (1) Location.

- (i) All required parking shall be provided on the lot(s) where the principal use is located unless otherwise provided by this chapter.

**(ii) A maximum of on-half (0.5) of the required off-street automobile parking for single-family detached dwellings on lots less than five thousand (5,000) square feet may utilize on-street, curbside parking when:**

- (a) **The lot has no less than 23-feet of frontage along its adjacent curblin, not including the width of its private driveway and the required driveway “flare”; and**
- (b) **The public street to which the lot has frontage contains no less than 28-feet of pavement; and**
- (c) **The lot is not located on a cul-de-sac.**

- (iii) Off-street automobile parking facilities required by this section for all non-residential uses may be located either on the premises of the building or use or within one thousand (1,000) feet of such building or use.
- (iviii) In the M-N district, on-site parking for non-residential uses shall not be located closer to the primary street frontage of the lot than the front façade of the principal structure, except for one double-loaded row of parking, which may be located between the front building façade and the front lot line, if it is not located in a required front yard area. The option to include one double-loaded row of parking in this location is not available on properties where the applicant has selected to use the "pedestrian" dimensional standards shown in sections 29-2.2(b)(2) (M-N district) and 29-4.1 (dimensional standards).
- (iv) No portion of an off-street parking facility shall be located in a public street or sidewalk, parkway, alley, or other public right-of-way.
- (vi) In a residential district, no paved driveway or outdoor parking area shall be permitted to cover more than thirty (30) percent or five hundred (500) square feet, whichever is greater, of any required front yard or required rear yard area. The thirty (30) percent limit shall include areas included in driveways.  
Notwithstanding the limitations stated above, in a residential district where detached single-family dwellings are on lots containing less than 5000 square feet, no paved driveway or outdoor parking area shall cover more thirty (30) percent or two hundred (200) square feet, whichever is greater, of any required front yard or required rear yard area.

***Encourage cohesion within and between developments such that scale differences are minimized***

#### **Sec. 29-4.7. Neighborhood protection standards.**

- (a) *Intent.* This section is intended to preserve the residential neighborhood character of established homes within residential districts adjacent to newly created "small" and "medium" lot development and existing or proposed multi-family uses districts and between adjacent uses within to-mixed use or special zoning districts.
- (b) *Applicability.* These standards apply:
  - (1) To lots in the R-1 district containing less than seven thousand (7,000) square feet and to lots in the R-2 or R-MF districts containing less than five thousand (5,000) square feet that are improved with a single-family detached dwelling; and
  - (2) To all lots in the R-MF district that contain a principle use other than a single- or two-family dwelling; and
  - (23) To all lots located in any district other than the R-1 and R-2 districts that shares a side or rear lot line with a lot in the R-1 or R-2 district.

- (c) *Building height.* Buildings constructed after the effective date of this Code with a height greater than thirty (30) feet shall reduce the perceived height of the building when viewed from abutting lots by using at least one of the following techniques:
  - (1) "Stepping down" building height of any portion of the building within twenty-five (25) feet of the contiguous side and rear lot lines to a maximum of twenty-four (24) feet.
  - (2) Increasing the contiguous side yard and rear yard setbacks a minimum of ten (10) feet beyond that otherwise required in the district where the property is located.
- (d) *Screening and buffering.* The standards of section 29-4.4(e) shall apply.
- (e) *Lighting height.* The maximum height of any lighting pole within fifty (50) feet of the side or rear lot lines shall be twenty (20) feet. All lighting shall be directed downward or otherwise situated as to prevent visible glare from beyond the property lines.
- (f) *Building orientation.*
  - (1) All newly constructed non-accessory structures erected shall provide front entrances, windows and any porches oriented to the street from which it is addressed.
  - (2) For the purposes of applying setback regulations, the following shall be applied: the front shall be toward the street or access corridor from which the lot is addressed; the rear is opposite to the front or as nearly so as the lot shape permits; and the sides are ninety (90) degrees to the front or as nearly so as the lot shape permits.
- (g) *Lot combination.* No lot in any existing subdivision may be combined with another lot without complying with the requirements of section 29-5.2.

**Require installation of sidewalks and street trees to activate roadway frontages to create "walkability"**

The provisions dealing with **general** sidewalk installation are located within Sec. 29-5.1(d) of the Unified Development Code (UDC) and are shown below. Given these requirements apply to **any subdivision** created **after** March 2017 it is potentially not necessary create a new "use-specific standard" addressing this desired outcome.

However, a closer review of these standards, finds that they do not effectively differentiate between a final platting action that involves a single, non-legal lot or a multi-lot new subdivision that is considered "infill" development or "greenfield" development. Given this deficiency, staff believes additional guidance should be established to address when sidewalk construction is needed with respect to all types of development (i.e. standard lots and small lots) and within specific contexts (i.e. infill or greenfield development).

In general, staff believes **no modifications** to the existing provisions are necessary when an individual is seeking to divide a "greenfield" parcel (i.e. unplatted) or platted parcel greater than 1 acre or resulting in more than 5 lots for the purposes of "small lot" development. If the Commission **shares** this belief, then the **bold, underlined** change below may assist in addressing new one lot plats seeking to secure "legal lot" status or plats considered "infill" development and containing fewer than 4 "small" lots governed by zoning district location and area (i.e. lots less than 7,000 sq. ft. in R-1 or less than 5,000 sq. ft. in R-2 and R-MF).

(d) *Sidewalks.*

(1) *Applicability.*

- (i) The following standards apply to **any subdivision that receives final plat approval after the effective date of this chapter** and any subdivision platted before 2001 that is less than twenty-five (25) percent built-out. Any subdivision platted before 2001 and built-out by twenty-five (25) percent or more shall complete construction in accordance with the sidewalk standards in place at the time of final plat approval.
- (ii) **Undeveloped lots shown on subdivision plats** that received final approval **before January 1, 2001** shall install sidewalks in compliance with the city street and storm sewer specifications and design standards now applicable or later issued by the director of public works or adopted by the council, along their respective street frontage(s), unless otherwise specified in this chapter.
- (iii) The following standards shall not apply to any subdivision containing 4 or fewer lots that receive final plat approval after the effective date of this chapter provided that such lots proposed contain less seven thousand (7,000) square feet of lot area in the R-1 district or less than five thousand (5,000) square feet in the R-2 or R-MF districts. Notwithstanding the foregoing, any subdivision containing 4 or fewer lots as described above located along a collector or arterial street shall install sidewalk along such street frontage as provided for within subsection (2) below.**

(2) *Standard requirements.*

- (i) No permit shall be issued for the construction of a new building or additions to buildings on property located on an arterial or collector street unless:
  - (A) A sidewalk exists adjacent to the property along the arterial or collector street; or
  - (B) The plans for the building provide for the construction of such a sidewalk; or
  - (C) Otherwise specified as a note on the plat or in a performance contract between the developer and the city.
- (ii) The requirements of subsection (i) do not apply to construction of accessory buildings.
- (iii) No certificate of occupancy shall be issued for any building described in subsection (i) if the building plans provide for construction of a sidewalk along an arterial or collector street unless the sidewalk has been constructed or the property owner has provided a bond, letter of credit or other instrument acceptable to the director of public works guaranteeing construction of the sidewalk within six (6) months of issuance of the certificate of occupancy.
- (iv) Sidewalks are not required along streets classified as freeways.
- (v) Sidewalks shall be required on both sides of expressways and frontage roads unless the council determines that potential or existing pedestrian volumes do not necessitate sidewalks to safeguard the public health, safety and general welfare.
- (vi) Sidewalks shall be constructed within all pedestrian easements and on **both sides of all internal streets and on the abutting side of any adjacent street** unless otherwise specified in this UDC.
- (vii) **A sidewalk shall not be required along a residential access street that is less than two hundred fifty (250) feet in length and terminates in a cul-de-sac.** Sidewalks shall be a minimum of five (5) feet in width along all other streets.
- (viii) Where a final plat creates a common lot or a non-buildable lot, a sidewalk shall be constructed along the portion of each street abutting the lot at the same time the abutting street is constructed or within three (3) years of such lot being created when such lots abut an existing street. No street shall be accepted for public maintenance upon which a common lot or non-buildable lot fronts without first having such sidewalk located adjacent to such lot being installed.

This subsection shall not apply to any subdivision that received final plat approval before January 1, 2006.

- (ix) Sidewalks shall be constructed to comply with the standards contained in this section 29-5.1(d)(2) and with the city design standards and specifications established by the director of public works or adopted by the council.
- (x) Whenever a permit is issued to construct, reconstruct, repair, alter or grade any sidewalk curb, curb cut, driveway or street, handicapped ramps shall be required to be installed in accordance with design standards included in the city's standard plan and specifications at all curb and driveway crossings to be constructed, reconstructed, repaired or altered; provided, that the director of public works may waive said requirement if he determines that requirement of handicapped ramps is impractical under all the circumstances.
- (xi) The council may require a sidewalk to be constructed to standards higher than the minimum standards of this section 29-5.1(d)(2) provided that the city compensate the property owner for the additional cost of constructing the sidewalk.

The second component to this desired “use-specific standard” is to require the platting of **street trees** to encourage “walkability”. Prior revisions to the UDC removed street tree planting requirements along streets with less than 50-ft of right of way. This decision was made given that the right of way width was determined to have been too narrow to support a hospitable location for tree planting. While the UDC affords for an option to install **required street trees** on private property when the public right of way cannot accommodate such plantings this option has been used sparingly given administrative concerns associated how to manage the trees post-planting.

An option to address the objective of creating more walkable neighborhoods with treelined streets and sidewalk would be to potentially make such tree placement a private responsibility required prior to the issuance of a certificate of occupancy for the new dwelling. While this would ensure that the tree is initially installed, it does not guarantee its ultimate survival or longevity after it matures. Furthermore, requiring such installation may pass costs and unwelcomed burdens onto a future property owner.

Creation of a “use-specific standard” requiring tree placement within “small lot” developments that do not containing rights of way greater than 60-feet would be inconsistent with the protocols that currently exist for any traditional subdivisions being developed with minimum or larger lots. For this reason, staff does not believe a unique provision should be pursued to achieve this desired outcome. While not recommended as a new “use-specific standard” its omission would not prohibit a private developer from choosing to install it as a means of enhancing overall development curb appeal.