

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.**

Commented [PZ1]: Inclusion of this clause would mean that this provision would only apply to newly platted developments.

Commented [PZ2]: This threshold means that a parcel containing approximately 2.6 acres of gross land area (80% developable) would be required to provide open space. This assumes 100% of the lots to be created are 3000 sq. ft. in area.

Commented [PZ3]: The amount of open space would be 9000 sq. ft. (143 sq. ft/person). This is approx. to 10% of the 2.6-acre development's net developable acreage (i.e. 80% of 2.6-acres) and represents 5% less than that required for non-residential development.

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, **except on lots less than 5,000 sq. ft. in area**;
 - (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 5,000 sq. ft. in area, 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.**

(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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Commented [PZ4]: Establishes compliance requirement for single-family detached residences on lots less than 5000 sq. ft.

Commented [PZ5]: Stipulates provisions apply to developments of 30 or more lots.

Commented [PZ6]: Requires minimum housing style mixture

Commented [PZ7]: Reduces likelihood of development monotony. 20% pulled from M-DT standards

Commented [PZ8]: Mirror maximum within the R-MF district for attached SF buildings

Commented [PZ9]: Step-down/increased setbacks pulled from neighborhood protection standards to reduce possible impacts on smaller single-story structures

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		
Canopies or open porches		6 feet into front or rear yard		Roof area limited to 60 sf or less; Porch cannot be enclosed
Driveways	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	<u>Single- and two-family residential driveways on lots greater than 60-feet of roadway frontage shall maintain a setback of 5 ft. from the side property line and shall not occupy more than 50% of the lot width. Single- and two-family residential driveways on legal lots with less than 59-feet of roadway frontage may locate their driveway on the property line.</u>
		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	

Commented [PZ10]: These revisions retain the required setback for all “conventional” lots (i.e. ≥60-ft) and requires no setback for “narrow” lots. This in effect would allow a “shared” 20-ft driveway (10-feet on either side of a property line) to be installed to access the rear of adjoining residential development.

	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.
Lot boundary fences, walls, and retaining walls		Permitted up to lot line	May not encroach on public right-of-way or adjacent property without consent of owner
Open fire escape		Into side yard, by no more than ½ the side yard width	Cannot extend more than 4 feet from the building
Open paved terraces		10 feet into front or rear yard	
Solar or geothermal energy equipment		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) All or a portion 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 curblane, 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.

- (iv) 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).**

Commented [PZ11]: This provision allows a full or partial waiver of on-site parking for small lots less than 5000 sq. ft.. The 5000 sq. ft. threshold was chosen given lots larger than this have made on-site parking work within the current built environment.

Commented [PZ12]: This is the minimum “parallel” parking space dimension within the UDC. It is possible a the 30-ft minimum lot width would accommodate on-street parking; however, it is likely that a width of 32 to 34 feet may be needed to accommodate at least 1 on-street parking space.

Commented [PZ13]: This is minimum amount of street pavement allowing 2-sided on-street parking; however, results in only 12-feet of travel lane width for fire access. A 32-pavement section does exists which is leave 16-feet for fire access lane width, but is still 4-feet short of the required 20-ft by Code. Parking restrictions may solve this issue.

Commented [PZ14]: This has been added given existing frontage constraints on cul-de-sacs

- (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 not cover more thirty (30) percent or four hundred (400) square feet, whichever is greater.

Commented [PZ15]: Provision added to ensure the required front yard is not completely paved when a 30-ft wide small lot is proposed. The 400 sq. ft. will allow a 20'x20' driveway within the front yard that may or may not lead to a single space garage or driveway leading to the rear of the home to a detached garage.