



## Planning and Economic Development

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From: Chris McLeod, AICP, Planning Manager  
To: Members of the Planning Commission  
Date: 4/10/2024  
Re: Potential Zoning Ordinance Amendments

Planning staff has been working on potential amendments for the past several months, along with input from the City's planning consultant Giffels Webster and the Building Department. Below please find a description of the two proposed amendments at this time. Please keep in mind, the included text is draft and intended for discussion purposes. Staff is seeking input on the amendments from the Planning Commission.

### **"Small Lot Single Family Residential Construction"**

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#### ***Issue***

The City has a number of "small lots", particularly in the southern sections, that do not comply with minimum lot size and area requirements. These lots are existing lots of record and many of them can be developed with a single-family residence, albeit with some difficulty of meeting all City requirements. The City has for a number of years had zoning provisions that allow for the reduction in side yard setbacks, pursuant to several conditions, to help facilitate construction on these lots in a more appropriate manner. While the intent is to still allow for these setback reductions and single-family house construction, it may be appropriate to "qualify" when and how the setbacks may be reduced.

In addition, due to the current desire to construct larger homes within the City, the potential exists to construct a single family residence on one of these "smaller lots", that while potentially still meeting zoning ordinance requirements, particularly in terms of height, may create unintended consequences for other, older, smaller homes that may already exist in the neighborhood. It may be also be appropriate to limit the height of residential structures on these "small lots" with reduced setbacks, to limit impacts.

#### ***Potential Amendments***

The sections that pertain directly with the reduced side yard setbacks is Section 138-5.101 (D) – **modifications are in red.**

Section 138-5.101 Footnotes to the Schedule of Regulations

- D. **Reduced Side Yard on Narrow Lots.** If the lots or parcel is less than 60 feet in width, one side yard may be reduced to five (5) feet providing the total of the two (2) side yards shall be a minimum of fifteen (15) feet, except as denoted in Section 138-5.101.C above. **To reduce a side yard to five (5) feet, the existing side yard on the abutting lot shall be a minimum of ten (10) feet.**

The sections that pertain directly with building height modifications in R-3 and R-4 One Family Residential Districts is Section 138-5.101 (P)

- P. **Increased Building Height.** In the R-3 and R-4 districts, the maximum building height may be increased up to 35 feet when all of the following conditions are met:

1. The building site shall contain at least 13,500 square feet of lot area.
2. Minimum side yard setbacks, including the total of two, shall be increased by one-half-foot for each one foot or part thereof by which the proposed building height is in excess of 30 feet.
3. If an increase in building height is proposed on a lot which shares a common side yard with a lot occupied by an existing dwelling, the increased height of the proposed dwelling shall not be more than 190 percent of the height of a dwelling on a lot sharing a common side yard.

In the R-3 and R-4 districts, the maximum building height shall be limited to 24 feet when the following conditions are met:

1. The lot or parcel is 60 feet in width or less, or
2. The setback has been reduced as denoted in Section 138-5.101(D) above.

## Highway Business Rear Yard Setback

### Issue

The City, as a part of the Nonresidential District rewrite that occurred last year, allowed for the potential reduction of rear yard setbacks within the Neighborhood Business (NB) and Community Business (CB) Districts when the rear yard abuts similar or otherwise nonresidential districts. The Highway Business (HB) District was inadvertently omitted from this allowable modification. Staff is recommending that the potential modification to the rear yard setback in the HB District be inserted into the Zoning Ordinance to allow the Planning Commission the flexibility of such a reduction when appropriate.

### Potential Amendments

The sections that pertain directly with the reduced rear yard setbacks is Section 138-5.101 (H) – **modifications are in red.**

- H. **Rear Yard Setback Adjacent to a Nonresidential District.** Where an NB, ~~or~~CB, **or** HB district abuts any other non-residential district, the rear yard for the NB, ~~or~~CB, **or** HB district may be reduced to ten feet with the approval of the Planning Commission, upon its determination that the requested reduction will allow for better development and will be compatible with adjoining properties.

Table 7. Schedule of Regulations - NONRESIDENTIAL DISTRICTS

District	Minimum Lot		Maximum Building Height		Minimum Yard Setback (feet) <sup>K</sup>			
	Area (sq. ft.)	Width (ft.)	Stories	Feet	Front	Side (each)	Side (total)	Rear
NB	(E)	(E)	2	30	50 <sup>S</sup>	0 <sup>F</sup>	50	50 <sup>H</sup>
CB	5 acres <sup>E</sup>	400 <sup>E</sup>	2	30	75 <sup>F, S</sup>	25 <sup>F, V</sup>	50	75 <sup>G, H</sup>
HB	(E)	(E)	3	42	25	25	50	30 <sup>H</sup>
O	(E)	(E)	3 <sup>Q</sup>	42 <sup>Q</sup>	35	0 <sup>F</sup>	50	35
EC	(E)	(E)	3 <sup>Q</sup>	42 <sup>Q</sup>	25 <sup>U</sup>	25 <sup>F, M, T</sup>	50 <sup>M, T</sup>	30 <sup>M</sup>
I	(E)	(E)	3	42	50 <sup>L, I</sup>	50 <sup>M, N, J, L</sup>	100 <sup>L, M, N</sup>	50 <sup>L, M</sup>

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SP	(E)	(E)	2	30	50	50	100	50
BD	See <a href="#">Article 6</a> , Chapter 3 for Brooklands district regulations							
FB	See <a href="#">Article 8</a> for flex business (overlay) district regulations							