

# Proposed Changes to ZOAC Recommendations

M. Novotny  
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## Four recommendations:

- 1) **Revise, do not eliminate, side and rear setback relief**
- 2) **Restrict height by lot width, but increase minimum height to at least 28'**
- 3) **Possibly add design restrictions to cases where one home is redeveloped into two**
- 4) **Review additional items not addressed**

**1) ZOAC Residential Recommendation # 5:** Eliminate the setback bonuses for houses built on substandard lots.

## Issues:

- ZOAC discussion on this recommendation focused largely on the situation where one existing home on two substandard lots gets redeveloped into two new homes. However city data and staff reports show 40% +/- of the City's R1-A and R1-B parcels are substandard, and only about 11% +/- have multiple lots. Presumably some smaller number of these would be eligible to redevelop with two homes. Adopting this recommendation would go well beyond its intent and impact a significant number of landowners who, over time, will seek to develop an empty lot or replace their existing home with one structure, not two.

	Staff Analysis Sep 2009		FOIA Spreadsheet Feb 2011	
Total Parcels	100%	2,642		2,418
Estimated Substandard Parcels	34%	888	40%	976
Substandard Parcels w-Multiple Lots	NA	NA	11%	273

- Perhaps more importantly, this recommendation will make new homes even narrower than is currently permitted, which I don't believe was intended by the group. For example, a 40' wide R1-B substandard lot is currently permitted to have a 24' wide home. If the setback relief is eliminated, that same home would be reduced to **20' wide**. (See examples on pages 2).
- There remains an issue that under the current code a substandard lot "by area" can receive side yard setback reductions even if its "width" is conforming, and a substandard lot "by width" can receive rear yard setback reductions even if its "area" is conforming. The revision below addresses this.

## Proposed Revision:

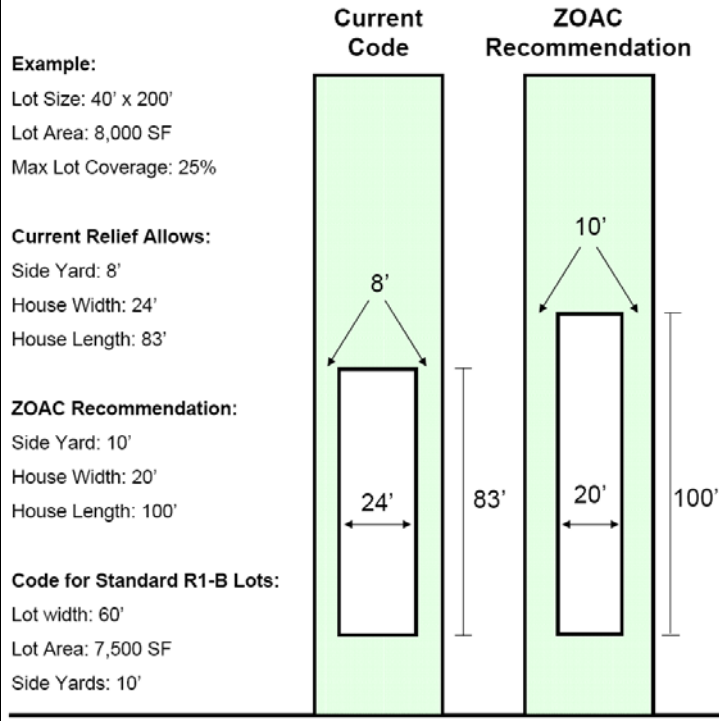
**Prorate side yards based on actual lot width and prorate rear yards based on actual lot area (similar to how height is currently prorated). Setbacks would be reduced proportionately based on how close a lot is to being standard.**

- Sec. 48-1102 (b) (2) a. A substandard lot's minimum side yard ~~may be reduced to not less than 20 percent of the lot width, but not to less than 7½ feet in any case~~ shall be determined as a ratio of actual lot width to the required lot width multiplied by the maximum allowable side yard in the underlying zoning district. However, the substandard lot side yard shall not be less than 7 ½ feet in any case.

Sec. 48-1102 (b) (2) b. A substandard lot's minimum rear yard ~~may be reduced to not less than 30 percent of the lot depth but not less than 20 feet in any case~~ shall be determined as a ratio of actual lot area to the required lot area multiplied by the maximum allowable rear yard in the underlying zoning district. However, the substandard lot rear yard shall not be less than 20 feet in any case.

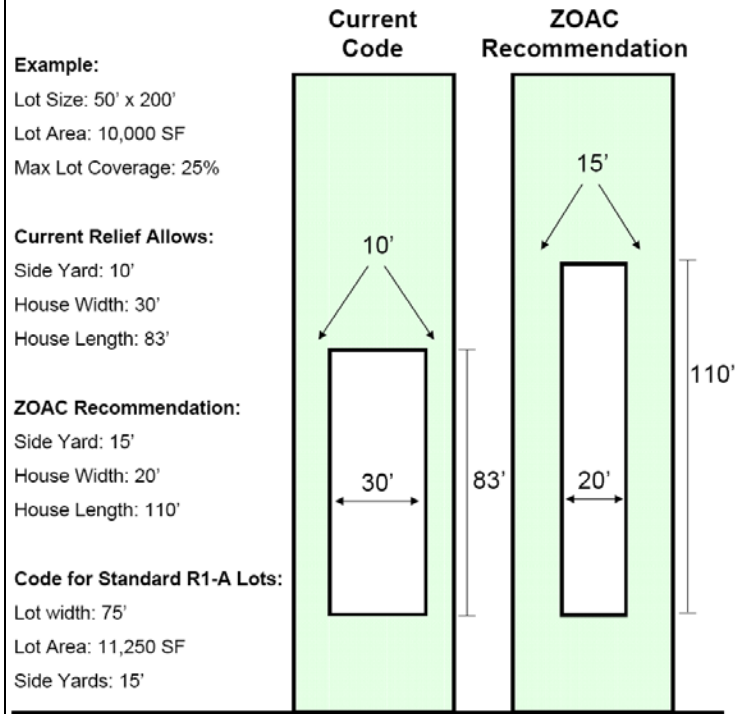
### R1-B Substandard Lot Example – 40' Wide

Removing setback relief will create narrower homes on substandard lots. The proposed revision preserves needed side yard relief on a prorated basis.



### R1-A Substandard Lot Example – 50' Wide

Removing setback relief will create narrower homes on substandard lots. The proposed revision preserves needed side yard relief on a prorated basis.



**2) ZOAC Residential Recommendation # 4:** Modify the current height restrictions for substandard lots by area to include substandard lots by width or area.

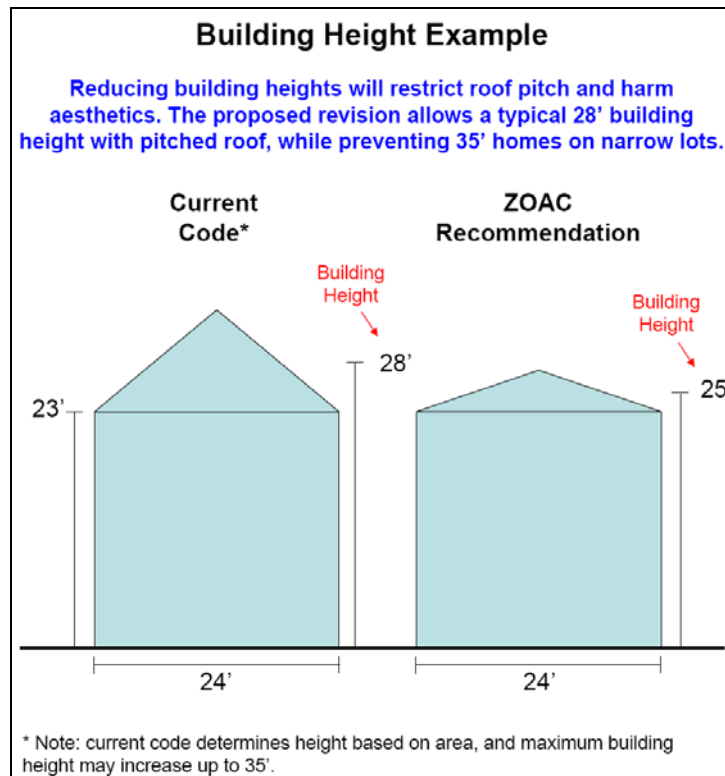
Issues:

- This is a positive recommendation, however it requires one important adjustment regarding minimum building height.
- Most new two-story homes need a building height of at least 28' (\*may need up to 30' – 31' if lot is sloped) which allows for sufficient floor-to-floor height and an adequately pitched roof. Going below 28' in height will lower the roof pitch and make the home less aesthetically pleasing. (See example below)
- The ZOAC recommendation will push more lot owners below 28' in height. Specifically, any substandard lot owner with a 60' wide lot or less in R1-A and 48' wide lot or less in R1-B would be required to build below 28'. In each of these cases, homeowners will likely avoid gable roofs and instead opt for lower pitched or flat roofs.
- The minimum height should be adjusted from 25' to at least 28' to meet current construction standards and avoid the introduction of low or flat roofs.
- Adopting the ZOAC recommendation along with this modification will still prevent narrow homes from building to the maximum 35' height limit, but does so without creating unintended design issues.

Proposed Revision:

**In addition to the ZOAC recommendation, change the minimum building height for substandard lots from 25' to 28' to meet current construction standards and avoid negatively impacting the exterior design of a new home.**

- Sec. 48-1102 (b) (2) c. The substandard lot building height shall be determined as a ratio of actual lot area to the required lot area or actual lot width to the required lot width, whichever is the lesser percentage, multiplied by the maximum allowable height in the underlying zoning district. However, the substandard lot building height shall not be required to be less than ~~25~~ 28 feet.



**3) ZOAC Residential Recommendation # 6:** Add an intent statement to the code indicating that lots that were jointly developed after February 14, 1944 were under joint ownership and reasonably combined at that time and do not have individual development rights. An example of an intent statement is, "It is the intent of this section that individual substandard lots of record jointly developed at any time after February 14, 1944 to meet the requirements of the zoning code may not separately be used for a one-family dwelling because they were under common ownership when combined at the time of the joint development.

Issues:

- Allowing redevelopment of aging homes will increase assessment values and tax base of existing parcels. (There is potentially an offsetting impact to schools that should be studied.)
- If done well, redevelopment could add aesthetic value to the neighborhood. If done poorly, could detract.
- Can this practice be permitted in a way that addresses aesthetic design issues and concerns voiced by the public?

Possible Revision:

**Is it possible to structure a compromise where the practice is allowed to continue but design of these homes is strictly regulated? Suggestions include:**

- **Limit building height by lot width (w-28' min height) per proposed revision above.**
- **Create a design review board strictly for homes proposed for this situation, consisting of staff and members of the community with professional design experience?**
  - **A new design review board could be formed for each application to be neighborhood specific, if necessary?**
- **Require the two proposed new homes to have a materially different design?**
- **Require the two proposed new homes to be designed by different architecture or design-build firms?**
- **Require the design for both homes be submitted simultaneously so each can be reviewed in context?**
- **Require Planning Commission approval of final design?**

**4) Additional Items** that warrant further discussion:

- **ZOAC Residential Recommendation #9:** Increase protection of historic structures by enabling mandatory HARB approval for exterior renovations that impact the historic character of the structure.
  - **If adopted, consider requiring HARB to:**
    - **Consist of members with professional design/architecture experience**
    - **At least one member should be professional City Staff**
    - **Create design guidelines that are approved ahead of time by Planning Commission and City Council**
    - **Limit to exterior renovations that can be viewed from the street**
- Removal of Front Yard Averaging?
- Establishing Building Height from top of curb or street elevation rather than average grade of the building footprint (to address sloped lots)?
- Increase permitted garage height to above 12' to allow pitched/gable roofs?