

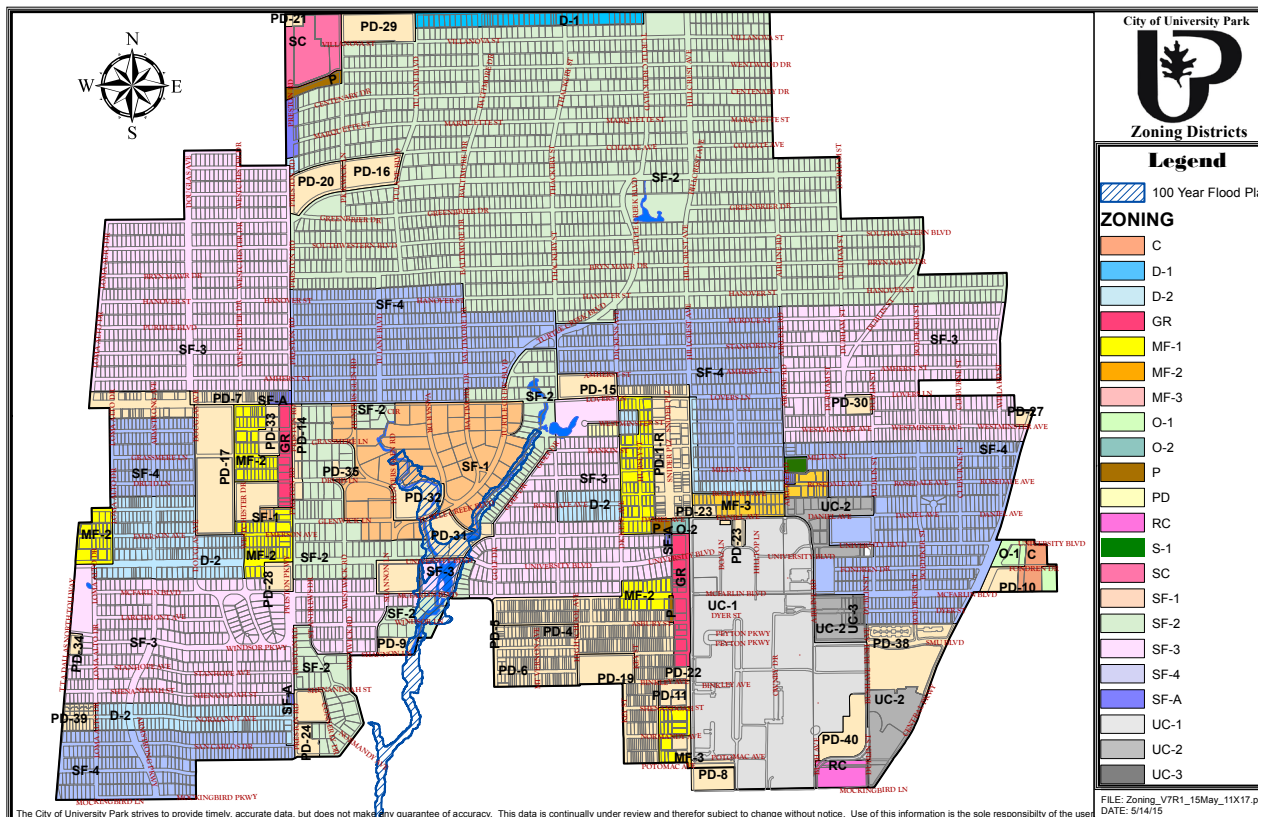


University Park  
Zoning Ordinance Update  
**Review and Approaches Report**  
September 2016



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# Introduction

The City of University Park has begun a project that will lead to a complete reorganization, reformat and update of the existing Zoning Ordinance. This ordinance update effort will focus primarily on modernizing and clarifying existing regulations, thereby making them easier to understand, administer and enforce.

A project steering committee has been established to help lead the update effort. This City Council-appointed group will serve as a sounding board and provide policy guidance throughout the project. An initial meeting of the steering committee was held in May 2016. The group will continue to meet to receive status updates and review draft work products.

The city has engaged a consultant team to help prepare the updated ordinance. Since beginning their work, the team has been examining the city's existing zoning regulations and conducting informal surveys of development patterns throughout the city. In June 2016, the consultants conducted small group

listening sessions with elected and appointed officials, community residents, builders and architects. These discussions provided valuable insights into existing regulations and procedures that have been a source of varying interpretation and frustration.

This report summarizes the consultant team's initial recommendations regarding the scope and direction of the University Park Zoning Ordinance update. The intent is to provide a sense of the general direction to be pursued in the update, not to identify the specifics of every needed or proposed change. After review and acceptance by the project steering committee, the report will serve as a general blueprint for preparing the new ordinance. The observations and recommendations presented here are based on city staff, steering committee and stakeholder input, as well as the consultant team's independent review and assessment. The consultant team is solely responsible for any errors or misstatements in the report.







# Ordinance Review and Issue Identification

This section provides a general review of the existing Zoning Ordinance and includes a listing of issues identified in the initial phase of the project.

## Article 1. General Provisions

The first article of the ordinance contains legal “boilerplate” provisions, none of which would seem to warrant substantive change as part of the update project.

Sec. 1. Purpose and Authority

Sec. 2. Compliance with Zoning Regulations Required

Sec. 3. Severability and Savings Clauses

Sec. 4. Adoption and Repeal

Sec. 5. Amending Clause

Sec. 6. Transitional Provisions

## Article 2. Development Review Bodies

Article 2 contains basic administrative provisions identifying the powers and duties of review and

decision-making bodies. The article’s provisions sometimes repeat information found in other parts of the Zoning Ordinance and the city code. Whenever information is repeated in an ordinance or code, there is a risk that the provisions will become inconsistent or conflicting, as changes are made in one section but not another. For this reason, we plan to condense these administrative provisions and attempt to eliminate redundancies.

## Sec. 7. City Council

This section may not be necessary in light of the City Charter (Ch. 9) and Art. 1.03 of City Code.

## Sec. 8. Planning and Zoning Commission

Section 8 repeats provisions found in other sections of the Zoning Ordinance (e.g., mailed notice) and in the City Charter and City Code.

**Sec. 9. Community Development Manager**

These provisions will be edited and simplified. The appeal provisions of Sec. 9-101 should be moved to the procedures article of the new ordinance (see “Reorganize the Ordinance” on page 12). Titles should also be updated to reflect current city practices.

**Sec. 10. Board of Adjustment**

This section repeats provisions found in the City Charter and City Code and includes some provisions that should be moved to the updated procedures article (e.g., the lapse of approval provisions in Sec. 10-103(c))

**Article 3. Review Procedures**

The existence of a consolidated “procedures” article is a good feature of the current ordinance. However, the sequence in which information is presented in Article 3 lacks a readily apparent organizational logic. We propose to organize the new procedures article to reflect the typical sequence of development/permit approvals or, alternatively, to group the procedures to reflect who has final decision-making authority. We will include (common) provisions of general applicability at the beginning of the updated procedures article, thereby avoiding the need to continually repeat information that is common to most review/approval processes.

In its present form, the review procedures article does not include Board of Adjustment procedures for variances or special exceptions. These will be included in the updated procedures article. We will also propose new or updated review and approval criteria to guide decision-making on various types of applications.

**Sec. 11. Creation of Building Site****Sec. 12. Certificate of Occupancy****Sec. 13. Fence or Retaining Wall Permit**

Consideration should be given to consolidating the fence and wall provisions with those found in Sec. 28 of the current ordinance.

**Sec. 14. Special Exception**

This section does not currently include information on the actual “procedure” to be followed in the review of

special exceptions. This deficiency will be addressed in the updated ordinance. As part of the update, consideration should also be given to using the special exception process (as opposed to variance process) for additional forms of zoning relief, thereby making it possible to apply planning and community character considerations (rather than hardship criteria) when considering *some* forms of zoning relief.

**Sec. 15. Amendments**

The (text and map) amendment and SUP processes are the same, which is consistent with state law.

**Sec. 16. Specific Use Permit (SUP)**

The SUP process is the same as the amendment process, which is consistent with state law.

**Sec. 17. Planned Development District (PD)**

The PD process involves rezoning that is tied to a detailed site plan.

**Sec. 18. Appeal of Administrative Decision**

This section lacks decision-making criteria, a shortcoming that will be remedied in the new ordinance.

**Listening Session Comments (Variances)**

- |    |   |
|----|---|
| 1. | <i>Odd-shaped lots (e.g., along Turtle Creek) are a frequent source of variance requests</i>  |
| 2. | <i>Hardship (decision-making) criteria makes it difficult to approve (sometimes common-sense) requests for zoning relief</i>  |
| 3. | <i>Requiring preapplication conferences for variance requests might help “filter” requests that have very low chance of approval (before they get to the Board of Adjustment)</i> |

**Article 4. District Regulations****Sec. 19. In General**

While the vast majority of the city is classified in one of the city’s four SF (single-family) districts, there are 18 other zoning classifications in the ordinance. All of the 22 existing districts appear on the zoning map, except for the UC-4 (University Campus-4) district. This district may be a candidate for elimination or consolidation with one of the other UC districts.



**Existing (22) Districts**

- 4 Single-Family Detached
- 1 Single-Family Attached
- 2 Duplex
- 3 Multi-Family
- 1 Parking
- 4 University Campus
- 2 Office
- 1 General Retail
- 1 Retail Center
- 1 Shopping Center
- 1 Commercial
- 1 Planned Development (40 variants)

**Sec. 20. Use Table**

The residential and nonresidential use tables of Sec. 20 identify uses that are allowed (or prohibited) in the various zoning districts. The listing of uses is fairly detailed and includes principal, accessory and temporary uses. As part of the update, we will propose some modernization of the current use classification system.

According to Sec. 20-103, the City Council is authorized to classify uses not listed in the use table after review and a recommendation by the Planning and Zoning Commission. A more common and expeditious approach would be to authorize staff-level use interpretations, with the right of appeal by the applicant. Regardless of the approach taken, the criteria for making such determinations should be updated in the new ordinance.

**Listening Session Comments (Uses)**

- |   |
|---|
| <p>4. <i>Use classifications should be modernized and updated (example: ice cream shop—is it a restaurant? Something else?)</i></p> |
|---|

**Sec. 21. Single-Family Dwelling Districts**

The single-family (SF) district regulations of Sec. 21 span nearly 20 pages of the Zoning Ordinance. Due in large part to the numbering system used, this section is complex and difficult to navigate. The SF district regulations are summarized in Table 1 on page 6.

**Listening Session Comments****(House Scale, Size and Design)**

- |   |
|---|
| 5. <i>Side wall length and plate height regulations are too restrictive</i>   |
| 6. <i>May be time to consider increasing single-family plate height 13.5 feet</i>   |
| 7. <i>Plate heights are okay; overall heights are okay</i>  |
| 8. <i>Should go further with building articulation incentives</i>   |
| 9. <i>Dormer spacing—should not apply same side rules to front-facing facade</i>  |
| 10. <i>Top of beam measurement (not in Zoning Ordinance) is a real challenge</i>  |
| 11. <i>“Top of foundation” measurement point varies depending on type of pier and foundation type—standardize/clarify, issue of what is the top of foundation/beam (brick course setting)</i> |
| 12. <i>Roof pitches – different allowable roof pitches for different size lots does not make sense</i>  |
| 13. <i>Need to address application of the 42% rule to irregularly shaped lots</i>   |
| 14. <i>Should allow front-facing garages</i>  |
| 15. <i>Where to start the 42% measurement and whether to count building insets and cutouts—some would like to be able to use a side courtyard design</i>                                      |
| 16. <i>Why require 2 exits from 3rd floor...if sprinkled?</i>   |
| 17. <i>Dormers—one rule does not fit front AND side</i>   |
| 18. <i>Basements have become very common, issue of light wells in side yards, especially for egress (need to be 36")</i>  |
| 19. <i>Clarify whether front-facing garage in rear of lot is allowed (if detached? if attached?)</i>  |
| 20. <i>Ordinance's single reference to “extended ridge calculation” is confusing because there are no “extended ridge line” provisions in the ordinance</i>                                   |

**(Lot Coverage)**

- |  |
|--|
| 21. <i>Need clarification of what's permeable—seems to be a moving target</i>  |
| 22. <i>Cisterns and water storage tanks are sometimes used to overcome coverage limits—should regulations regarding their use be standardized?</i> |

**Table 1: Summary of SF District Lot and Building Regulations**

	SF-1	SF-2	SF-3	SF-4
<b>Min. Lot Area</b> (sq. ft.)	35,000	10,000	8,400	7,000
<b>Min. Lot Width</b> (ft.)	150	70	60	50
<b>Min. Lot Depth</b> (ft.)	150	120	120	120
<b>Min. Front Setback</b> (ft.) [1]	50	30	30	25
<b>Min. Street Side Setback</b> (ft.)[2]	10	10	10	10
<b>Min. Interior Side Setback</b>				
Structures not exceeding one story in height	10% of lot width			
Structures exceeding one story in height				
Lot width of less than 60 feet				
Single side (% of lot width)	NA	NA	10	10
Both sides combined (% of lot width)	NA	NA	22	22
Lot width of 60 feet or more				
Single side (% of lot width)	10	10	10	10
Both sides combined (% of lot width)	24	24	24	24
<b>Min. Rear Setback</b> [3]	12.5	12.5	12.5	12.5
<b>Max. Rear Lot Coverage</b> (% of rear half)	50	50	50	50
<b>Max. Principal Building Height</b> (ft.)				
Overall Height	35	35	35	35
Top Plate Height				
Lot width of less than 60 feet	23.25	23.25	23.25	23.25
Lot with of 60 to 69.99 feet	24.25	24.25	24.25	24.25
Lot with of 70 feet or more	25.25	25.25	25.25	25.25
<b>Max. Accessory Structure Height</b> (ft.)	25	25	25	25
<b>Max. Length of vertical surface more than 12.5 feet in height</b> (% of lot depth) [4]	42	42	42	42
<b>Min. Rear setback for vertical surface more than 12.5 feet in height</b> (feet)[5]	40	40	40	40

[1] Or block average, whichever is greater

[2] Minimum setback of 10% of lot width allowed on corner lots with width of 60 feet or less if the distance between the curb and sidewalk (minimum width of 4') is 5 feet or greater and the front setback is not less than the minimum front setback requirement for the subject district.

[3] Unless garage faces alley (see Sec. 25)

[4] Lot depth generally measured from front building line; may extend beyond 42% if 1 foot setback for each 2 feet of vertical wall height

[5] Unless part of a gable and set back as required per (b)ii(F)



### (Setbacks)

23. <i>Front yard obstructions (e.g., fountains, recreation equipment landscape features) have a negative effect on street appeal; issue is front yards are being used as back yards – trampolines, play equipment</i>
24. <i>Should allow balconies to encroach into front setback</i>
25. <i>Why do eave/overhang rules vary from front to side (3 feet vs. 18 inches)?</i>
26. <i>Rear setback for above-garage floor space</i>
27. <i>Living space above garage; why does it have to observe the 20-foot garage setback? Should be able to build closer to rear line (12.5' setback)</i>

## Sec. 22. Multiple-Family Dwelling Districts

The multi-family (MF) district provisions of Sec. 22 set out the regulations that apply in duplex (D) and multi-family (MF) districts. In general, these regulations are less complex than those of the SF districts. Many of the regulations included in the MF district section repeat standards found in the SF district section.

The MF districts include design-related standards for building facades facing public streets, although the illustrations associated with these standards are illegible.

### Listening Session Comments (MF Districts)

28. <i>In the future SMU freshmen and sophomores will have to live on-campus, which could free up multi-family for non-college households</i>
29. <i>Duplex zoning should allow for single-family attached (fee simple ownership)</i>
30. <i>Lot combinations (in MF districts) drive perception of some people that new buildings are too dense or out-of-character with surroundings</i>
31. <i>Plate height in multi-family should be context sensitive—strict limits don't make sense when abutting more intensive zoning districts (those allowing taller heights)</i>
32. <i>Ordinance needs to have front articulation regulations for SFA and duplex, getting really flat facades</i>
33. <i>Need to address MF-3 lot size requirement, plated lot size mismatch</i>
34. <i>Should address the subdivision requirement/lot size for SFAs in PD-6 and clarify PD-6 regulations</i>
35. <i>Should the ordinance have better senior housing options to allow older residents to stay in UP</i>

## Sec. 23. Commercial Districts

There is relatively little commercial zoning in the city and no real complaints have been registered regarding the regulations that apply in these districts. Therefore, unless otherwise instructed, our focus will be on reformatting reorganizing and editing the existing regulations.





Several listening session participants raised this issue of air conditioning condenser siting on duplex and attached house lots.

## Sec. 24. University Districts

As the name implies, the UC (University Campus) districts apply to the SMU campus and other areas owned or controlled by Southern Methodist University. Unless otherwise instructed, our focus will be on reformatting reorganizing and editing these regulations.

## Sec. 25. Accessory and Temporary Use Requirements

One of the organizational deficiencies with the current ordinance is that accessory and temporary use regulations are scattered throughout the document. Such regulations appear in the use table, the yard obstruction provisions for each of the zoning districts and in section 25. Fences and walls, which are technically, accessory structures, also have their own section in the document.

Our preliminary recommendation is that all of the regulations that apply to accessory uses and structures and temporary uses and structures should be consolidated into a separate article of the updated ordinance.

## Listening Session Comments (Accessory)

36.	<i>Siting of air conditioner condensers is very difficult under current regulations, especially on narrow lots</i>
37.	<i>Location of and other applicable regulations for swimming pools (location on lot (rear/front half?); setbacks and coverage limits</i>
38.	<i>Regulations governing accessory structure location should be clarified and made more flexible (e.g., relaxing limitations on structures located in the front half of lot</i>
39.	<i>Regulations that apply to accessory structures located on "side lots" when they purchase the lot next door and locate pool and other features on that lot or what was a separate lot</i>
40.	<i>Clarify whether front-facing garage in rear of lot is allowed (detached garage or attached as well?)</i>

## Article 5. General Development Standards

### Sec. 26. Off-Street Parking and Loading

The off-street parking and loading section suffers from many of the same organizational issues as other parts of the ordinance. These issues will be addressed in the updated ordinance. Additionally, the new regulations should clarify the allowed location of required off-street parking spaces for single-family uses (allowed to be outdoor?).

#### Listening Session Comments (Parking)

41. <i>On-street parking on some streets blocks two-way traffic; drop-off drives can help</i>
42. <i>Parking and permeable surfaces; need to get more parking on the lot but keep in mind coverage (character) and runoff issues.</i>
43. <i>How to accommodate parking for large households is challenging</i>
44. <i>On-street parking "cutouts" are good, but they're difficult to do; should try and figure out greater incentives for their use</i>
45. <i>City needs to be vigilant in ensuring that minimum off-street parking requirements are adequate</i>
46. <i>Parking on unpaved surface—need to clarify that it's ALWAYS prohibited, even in rear yard</i>
47. <i>U and J drives have worked well; continue to allow</i>

### Sec. 27. Driveways and Access

Whether in this section or in parking or accessory structure section, the new ordinance needs to include clear and consistent regulations for the allowed orientation of detached garages that are accessed from the street.

#### Listening Session Comments (Driveways)

48. <i>There are no residential driveway standards, so commercial standards govern, which don't work for residential in some cases</i>
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### Sec. 28. Fences, Walls & Equipment Screening

One organizational question that will need to be addressed is whether to: (1) place the fence, wall and screening provisions in their own section, as

is the case currently, or (2) group these provisions with the accessory structure provisions. We will also need to work with staff and the steering committee to determine if the method of measuring fence/wall height on sloping lots should be revised. The existing regulations should be revised to loosen the fence/wall height restrictions when such structures are located within the principal building envelope.

#### Listening Session Comments (Fences/Walls)

49. <i>Fence/wall height is very common variance request</i>
50. <i>Fence regulations are in zoning and in city code – fence permit required for fence 25% of length of any one side (what about an 8' piece from building to side lot line fence?)</i>
51. <i>Fence heights and wing walls on sloped sites are an issue</i>
52. <i>Fence and wall height—should different standards apply for those located within building envelope?</i>

### Sec. 29. Outdoor Storage

This one-sentence section is confusing—"Parking spaces shall not be used for the storage, sale or display of merchandise or the storage, sale or display of complete or dismantled vehicles." It is not clear whether this applies to *non-required* parking spaces as well as *required* spaces or why its applicability is limited to vehicle storage *within parking areas*. The provisions should be revised and relocated or completely replaced with a more general regulations governing outdoor storage and display areas, regardless of location.

### Sec. 30. Drainage & Stormwater Management

This section consists of references to the existence of drainage and floodplain regulations found elsewhere in the city code.

## Article 6. Nonconformities

### Sec. 31. General

This section should be revised to clarify the overall intent of nonconformity regulations and to describe the various types of nonconformities that may exist. The current practice of regulating only nonconforming



*uses* and nonconforming *structures* fails to address the full range of nonconforming situations (lots, uses, structures, parking and other development features). As a result, the existing provisions do not adequately address the nuanced regulatory distinctions among those types of nonconformities.

### **Sec. 32. Board of Adjustment Action**

This section authorizes the Board of Adjustment to permit rebuilding of a nonconforming structures when damaged or destroyed to the extent of no more than 50% of their “reasonable value” (note: this re-establishment provision appears to be in conflict with Sec. 34-100). If this provision is to be retained, the valuation methodology should be more clearly established. On the other hand, it may be wise to simply allow -as-of-right re-establishment of any nonconforming structure that is damaged by Act of God or any action beyond the reasonable control of the owner, thereby avoiding the valuation question entirely.

Section 32 goes on to give the Board of Adjustment authority (discretion) to establish an “amortization” schedule for the elimination of certain nonconforming uses and structures over time. This provision has never been employed and provides scant guidance about how such amortization (i.e., phase-out) schedules should be crafted in the future. We recommend its elimination.

### **Sec. 33. Nonconforming Uses**

The “abandonment” provision of this section should be updated to provide clearer criteria for identifying a property owner’s intent to abandon a nonconforming use.

### **Sec. 34. Nonconforming Structures**

The “damage or destruction” provisions of this section appear to be in conflict with those of section 32. These apparent conflicts will need to be reconciled in the updated ordinance.

### **Sec. 35. Lot of Record Prior to Adoption of Zoning Ordinance**

This provisions attempts to address the regulatory treatment of nonconforming lots, but it needs to be revised to provide greater clarity.

## **Article 7. Enforcement**

The violations, penalties and enforcement provisions of Article 7 could be improved somewhat by clearly identifying the range of actions that constitute violations of the Zoning Ordinance, establishing a broader range of administrative penalties (e.g., withholding permits and approvals) and spelling out the procedure for initiating enforcement actions.

## **Article 8. Definitions**

The definitions in Article 8 will be updated, revised and supplemented to reflect the changes made elsewhere in the ordinance and help clear up past questions and interpretations.

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## Preliminary Recommendations

This section presents the consultant team's preliminary recommendations for addressing some of the key Zoning Ordinance issues that have been identified to date. It also includes a sampling of the types of techniques that may be used to increase regulatory clarity and comprehensibility.

The recommendations included here are mostly conceptual in nature and will be modified and revised based on review by the steering committee and others. It is important to note that the issues addressed in this section do not represent an exhaustive list. The "Ordinance Review and Issue Identification" section (page 3) also identifies several suggested modifications. Moreover, many other technical and clarifying changes will be proposed as the ordinance drafting work proceeds.

### Organization and Format

As is true of many older ordinances, the way in which information is organized and presented in University Park's existing Zoning Ordinance could be improved. In fact, one of the central goals of the ordinance update project is to make the city's zoning regulations easier to use and understand than their present-day counterpart. This means making substantive regulations clear, comprehensive, and internally consistent. From an administrative and procedural standpoint, it means promoting transparency, predictability and process efficiency.

Given the important role zoning regulations play in shaping the character of the city, the new ordinance should be logically organized and well-formatted. The ordinance should be laid out in a way people can find the information they need and written so that information, once found, can be consistently interpreted once it is found.



### Revise Ordinance Numbering System

The challenges of navigating and using University Park's current Zoning Ordinance are caused at least in part by the document's structure and by numbering conventions that make it difficult for users to "find their bearings" when reading the ordinance. Moreover, the numbering system that is theoretically in place is sometimes applied inconsistently.

The basic structure of the ordinance is as follows:

*Level 1: Article (Arabic numeral, e.g., 1)*

*Level 2: Sec. (Arabic numeral not linked to article)*

*Level 3: Subsection (three-digit number linked to Sec. number, e.g., 6-100, 6-101)*

*Level 4: Paragraph (Arabic numeral in parenthesis that is not linked to any other number, e.g., (1))*

*Level 5: Subparagraph (lower-case letter in parenthesis that is not linked to any other number, e.g., (a))*

*Level 6: Sub-subparagraph (Lower-case Roman numeral that is not linked to any other number, e.g., ii.)*

Because the numbering assigned to most levels of the ordinance's structural outline are not tethered to article or section numbers, the outline levels sometimes provide little guidance for ordinance users attempting to jump from one section to another. Additionally, the ordinance lacks navigational markers, such as page headers and footers, which would give users an indication of where they are within the overall document.

These structure and formatting issues affect users who are searching for information on pages where no article or section numbers are present. The issue is particularly acute when attempting to find a cross-referenced provision. An example of this issue can be observed in the first dimensional standards table of Sec. 21-100, where readers will encounter text directing them to "See (4) below", a cross-reference pointing to the "special yard requirements" found 5 pages later, after encountering at least one other "(4)."

The updated ordinance should follow a modified approach to section numbering and include document navigation aids, such as headers, footers and hyper-links that will allow users to quickly and accurately locate a cross-referenced provision.



### Reorganize the Ordinance

The current ordinance is organized into eight broad articles, as follows:

Article 1. General Provisions

Article 2. Development Review Bodies

Article 3. Development Review Procedures

Article 4. District Regulations

Article 5. General Development Standards

Article 6. Nonconformities

Article 7. Enforcement

Article 8. Definitions

The greatest drawback of the current organization is that important, regularly consulted information gets "buried" too far down in the ordinance outline. As a predominately single-family community, for example, it would seem logical to elevate the single-family district regulations to a higher level within the ordinance's organizational scheme. The same can be said for commonly referenced development standards, such as parking, fences and accessory uses.

We recommend that the updated ordinance follow a slightly revised outline, such as the preliminary version that follows:

Article 1: Introductory Provisions

Article 5: Single-Family Residential Districts

Article 10: Multi-Family Residential Districts

Article 15: Nonresidential Districts

Article 20: Special Districts

Article 25: Principal Uses and Building Types

Article 30: Accessory and Temporary Uses

Article 35: Parking, Driveways and Access

Article 40: Fences, Walls and Screening

Article 45: Review and Approval Procedures

Article 50: Administration and Enforcement

Article 55: Nonconformities

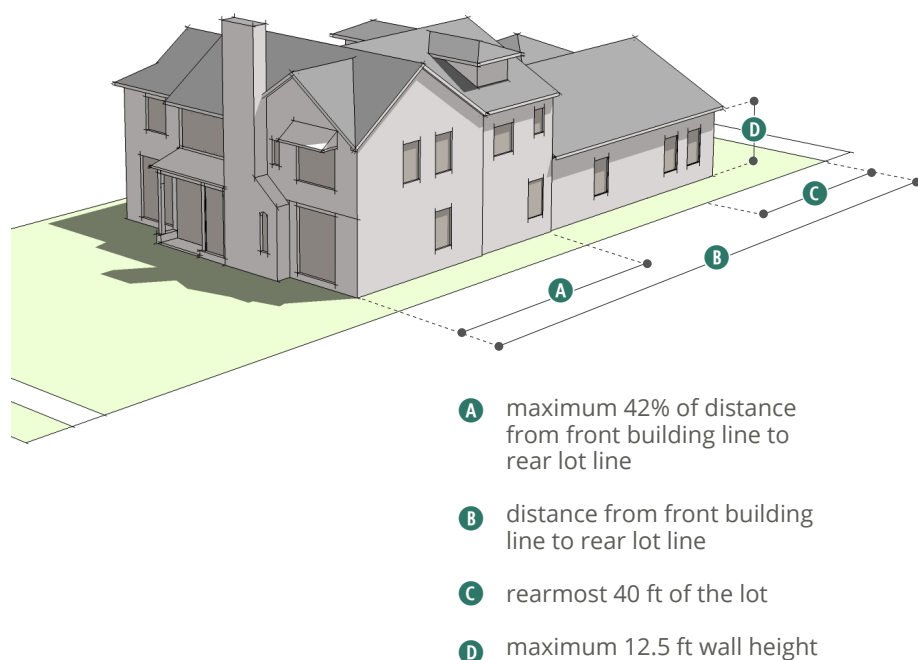
Article 60: Terminology and Measurements



### Update Graphics and Illustrations

Although the current ordinance includes several illustrations, they are not numbered or "connected" to the corresponding text. Additionally, several illustrations are illegible and others are inconsistent with the cor-

Figure 1: Sample ordinance illustration



responding text or appear to establish requirements that are not found in text. The new ordinance will include new and updated illustrations, which will be numbered and referenced within the ordinance text.

### Listening Session Comments<sup>1</sup>

50. Ordinance requires too much jumping around
51. Illustrations not always connected with or consistent with text
52. Several provisions of the current ordinance could be clearer and less ambiguous
53. Would like to be able to purchase binder copy of ordinance, with notification of all updates/amendments

## Residential Lot & Building Regulations

Residential lot and building regulation issues have been front and center during early project discussions. While some people have expressed concern over changes in neighborhood character that can occur when older, smaller houses are replaced with

new, larger houses, few have suggested that the city should pursue dramatic substantive changes or adopt more stringent regulations to address the issue. Instead, the most commonly heard refrain has been that existing regulations governing building size, siting and massing and other dimensional requirements should be more clearly stated so that they can be consistently interpreted, administered and enforced. This section provides a discussion of possible approaches to some common lot and building regulation issues.



### Simplify and Clarify the 42% Rule

Regulations found in the “Development Standards” section of the single-family districts (Sec. 21-100(3)) have been a recurring topic of conversation during early project meetings. The development standards supplement the district dimensional standards and govern such matters as the allowed location of the main building mass, dormers, building coverage and similar issues.

The SF district development standards are well-intentioned and fairly effective in controlling building scale, preserving neighborhood character and protecting yard privacy for abutting lot owners. They also add

<sup>1</sup> These are paraphrased comments from participants in early project listening sessions. They do not necessarily reflect the views of the city or the consultant team.



a great deal of complexity to the basic dimensional standards that are summarized in Table 1 on page 6 of this report.

The most commonly heard criticism of the existing development standards has been aimed at the so-called “42% rule” which refers to a regulation found in Sec. 21-100(3)(a)i of the current ordinance:

*“In all single-family detached residential districts, a vertical surface in excess of twelve feet six inches (12’6”) in height shall not exceed a length greater than forty-two percent (42%) of the total lot depth, measured from the front building line, except as provided herein. Vertical wall surfaces exceeding twelve feet six inches (12’6”) in height shall not be closer than forty feet (40’) to the rear property line, unless they are part of a gable and set back as required for windows, dormers, or other openings by (b)ii(F) below. In this section, “vertical wall surface” shall be the measurement of the wall from the top of the foundation to the roof eave or soffit.*

The exact origins of this provision are uncertain, but the intent seems clear—to impose building massing and bulk controls that are not addressed by the SF districts’ overall 35-foot height limit and to limit the location of the tallest portions of a house to the mid-

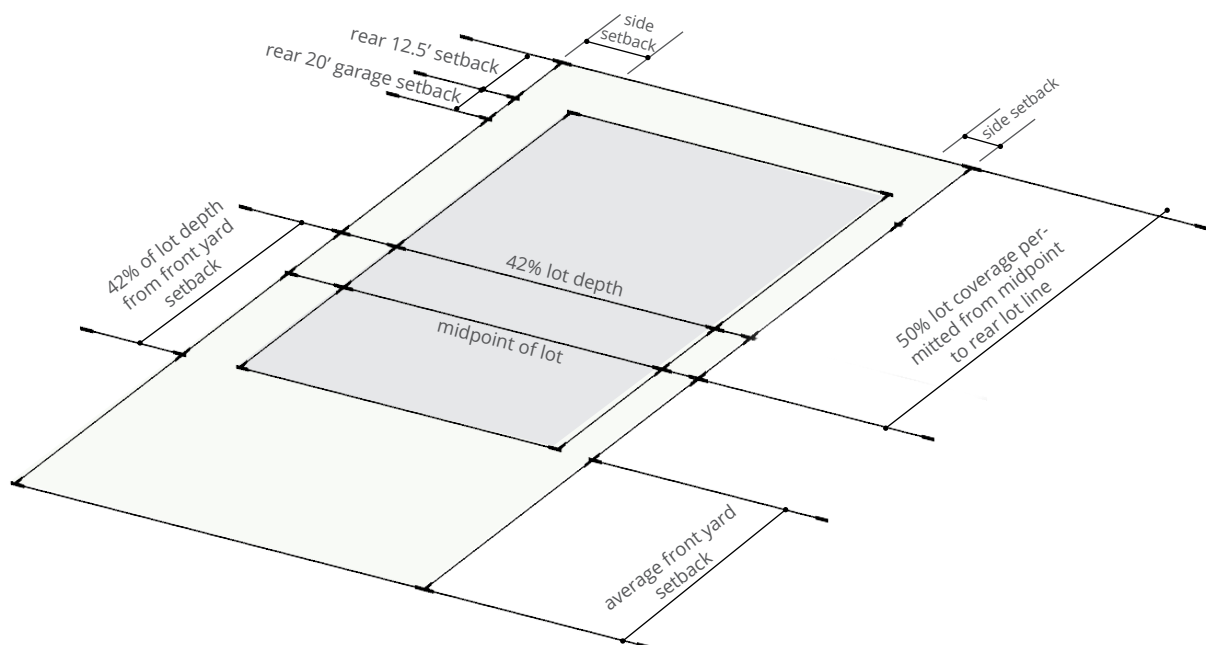
dle part of a lot, thereby providing a greater sense of openness in rear yard areas and helping to preserve some degree of rear yard privacy for neighboring lots.

Comments about the 42% rule have focused on the complexities of the regulation and its effect on building size and design. Since the regulation has been in effect, conflicting opinions have arisen regarding the nuances of the regulation, such as:

1. How the 42% standard is measured and the beginning point of measurement;
2. Whether building insets can be deducted from the measurement (e.g., to accommodate side courtyard designs and front building facades that are set back beyond the minimum front setback line) and
3. Whether 12.5 feet is the appropriate break-point between vertical surfaces that are and are not subject to the 42% limit.

Most people with whom we have spoken agree that preserving rear yard privacy and a sense of openness in the rear yard area of single-family blocks is an important quality-of-life objective that should be retained in the Zoning Ordinance. Therefore, the central question to be answered is whether the 42%

Figure 2: Key dimensional regulations from current Zoning Ordinance, including the “42% rule.”



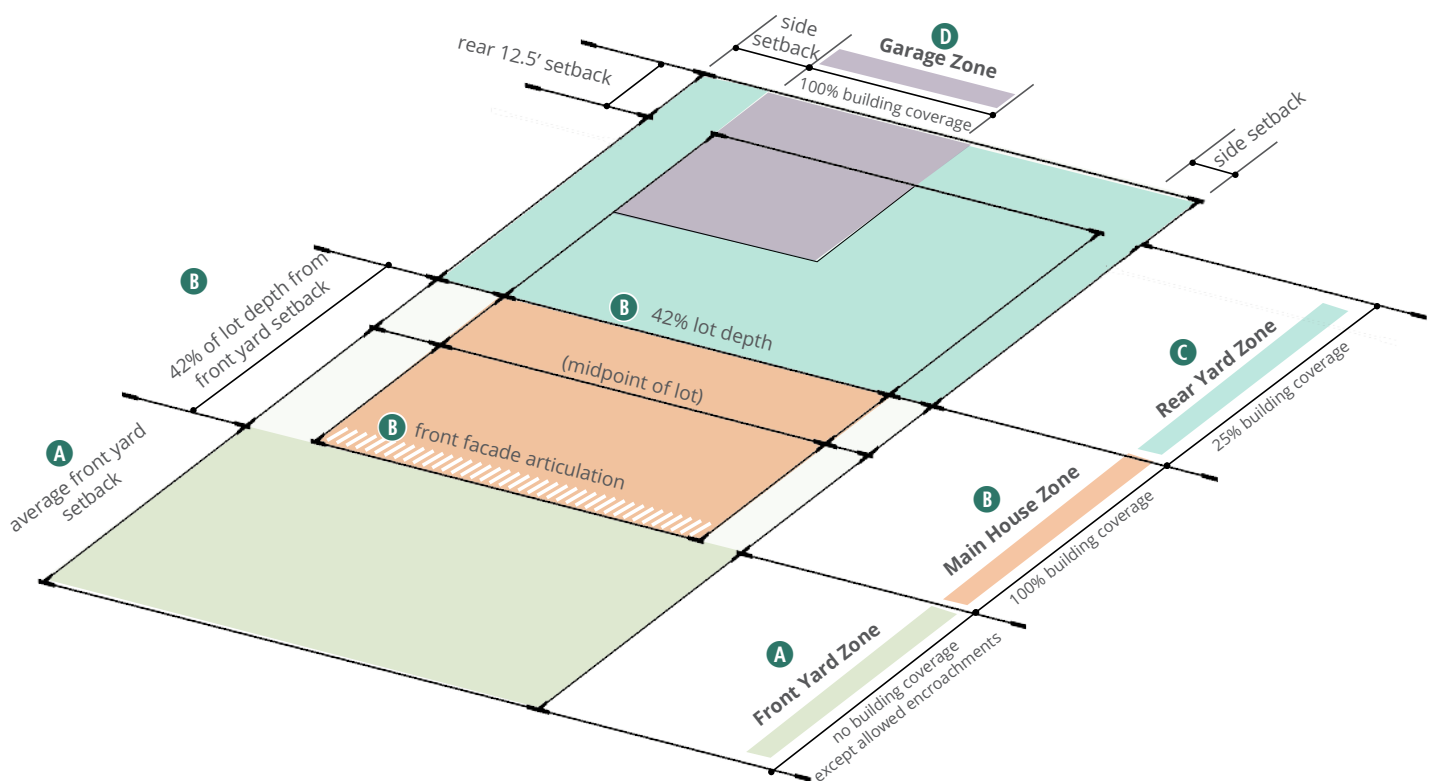


rule should simply be clarified (or slightly modified) to address common questions and issues or whether the rule should be scrapped in favor of an alternative approach.

The consultant team has examined alternatives to achieving the objectives of the existing 42% rule. Thus far our conclusion is that effective alternatives would be nearly as complex as the existing regulation. Therefore, our initial recommendation is to retain the essence of the rule while also attempting to clarify

the most common questions and concerns. Figure 3, below, illustrates one possible approach. In this example lots would be divided into a series of zones, with different building siting, coverage and bulk regulations for each zones. As indicated in the legend accompanying Figure 3, the regulations governing allowable building or coverage within these yard zones would be revised to provide greater clarity and more flexibility.

Figure 3: One option for simplifying/clarifying existing SF yard and dimensional regulations



**A Front Yard Zone**

From front lot line to minimum front setback, which is based on average front setback of block face (same as today). Generally required to be open from ground to sky except for allowed encroachments.

**B Main House Zone**

Extends from the minimum front setback line to 42% of depth of the remainder of the lot. The main house zone is zone where the maximum height/massing of the house may be placed.

Existing front facade articulation requirements replaced by requirements defining maximum length of facade allowed to occur at the minimum front setback and a minimum setback for the remainder of the facade (See Figure 4).

**C Rear Yard Zone**

Directly behind the main house zone, full width of lot extending to the rear lot line (minus the garage zone). Building mass within the rear yard zone is limited to 25% coverage and plate height is limited along sides, with upper floor window/dormer limitations.

**D Garage Zone**

Located within the rear 37.5 feet of lot and subject to a minimum setback of 12.5 feet from rear lot line. Footprint of building containing parking may cover 100% of designated garage zone. Maximum building height is limited to 1.5 stories, with any upper-story windows set back at least 20 feet from side lot line.



### Clarify Rear Garage Setback Regulations

The following rear setback requirements currently apply in SF districts:

**Table 2: SF District Rear Setbacks**

Building	Min. Setback (ft.)
Principal building	12.5
Rear-facing alley-access garage	20
Accessory building with rear-facing windows above 12.5-foot plate line	12.5
Other accessory building	3

The rear setback regulations summarized in Table 2 are frequently criticized for their lack of clarity regarding the required setback for upper stories of a rear-facing/alley-entry garage. Under the current ordinance, it is clear that garage doors must comply with the 20-foot minimum. It is not clear, however, whether living space above the main garage area (with rear-facing windows) are subject to the 20-foot requirement or the 12.5-foot requirement?

Allowing above-garage space to be cantilevered over the drive from the alley would accommodate floor space within the garage building, thereby relieving some building “pressure” on other portions of the lot. Moreover, since Sec. 25-107(2)(b) allows floor space above non-garage accessory buildings to comply with the 12.5-foot setback, it seems reasonable to conclude that floor space above the vehicle-storage area of a garage should be held to the same standard.

Our recommendation goes even further—it is to eliminate the 20-foot minimum garage setback in its entirety and simply defaulting to the existing 12.5 foot “main building” rear setback requirement. This approach would offer the additional advantage of accommodating larger rear yard open spaces areas.



### More Flexible Front Setback Regulations

The existing Zoning Ordinance requires that houses be set back from the front lot line in accordance with mean (average) front setback observed by existing buildings on the block. This context-based approach makes sense in terms of maintaining existing character and should be retained.

Aside from the basic setback requirements, there are two other sets of regulations that affect front setbacks—those governing “Features Allowed in the Required Front Yard” (Sec. 21-100(4)(b)), which should be updated and revised and the “Front Articulation Incentives” of Sec. 21-100(4)(E), which may be due for a complete overhaul. In terms of features allowed in the front yard area, we will work with the steering committee to ensure that the regulations reflect desired character and do not penalize innovative building designs. One specific issue that will need to be addressed is whether balconies should be allowed to encroach into the minimum required front setback area.

When it comes to front facade articulation requirements, we recommend consideration of an alternative approach. This alternative is illustrated and briefly explained in Figure 4 on page 17.



### Revise Dormer Regulations

The Zoning Ordinance defines a dormer as “a roofed vertical projection, containing a window and projecting through a sloped roof.” It also includes the following three-part regulation governing dormers:

*A dormer shall not exceed 6 feet in width, shall be separated by a minimum [distance] of 6 feet from any other dormer or vertical wall, and shall have roof on all sides.*

There are two known problems with the existing dormer regulations: (1) they are confusing, especially the language regarding a “roof on all sides” and (2) the maximum width and minimum separation requirements should not apply to the street *and* rear-facing sides of the building.

We recommend that the language be clarified to remove the unnecessary and confusing “roof-on-all-sides” clause and to make clear that the 6-foot maximum width and minimum 6-foot separation requirements apply *only* to side-facing dormers (on sides of the house facing interior side yards).



### Update and Clarify Lot Coverage Rules

All of the current single-family districts currently impose a limitation on the amount of building coverage that may occur in the rear half of any lot. The regulation is expressed as follows:

*“The main residential building, all detached or accessory structures and all other construction thirty inches (30”) or more above ground level shall not cover more than fifty percent (50%) of that portion of the lot lying to the rear of a line joining the midpoint on one side lot line with the midpoint of the opposite lot line.”*

Under the proposed new three-zone approach illustrated in Figure 3 on page 15, this regulation would be revised in at least three ways: (1) the coverage limit would be expressed as a percentage of the rear yard

(rather than the rear 50% of the lot); (2) the garage footprint within the garage zone would not be counted as coverage and (3) the coverage limit would be lowered to reflect the increased flexibility allowed in other zones.

In addition to building coverage limits in the rear half of lots, the Zoning Ordinance also imposes a 50% limit on impervious surface coverage in the front yard area. As the project proceeds, it will be important to discuss whether existing building and front yard coverage limitations—in whatever form they take—should be supplemented (or simplified) by limitations on the overall amount of impervious coverage allowed on a lot. Additionally, greater clarification of what is to be counted as pervious (permeable) and impervious (impermeable) surfaces will need to be provided.

Figure 4: Alternative approach to front facade articulation requirements

