

COUNCIL ACTION FORM

SUBJECT: DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONES

BACKGROUND:

City Council discussed at its July 9, 2013 meeting potential changes to the Zoning and Subdivision Codes regarding development of multiple homes on a single lot. The discussion was a review of the existing zoning and subdivision regulations focusing on large residential development sites compared to traditional low-density subdivisions. A main point of discussion was the current code provision that allows for multiple single and two-family structures on lots larger than one acre and what would be typical subdivision improvement requirements to develop multiple homes on individual lots.

Council directed staff to look at “revising the zoning and subdivision codes to incorporate standards of the Subdivision Code, based on a created set of criteria, for developments that choose not to subdivide the property” specifically in the RL and FS-RL districts (Attachment A). The motion was amended to also have staff review the possible need for the same subdivision requirements for RM and FS-RM districts. Examples of subdivision improvement and design requirements include: lot size, street frontage improvements, public street circulation, utility services, integration with surroundings, and preservation of natural features. Council asked for staff to review all subdivision improvement requirements that could be applied to a development that did not require subdivision and those standards be set out as uniform development requirements.

Staff has reviewed the codes further for each zoning designation and has concerns about the complexity and difficulties of requiring certain public infrastructure for all types of uses within the low and medium-density zoning districts. The greatest impact would be on the layout and design of traditional multi-family buildings designed as apartments and townhouses that typically are arranged around common area and facilities. Detached individual structures, such as single-family and two-family homes, could be addressed, but not uniformly with other allowed uses. **Staff believes that a single amendment to the Zoning Code that eliminates the option for multiple one and two-family structures on a single lot is the simplest method to differentiate between uses within zoning districts and to provide for traditional standard subdivision requirements.** This type of amendment would not require substantial code changes within the Zoning Ordinance for each zoning district and/or changes within the subdivision chapter, and at the same time would ensure traditional development patterns for all use types within the zoning districts.

Zoning Analysis

In looking at low-density zoning regulations (RL and FS-RL), the intended design/character is embodied in the purpose statement of the RL zone which reads, "This zone is intended to accommodate primarily single-family dwellings, while accommodating certain existing two-family dwellings and other uses customarily found in low-density residential areas." In the FS zones, the design principles establish a desire for, "economic and efficient subdivision design with respect to the provision of streets, utilities and community facilities; development patterns that ensure compatibility in the design of buildings with respect to placement along the street; and spacing and height of buildings and provides for spaciousness, and effective vehicular and pedestrian circulation." The principles of the FS zone go on to ensure "a development pattern that is compatible with surrounding neighborhoods and is consistent with the Goals and Objectives of the Land Use Policy Plan." See Section 29.1202(1) for the complete list of Development Principles for the Suburban Residential Zones.

Traditional low-density development results in pattern whereby a structure is situated upon an individual lot with a minimum amount of land area and frontage upon a public street. Two parking spaces are required for a home and are provided upon the same lot as the home. Creation of individual lots for each home triggers subdivision requirements and improvements, e.g. street improvements, sidewalks, street trees, and utility services for each lot. A Low-density development patterns does not control the type of household occupant, as both renter and owners are allowed, as well as related and unrelated persons.

Currently, the general Development Standards found in Section 29.401(5)(c) of the Municipal Code allows for development with an unlimited number of single and two-family buildings on a lot that is greater than one acre, provided it is with the required density range. This exception applies to all zoning districts where the use is allowed. The provision for this allowance was added during the Zoning Code update of 2000. **While recognizing that large lots may have space to accommodate more than one structure, at best this provision allows for flexibility in home design but also has potential to cause design integration issues with neighbors. At its worst level on larger scale, it has the ability to thwart the purpose of the underlying low-density zoning district due to the non-traditional layout and scale of development. This type of development pattern on a large scale is not customarily found in low-density residential areas and does not fit with the purpose and principles identified for the low-density zones.**

Staff was directed by Council to address how to incorporate subdivision standards into low-density zones for large sites with multiple structures. **Incorporating these types of standards can be done, but it would be duplicative of development standards that already exist when a property is subdivided. Staff believes that the simple approach of eliminating this provision for multiple one and two-family structures on sites greater than one acre would be a better option. Eliminating this allowance would then require subdivision of property to build more than one**

single or two-family home and would then also trigger the desired improvements and customary configuration of a neighborhood.

Council also asked staff to review how this same concern for subdivision requirements affects medium-density zones. In looking at medium-density zones, there is a higher density allowance and a more diverse mix of residential use types permitted than in low-density zones. Medium-density zones also have a purpose, at times, of acting as a transition between low and high-density areas. The density allowance in the Residential Medium (RM) zone is greater than Residential Low (RL) and is between 7.26 and 22.31 dwelling units per net acre. The use types allowed in the RM zones allow for additional uses of multi-family attached buildings styles of townhouses and apartments. These multi-family development patterns have commonly been constructed as large lot developments with more than one structure per lot or organized around common areas and amenities. In some cases there may be individual lots for a building or a condominium regime put in place for individual ownership. While one and two-family homes are an allowed use, they are not commonly the predominant use in new development as it results in a lower yield of development.

Based on the existing bulk and use regulations established for the RM zones and the existing residential developments typical of the higher density zones, **Staff would suggest that the medium density zone be kept as it presently exists, allowing for the large lot development style. The complexity of providing for public infrastructure on a site to serve integrated higher-density development may cause difficulties for the City in terms of long term maintenance. Additionally, requiring the level of subdivision improvements associated with detached structures could have an unintended consequence of creating a different development pattern than what is commonly associated with low-scale apartments and townhouses we now see.** Detached structures could have individual standards requirements created to treat those separately from multi-family buildings, but that would not result in uniform development requirements within RM.

ALTERNATIVES:

1. Direct Staff to prepare a draft zoning text amendment **to eliminate the provision for more than one single-family or two-family structure** on a lot greater than one acre for all zoning districts.
2. Direct Staff to prepare a draft zoning text amendment **to eliminate the provision for more than one single-family or two-family structure** on a lot greater than one acre for only the RL and FS-RL zoning districts.
3. Direct Staff to prepare a draft zoning text amendment **to limit the number of single and two-family structures** on a lot regardless of its size.
4. Direct Staff to prepare a draft zoning text amendment for the development of multiple single-family and two-family structures on single lot to require provision

of principal public street access, street improvements, limits of alley design and block lengths, individual parking to serve a unit, minimum building setback and spacing requirements, minimum usable yard areas, individual utility meter services, and other related site improvement requirements typical of traditional neighborhood developments.

MANAGER’S RECOMMENDED ACTION:

Based upon the stated interests of Council in preserving traditional development patterns with clear and uniform standards and as the simplest approach, the City Manger recommends Alternative 1. Alternative 1 would eliminate the opportunity for large site development of one and two-family homes in all zoning districts. This would require residential properties larger than one acre to be subdivided into individual lots prior to development. This would provide a process that has each home on its own lot with frontage on a street, public utilities, yard area, and off-street parking. It would also allow the integration of development into the fabric of the adjoining neighborhoods and the community through the subdivision process. This requirement would still allow for the individual homes to be rented or occupied by homeowners, as desired by individual property owners.

Should the Council direct staff to remove the allowance for multiple single-family and two-family structures on a single lot, staff would prepare a draft ordinance for a recommendation from the Planning and Zoning Commission and it would then be brought back to Council for its consideration.

Staff would note that the development of a permitted use on a large site in RM without subdivision, as is the case in any zone, does not cause a developer to put in place as much public infrastructure (offsite improvements, e.g. bike paths, road widening, turn lanes) adjacent to a site as the subdivision process may require. General frontage improvement standards could be adopted for all zones to address this issue. If this is an interest to Council, this issue may be referred to staff separately.