

ITEM # 20
DATE 09/23/08

COUNCIL ACTION FORM

SUBJECT: ZONING ORDINANCE TEXT AMENDMENT TO CHANGE THE RESIDENTIAL LAND USE ALLOCATION FOR ROW HOUSES IN THE VILLAGE RESIDENTIAL FLOATING ZONE

BACKGROUND:

“Row Houses” in Somerset village, which are single-family attached dwellings, represent one of several residential land use types in Somerset. According to zoning regulations for a Village Residential Floating Zone [Table 29.1201(6)], each residential land use type is to represent not less than five percent (5%) of the total number dwelling units in the village. To date, nine (9) row houses have been constructed and twelve (12) more are shown on the approved Somerset plan, located along the south side of Bristol Drive, between the existing brick row houses and the alley west of Kent Avenue (Lots 52 through 63 in Somerset Subdivision Second Addition). This would result in a total of twenty-one (21) row house units for Somerset. Twenty-one (21) units represents two percent (2%) of the total number of dwelling units planned for Somerset. This does not meet the minimum requirement of five percent (5%).

The owner of the twelve (12) remaining lots in Somerset, planned for row houses, has requested that the City Council approve a revised Major Site Development Plan/Preliminary Plat for Somerset that would allow the construction of village houses, which are single-family detached dwellings, on these twelve (12) lots. This would further reduce the number of row houses in Somerset as a residential land use type from two percent (2%) to one (1%) percent of the total number of dwelling units in Somerset. On September 17, the Planning and Zoning Commission considered the revised Major Site Development Plan/Preliminary Plat and tabled action to its next meeting on October 1. This will enable the Commission to consider a text amendment that addresses the issue discussed in this Action Form, prior to making their recommendation to the City Council on the revised Plan/Plat.

Somerset was never intended as a village development that would contain five percent (5%) of its dwelling units as row houses. Somerset was approved as a village development through designation as a Planned Unit Development (PUD), prior to adoption of the “Village Residential Floating Zone” regulations in May 2000.

To allow a reduction in the number of required “row houses” in Somerset village, a zoning ordinance text amendment is necessary. Table 29.1201(6) “Residential Land Use Allocation” reads as follows:

Residential Land Use Allocation

“Village residential projects shall contain a minimum of five (5) residential land use types selected from the residential land use types in Table 29.1201(5) Permitted Land Use Types Village Residential Projects.

Each residential use type shall contain a sufficient number of dwelling units to represent not less than 5% of all dwelling units in the village residential project.”

The zoning ordinance text amendment would add the following provision to this section on “residential land use allocation” to allow the combination of “Side-Yard Houses”, which are attached dwelling units commonly referred to as “townhomes”, and “Row Houses” into one “land use type” for the purpose of calculating the minimum requirement of 5%.

Proposed Addition to Table 29/1201(6) “Residential Land Use Allocation”:

“Row Houses” in combination with “Side-Yard Houses” is considered to be one land use type for the purpose of calculating the required minimum residential land use allocation of not less than 5% of all dwelling units in the village residential project.

ALTERNATIVES:

1. The City Council can refer this proposed zoning ordinance text amendment to the Planning and Zoning Commission for a recommendation. It would be presented to the Planning and Zoning Commission at the October 1, 2008 meeting and return to the City Council for consideration at a public hearing on October 14, 2008.
2. The City Council can choose not to refer this proposed zoning ordinance text amendment to the Planning and Zoning Commission for a recommendation.

MANAGER’S RECOMMENDED ACTION:

Staff believes that a zoning ordinance text amendment is appropriate given the fact that row houses were never intended to comprise five percent (5%) or more of all the dwelling units in Somerset. If a text amendment is approved that combines side-yard houses with row houses in computing the required percentage for that land use type, staff believes this will result in an appropriate minimum requirement for the percentage of attached single-family residential units, as compared to all residential land use types in future villages, as well as in Somerset. It would be very helpful to have this text amendment on the agenda of the Planning and Zoning Commission at its October 1, 2008 meeting to enable consideration of the text amendment, prior to making a recommendation to the City Council on the revised Major Site Development Plan/Preliminary Plat for Somerset.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative 1, which refers the proposed zoning ordinance text amendment to the Planning and Zoning Commission for a recommendation back to the City Council.