

**COMMISSION ACTION FORM**

**SUBJECT: AMENDMENT TO MUNICIPAL CODE SECTION 29.401(5) TO REMOVE THE EXCEPTION FOR MORE THAN ONE SINGLE-FAMILY OR TWO-FAMILY RESIDENTIAL STRUCTURE ON A LOT LARGER THAN ONE ACRE.**

**BACKGROUND:**

City Council discussed at its July 9 and August 13, 2013 meetings potential changes to the Zoning Code regarding the currently allowed development of multiple detached 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 focus of the 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.

**At the August 13<sup>th</sup> City Council meeting, staff was directed to draft a 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.**

**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 a 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 within the required density range. This exception applies to all zoning districts where the use is allowed. **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 developments.**

#### **PROPOSED AMENDMENT:**

A text amendment has been prepared for consideration by the Planning and Zoning Commission and the City Council. Subsection (c) of Section 29.401(5) would be modified as shown below:

##### **(5) Multiple Buildings on Single Lots.**

- (a) More than one commercial, industrial, hospital, institutional or public principal building may be erected on a lot, where such uses are permitted, provided that all setbacks from the property line otherwise required for a single principal building are observed. The distances between substructures shall be determined by the provisions of the City Building Code.
- (b) More than one apartment dwelling is permitted on a single lot, provided that all area and setback requirements are calculated as if each structure were on its own individual lot.
- ~~(c) More than one Single Family or Two-Family residential structure on the same lot of one acre or less is prohibited.~~

#### **ALTERNATIVES:**

1. The Planning and Zoning Commission can recommend that the City Council approve the proposed draft 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. The Planning and Zoning Commission can recommend that the City Council approve the proposed draft amendment language with modifications.
3. The Planning and Zoning Commission can recommend that the City Council not adopt the proposed text amendments.

4. The Planning and Zoning Commission can refer this issue back to staff for further information.

**RECOMMENDED ACTION:**

Based upon the stated interests of Council in preserving traditional development patterns with clear and uniform standards and as the simplest approach, Alternative 1 is the most direct means of limiting large lot development. This alternative 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.

**Staff therefore recommends that the Commission act in accordance with Alternative 1**, which is to recommend that the City Council approve the proposed draft 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.