

# Residential Development Standards Task Force Recommendations

## YARD SETBACKS

### **1. Front Yard Setback (Section 2.3) Chart 4.1**

**Issue:** Currently, this Subchapter states that front yard setback averaging is determined based on the setbacks of each principal residential structure that is built within 50 feet of its lot line, but it does not state how it is measured. The illustrations could be looked at as if you can measure from the porch to the front lot line instead of the façade.

**Task Force Recommendation:** Clarify the wording in section 2.3 B. 1 to state that an average front yard setback is determined based on the setbacks of each principal residential structure that is built within 50 feet of its front lot line measured from the closest front exterior wall (building façade) of the principal structure to the front property line.

**NOTE:** Amend drawing on Figure 1: Average Front Yard Setback to illustrate that the measurement begins at the wall of the structure, not the front porch.

### **2. Rear Yard Setback (Section 2.4) Chart 4.2**

**Issue:** Currently, this Subchapter states that all other structures shall comply with the rear yard setback provisions of this Code but the minimum rear yard setback may be reduced to five feet if the rear lot line is adjacent to an alley. The pictures illustrates that the five foot rear setback must be for a dwelling unit, but the text states any structure, so staff allows five foot setbacks adjacent to alleys for accessory structures as well as dwelling units.

**Task Force Recommendation:** Clarify the wording to state that all other structures shall comply with the rear yard setback provision of this Code, but the minimum rear yard setback may be reduced to five feet for a *secondary dwelling unit* if the rear lot line is adjacent to an alley.

## SETBACK PLANES

### **3. Exception for One Story Buildings (Section 2.6.D.1) Chart 3.1 and 3.3**

**Issue:** There is an exception in the McMansion Ordinance that was intended to encourage remodels of existing structures in the form of second-story additions versus complete residential demolitions. The intent of this provision was to allow higher side setback planes (aka ‘modified’ setback plane), which in turn allowed for the remodeled home to be taller than might otherwise be allowed under the ‘standard’ side setback plane for new two-story construction, while still meeting the maximum height limits. In some cases, the ‘modified’ setback plane used to add a second story on to an existing one-story was lower than the standard side setback plane.

Therefore, in order to encourage second-story additions over existing one story structures, the Task Force recommends that the applicant be allowed to choose between the standard setback plane and the ‘modified’ setback plane.

**Task Force Recommendation:** Allow construction of a second story addition over any existing one story portion of a structure to comply with either the side setback plane required under Section 2.6.A of Subchapter F or the side setback plane allowed under Section 2.6.D for second-story additions to existing buildings.

**NOTE:** If the existing structure is two stories, the remodel tent does not apply. Chart 3.2.

#### **4. Side Setback Plane Exception for Existing One-Story Buildings (for remodel) (Section 2.6.D) Chart 3.4.1**

**Issue:** Currently, the remodel exception tent allows an applicant that is adding a 2<sup>nd</sup> story above an existing one story structure a setback plane height of 10' feet from the wall plate. Many applicants feel that this existing height does not allow enough room for a standard ceiling height.

**Task Force Recommendation:** Raise the (remodel exception) setback plane for a 2<sup>nd</sup> story addition to an existing one-story structure from 10 feet above the 1<sup>st</sup> floor wall plate to 10' 6". This tent cannot be used if the applicant is demolishing part or all of the exterior walls. Chart 3.5

#### **5. Rear Setback Plane Exception for Existing One-Story Buildings (for remodel) (Section 2.6.D) Chart 3.1.1**

**Issue:** Currently, the remodel exception tent allows an applicant that is adding a 2<sup>nd</sup> story above an existing one story structure a setback plane height of 10' feet from the outermost side wall plate, but the ordinance does not give any instructions for a rear tent.

**Task Force Recommendation:** Add that the (remodel exception) setback plane for a 2<sup>nd</sup> story addition to an existing one-story structure be constructed from the outermost rear wall at a height that is equal to the height of the first floor wall plate that was originally constructed or received a building permit before October 1, 2006, plus 10' 6".

This tent cannot be used if the applicant is demolishing part or all of the exterior walls. Chart 3.5

**NOTE:** The code currently state that an applicant goes from the side outermost wall plate up 10 feet. The 10 feet will be amended to 10' 6".

### **SIDE WALL ARTICULATION**

#### **6. Exemption for "new construction" < 2000 sq. ft. and less than 32 feet in height (Section 1.3.3) Chart 1.1 and 1.1.1**

**Issue:** Currently, a building is only exempt from side wall articulation if the proposed construction is new, less than 2000 sq. ft, and less than 32 feet in height.

**Task Force Recommendation:** Exempt addition/remodels (along with new construction) from the side wall articulation requirement as long as the addition/remodel results in the structure being less than 2000 sq. ft. and less than or equal to 32 feet in height.

#### **7. Side wall articulation for structures < 2000 sq. ft. (Section 1.3.3) Chart 1.2**

**Issue:** Ordinance needs clarification

**Task Force Recommendation:** Both structures are exempt from side wall articulation if the structures are detached by a minimum of 6 ft and if:

- Principal structure is less than 2,000 square feet; and
- Principal structure is less than or equal to 32 feet in height; and
- Secondary unit is less than or equal to 550 square feet; and
- Secondary unit is less than or equal to the maximum height allowed.

A detached structure can be attached to the principal structure by a covered breezeway but the breezeway must be completely open on all sides and the walkway may not be more than 6 ft. in width with a roof covering not exceeding 8 ft. in width with no purpose other than to cover the walkway (e.g. no deck or patio).

## 8. Side wall articulation (Section 2.7) Chart 1.13

**Issue:** Many

**Task Force Recommendation:** Do not allow a side wall of a building that is more than 15 feet high and is an average distance of 9 feet or less from the interior lot line to extend in an unbroken plane for more than 36 feet along a side lot line. To break the plane, a perpendicular wall articulation of not less than four feet, for a distance along the side property line of not less than 10 feet, is required. Side wall articulation is not required on the side of the structure adjacent to a commercial use unless the commercial use is occupying a residential structure. **Chart 1.15**

Side wall criteria:

- The roof of the sidewall does not have to be articulated. Chart 1.3
- No patios/decks can be created in articulated section. Chart 1.3
- Screening is not allowed in articulated area. Chart 1.4
- An eave or other features cannot create a broken plane. Chart 1.8
- Articulation is required for all stories of new construction. Chart 1.5
- The measurement for the 36 feet of length will begin at a porch or patio below a habitable space, a porch or patio below a covered balcony, or covered balcony above habitable space. Chart 1.9
- Side gable height is not included when determining if a wall is over 15 ft in height. Chart 1.10
- Articulated areas cannot move around on each floor, and must be the height of the first and second story. 1.14

## 9. Side wall articulation exception for existing one and two-story buildings (Section 2.7) Chart 1.6

**Issue:** When a 2nd story is added on top of an existing building, creating a sidewall over 32' in length and over 15' in height, clarify whether articulation is required on both floors and at what point if the existing 1-story building is longer than 32'.

**Task Force Recommendation:** For the portion of the construction that is on top of the existing one story structure of the building that was originally constructed or received a building permit before October 1, 2006, a sidewall articulation is not required for an existing one story building that is remodeled to add a 2<sup>nd</sup> story within the existing one story portion of the structure for a length (of the existing house) not to exceed 50 ft. An existing 2 story building may extend the 2<sup>nd</sup> floor above the existing one story structure without providing a sidewall articulation for the length of the existing one story structure. A sidewall articulation is required at which point the building footprint is extended and the entire sidewall length exceeds 36 feet. A sidewall articulation is required for the addition or extension of a 3<sup>rd</sup> story.

## 10. Side wall articulation - 15' wall height measurement (Section 2.7) Chart 1.18

**Issue:** Currently, this Subchapter states that a side wall of a building that is more than 15 feet high and is an average distance of 15 feet or less from an interior lot line may not extend in an unbroken plane for more than 32 feet along a side lot line. It is unclear where the 15 feet in

height measurement is taken – is the measurement taken from the existing grade or above the foundation where the wall actually begins?

**Task Force Recommendation:** Clarify where the 15' measurement begins. The wall height is measured from the lower of natural or finished grade, just as height is measured. Section 3.4, Height should read: For purposes of this Subchapter, the HEIGHT of a building, wall height (side wall articulation), or setback plan shall be measured as follows:

NOTE: The Task Force is recommending that the ordinance be amended to read the side wall of a building that is more than 15 feet high and is an average distance of 9 feet or less from an interior lot line may not extend in an unbroken plane for more than 36 feet along a side lot line.

## **FAR EXEMPTIONS**

### **11. Garage/Carport Exemption (Section 3.3.1 C) Chart 2.3**

**Issue:** Currently, a person proposing a detached parking area less than 10 ft. to the rear of the principle structure would not receive square footage deductions. However, an attached parking area used to meet minimum parking requirements can receive up to a 200 sq. ft. exemption and a detached rear parking area 10 feet or more from the principal structure can receive up to the 450 sq. ft. exemption.

**Task Force Recommendation:** Detached garages less than 10 ft. from the rear of the principal structure can receive up to a 200 sq. ft. exemption. A detached garage can be attached to the principal structure by a covered breezeway but the breezeway must be completely open on all sides and the walkway may not be more than 6 ft. in width with a roof covering not exceeding 8 ft. in width with no purpose other than to cover the walkway (e.g. no deck or patio).

*The RDCC can also grant up to a 450 sq. ft. exemption if detached by at least 6 ft. (Section 2.8.1)*

### **12. Garage/Carport Exemption (Section 3.3.1.C) Chart 2.4**

**Issue:** Currently a person who has a detached rear parking area 10 ft or more from the principal structure would not receive the up to 450 sq. ft. exemption if the detached parking area was attached to the primary structure by a walkway. The City considers the walkway as attaching the parking area to the primary structure. Therefore the applicant would not receive any square footage exemptions for detached parking.

**Task Force Recommendation:** To allow rear parking areas that are connected to the principal structure by an open walkway/breezeway to receive a deduction of:

- Up to 450 sq ft. if the parking area is 10 ft or more from the principal structure or
- Up to 200 sq ft if the parking area is less than 10 ft. from the principal structure (The 200 sq ft would be given to a detached rear parking area whether it was attached by a walkway/breezeway or not).

The breezeway must be completely open on all sides and the walkway may not be more than 6 ft. in width with a roof covering not exceeding 8 ft. in width with no purpose other than to cover the walkway (e.g. no deck or patio).

### **13. Parking area – Gross Floor Area (Section 3.3.1.C) Chart 2.9.1**

**Issue:** Clarify existing code language

**Task Force Recommendation:** An applicant may receive only one 450 square foot exemption per site in section 3.3.1.C. An applicant can receive one 450 square foot exemption and receive up to 200 square feet of an attached parking area if it used to meet the minimum parking

requirement. An applicant can only receive one 200 square foot exemption per site for attached parking under Section 3.3.1.C.2.

#### **14. Parking Area open on two or more sides (Carport) (Section 3.3.1. C) Chart 2.6**

**Issue:** Currently, if an applicant is proposing to construct a carport, they are allowed to take up to 450 sq ft from the FAR calculation. A carport is defined as a parking area that is open on two or more sides, but the definition does not specifically state of how large the opening may be. Many proposed carports have only partial openings which contribute mass to the structure.

**Task Force Recommendation:** Give a specific measurement (percentage) of the opening of the carport. The ordinance should state that in order to get the carport/parking exemption, the open sides of a carport must be clear and unobstructed by any materials for a minimum of 80% of the area measured below the top of the top wall plate to the finished floor of the carport.

*RDCC can waive up to 25% of the required opening (80% can go to 60%). (Section 2.8.1)*

#### **15. Porch Calculation – Gross Floor Area (Section 3.3.2A) Chart 2.9.2**

**Issue:** Currently, this Subchapter allows ground floor porches to be excluded from gross floor area. Applicants are constructing second floor habitable space over existing porches, which adds mass to the structure.

**Task Force Recommendation:** Exempt up to 200 square feet of ground floor porches/patios which have habitable space or a covered balcony above.

#### **16. Porch – Accessibility Chart 2.9.2**

**Issue:** There have been instances where an applicant is calling what could be used as a carport a porch to get the entire area exempted from the FAR calculation.

**Task Force Recommendation:** A first floor porch must not be accessible by automobile and must be disconnected from any driveway to be called a porch and to receive any applicable FAR exemptions.

#### **17. Below Grade (Basement) and Attic Exemption (Section 3.3.2.B & C) Chart 2.11 and 2.13**

**Issue:** The City's duplex regulations limit the height of a duplex to two stories. Pursuant to the International Residential Code (IRC), which the City utilizes in the residential building review process, a basement or attic is considered a story. Therefore, if one were to construct a basement, current administration of the duplex regulations in conjunction with the IRC definition of a story would prohibit an applicant from building more than one story above a basement.

However, the McMansion Ordinance encourages basements and attics in that both may be excluded from the square footage/FAR limitation of the McMansion Ordinance if they are constructed in the manner provided by the McMansion regulations.

**Task Force Recommendation:** Do not count the habitable portion of a building that is below grade (a 'basement') and the habitable portion of an attic towards the number of stories under City Code Section 25-2-773, Duplex Residential Use regulations, if the habitable portion of a building that is below grade or the habitable portion of an attic meet the requirements for exemption from the gross floor area limitation of Subchapter F, Section 3.3.2 B & C

## **18. Below Grade (Basement) Exemption (Section 3.3.2 B) Chart 2.10**

**Issue:** Currently, the ordinance is written to allow a habitable portion of a building that is below grade to receive an exemption even if the habitable portion creates mass to the side and rear property owners.

**Task Force Recommendation:** Clarify that the ordinance state that in order for the area below grade to be exempt from FAR it must meet the existing requirements of Article 3.3.2.B and the area must qualify as a basement and not a story above grade per the International Residential Code. In establishing if this additional requirement is met,

- 1.) Below grade portions must be achieved below the lower of natural grade or finished grade; and
- 2.) The exempted habitable space below grade must have at least 50 percent of the building perimeter surrounded by the natural grade.

**NOTE:** The Task Force vote was 4-2-1. There were other possibilities which included limiting FAR (.6), adjusting the tents (making the segments smaller) and reducing the façade (brought forward by the Residential City Inspection Division).

## **19. Attic exemption (Section 3.3.2.C) Chart 2.12, 2.14 & 2.15**

**Issue:** Currently, one of the criteria for the attic exemption states that the attic must be the highest habitable portion of the building. If an applicant is finishing out the highest part of a portion of a building, but not the highest portion of the entire structure, the applicant would not receive the attic exemption even though this would not add additional mass to the structure.

**Task Force Recommendation:** Allow an attic exemption if the structure meets all attic exemption requirements and revise number (5) in Section 3.3.2.C to read the highest habitable portion of the section of any structure with no useable space located directly above any portion of that section of the building.

## **DEFINITIONS**

### **20. Wall Plate Definition Chart 3.4**

**Issue:** Currently, this Subchapter does not include a definition for wall plate which is an issue if someone currently has an existing one story and wants to remodel to add a second story.

**Task Force Recommendation:** Include a definition for clarity – The wall plate is the lowest point of the existing first floor ceiling framing where it intersects the exterior wall.

### **21. Gross Floor Area (Section 3.3) Chart 2.2**

**Issue:** Currently, this Subchapter defines GROSS FLOOR AREA as the meaning assigned by Section 25-1-21 (Definitions), with some modifications. Because the definition of GFA is enclosed space with a height under 6', applicants are constructing space with a ceiling height of 5'11" which does not reduce the mass of the structure.

**Task Force Recommendation:** Revise the definition of GFA for purposes of this Subchapter to any area that is enclosed. This would remove the 6' height provision.

## **OTHER**

### **22. Flag Lots Chart 6.1 and 6.1.1**

**Issue:** There is a concern that the portion of the flag lot that is used for access, essentially the ‘pole’ of the flag lot, does not function as a part of the lot yet allows for an increase in the square footage of the home since the square footage of this access area is used in the floor-to-area ratio (FAR) calculation. Therefore the Task Force recommends that this access area be excluded in the gross site area used to calculate the FAR limit under the McMansion Ordinance and be consistent with the way the building/impervious coverage is calculated for lot size.

**Task Force Recommendation:** Provide that the gross site area of a flag lot for purposes of calculating the floor-to-area ratio (FAR) limitation of Subchapter F not include the total area which is the portion from the front lot line to a point where the lot meets the minimum lot width, and maintains or exceeds that lot width for a minimum of 50 feet.

**NOTE:** This portion should be consistent with city staff proposed changes as of 12/13/2007.

### **23. Applicability (Section 1.2.2) Chart 6.2**

**Issue:** Currently the following uses are not subject to Compatibility Standards or Subchapter F: Residential Design and Compatibility Standards: Club or Lodge, Day Care Services general and limited, Family Homes, Group Homes general and limited, Condo Residential, Retirement Housing small and large site, and Townhouse Residential.

**Task Force Recommendation:** Anyone proposing to construct one of the above-referenced uses would have a choice of complying with either the Compatibility Standards of the Land Development Code or Subchapter F: Residential Design and Compatibility Standards.

### **24. Exceptions (Section 1.3.1) Chart 6.4a**

**Issue:** Currently, this Subchapter does not apply to a lot zoned small lot (SF-4A) unless the lot is adjacent to property zoned (SF-2) or (SF-3). The mention of (SF-1) zoning is not included.

**Task Force Recommendation:** Any proposed development in a (SF-4A) district would have to comply with Subchapter F if the proposed development is adjacent to (SF-2) or (SF-3) zoning, but not (SF-1) zoning. This portion of the ordinance should be amended to state “This Subchapter does not apply to a lot zoned as a single-family residence small lot (SF-4A) district unless the lot is adjacent to property zoned as a single-family residence standard lot (SF-1) district, (SF-2) district, or family residence (SF-3) district.

### **25. Land Use Chart 6.3**

**Issue:** The permitted use table in the Land Development Code 25-2-491(C) online does not comply with Ordinance 040617-Z1.

**Task Force Recommendation:** The online table needs to be corrected to reflect all changed adopted in the ordinance. (The online table shows more uses than allowed).

### **26. Subdistricts Chart 7.8**

**Issue:** Currently the ordinance allows under 25-2-1406 of the LDC, for a neighborhood plan combining district to modify certain development standards of this subchapter, but it does not allow for modifications by subdistrict.

**Task Force Recommendation:** Amend the ordinance such that modifications could be made by subdistricts within a neighborhood plan.

**NOTE:** The Task Force recommends that there be a definition for subdistricts and that there is a mechanism developed such that subdistrict information be made available via GIS (single point of access for all information).

### **Additional recommendations outside of Subchapter F**

#### **27. Remodel Definition Chart 6.6**

Task Force voted and approved the following language with regard to remodels for residential structures:

Handle remodel of a non-complying structure as follows:

- Interior remodeling - fine.
- Exterior changes - If more than 50% of the exterior walls are removed within a 5 year period then the building must be brought into compliance regarding use, setbacks, height, FAR, and building tent.

The following information must still be considered and approved:

- Definition of wall

#### **28. Duplex Chart 5.3**

Task Force voted (4-0) on 11-09-2007 to draft a resolution to Council Member McCracken stating that the following language added to Part 3 (D) (1) may achieve his intent though not all TF members agree that this is an appropriate approach. The language: a common wall must be one contiguous plane and the common wall must be located perpendicular to the front lot line if the front lot line is straight. If the front lot line is not straight, then the common wall must be located perpendicular to the building line. The intent is to encourage units side by side or top and bottom.