

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2014-003 Small Lot Amnesty

Description: Consider amendments to Title 25 of the City Code to limit the redevelopment of existing small lots that are aggregated and developed as a single building site.

Proposed Language: See attached draft ordinance.

Summary of proposed code changes:

- Clarification that the small lot amnesty infill tool may not be used to disaggregate a site comprised of contiguous substandard lots to create a site that is smaller than the minimum lot area requirement.
- Definition of the term “disaggregation.”

Background: Initiated by Planning Commission on March 11, 2014.

The small lot amnesty infill tool permits construction or major renovation of existing single-family homes on existing legally-created lots that do not meet current minimum lot standards. To qualify, the lot must have a minimum area of 2,500 square feet and a minimum width of 25 feet. This special use applies to all zoning districts and overlays that permit single-family homes. Under existing regulations that apply city-wide, an existing, legally-created lot less than 5,750 square feet that does not comply with current zoning regulations cannot be legally developed or have substantial improvements made to existing buildings (unless it is a qualified substandard lot (LDC 25-2-943) with a minimum lot area of 4,000 square feet and platted before March 15, 1946). Many legally subdivided lots in older parts of the city that do not meet current standards or do not qualify as substandard lots are sitting vacant or the homes on those lots are deteriorating because major improvements are not allowed.

This infill tool has been used in the past to disaggregate sites into smaller substandard lots. For example, a home that has been built across three substandard lots has been allowed to be demolished to make way for three smaller homes, one on each substandard lot. The intent of the small lot infill tool, and the way it has been presented to neighborhoods through the neighborhood planning process, is to address substandard lots where development/redevelopment would have *otherwise been impossible*, not to allow existing sites that are already developed to be broken down into smaller (albeit existing) lots that don't meet current minimum size requirements.

Although staff in no way opposes small lot infill or the concept of small lot development, they feel that the small lot amnesty tool is not the proper way to achieve said development, and that the cottage and urban home infill tools, as well as the small lot

single-family residential use, are the best way to allow for development on lots or subdivision into lots below 5750 square feet.

Staff Recommendation: Recommended

Board and Commission Actions

February 5, 2015: Recommended by the Codes and Ordinances Subcommittee on a 4-0 vote (Commissioner Oliver absent).

December 8, 2015: Forwarded by the Planning Commission without a recommendation due to a lack of a vote in the affirmative.

There was a motion by Vice-Chair Faye Kazi and seconded by Commissioner James Schissler to grant staff recommendation with the following amendments. Strike item “D” and reduce the maximum impervious coverage to 50%. The motion failed on a vote of 6-3-1; Commissioner Tom Nuckols abstained; Commissioner James Shieh, Commissioner Jean Stevens and Commissioner Trinity White voted nay; Commissioner Patricia Seeger (*left early*), Commissioner Jeffrey Thompson absent and Commissioner Nuria Zaragoza (*left early*).

There was a substitute motion by Commissioner Jose Vela and seconded by Commissioner Michael Wilson to deny staff recommendation. The substitute motion failed on a vote of 4-6. Those voting nay were: Vice-Chair Faye Kazi, Commissioner Tom Nuckols, Commissioner Jean Stevens, Commissioner Trinity White, Commissioner Angela Pineyro De Hoyos and Commissioner James Shieh; Commissioner Patricia Seeger (*left early*), Commissioner Jeffrey Thompson absent and Commissioner Nuria Zaragoza (*left early*).

There was a motion by Commissioner James Shieh and seconded by Commissioner Jean Stevens to grant staff recommendation. The motion failed on a vote of 4-6. Those voting nay were Chair Stephen Oliver, Commissioner Tom Nuckols, Commissioner Angela Pineyro De Hoyos, Commissioner James Schissler, Commissioner Michael Wilson, and Commissioner Jose Vela; Commissioner Patricia Seeger (*left early*), Commissioner Jeffrey Thompson absent and Commissioner Nuria Zaragoza (*left early*).

Council Action

February 11, 2016: A public hearing has been scheduled.

Ordinance Number: NA

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