

Draft R-1 Code Amendment Recommendations
16-Feb-2014

INTRODUCTION

The following is a response to the City Manager's request for specific direction from councilors on changes they want to see in the draft R-1 ordinance that was presented by staff.

Summary of all recommendations.

- **Interim Protection Measures** – Put in a separate ordinance, based on the revised code e-mailed to council on February 14 by university neighborhood leaders. Ordinance should have an immediate effective date, and the effective date must not be dependent on DLCD acknowledgement.
- **Creation of new alley access only lots** – Remove all code that would allow creation of new alley access only lots. Hold off on further work on this concept until it can be dealt with as part of developing or revising specific neighborhood plans.
- **Owner occupancy standards for SDUs** – Adopt these as part of the ordinance that implements Interim Protection Measures. Make them permanent and city-wide when the city-wide amendments for SDU development standards are adopted.
- **Lot and development standards for SDUs** – Revise as described below.
- **Development standards for existing alley access only lots** – Revise as described below.
- **Development standards for accessory buildings** – Revise as described below.

SUMMARY OF RECOMMENDATIONS IN THIS DOCUMENT**Lot and development standards for SDUs.**

Make the following changes to the draft code:

- Count SDUs when calculating density.
- Increase minimum lot sizes to maintain density within the ***Metro Plan*** Low Density Residential range. Allow smaller lots through existing PUD provisions.
- Disallow SDUs on “flag lots.”
- Reduce the height of structures close to neighboring backyards by reducing the “inflection” point at which the sloped setback begins.
- Increase the angle of the sloped setback to allow reasonable massing of structures.
- Rewrite adjustments to clarify criteria and limit extent of allowable adjustments.

Development standards for existing alley access only lots

- Use the same setback, height and massing standards that are used for detached SDUs.

Development standards for accessory buildings

- Reduce the height of structures close to neighboring backyards by reducing the “inflection” point at which the sloped setback begins.
- Increase the angle of the sloped setback to allow reasonable massing of structures.
- Rewrite adjustments to clarify criteria and limit extent of allowable adjustments.

DETAILS OF RECOMMENDATIONS IN THIS DOCUMENT

Lot and development standards for SDUs.

Amend Table 9.2740 to count SDUs when calculating density:

“All dwellings, *including secondary dwellings*, shall meet minimum and maximum density requirements in accordance with Table 9.2750.”

Other than the above, the SDU standards are mostly specified in the proposed code under section **9.2751 Special Development Standards for Table 9.2750** under the “**Secondary Dwellings**” subsection, in the following subsections:

- **Lot area.** Require a minimum of 6,100¹ square feet for an SDU, whether attached or detached. Allow smaller lots through a PUD, as long as overall density remains within **Metro Plan** Low Density Residential range. Do not allow SDUs on flag lots.
- **Building size.** Allow a maximum total square footage of 10% of lot area, not to exceed 800 s.f., for both attached and detached SDUs.
- **Building Height/Setback.** For detached SDUs and any portion of an attached SDU that is more than 60 feet from the front property line:

The dwelling (or portion of dwelling) shall be limited by interior yard setbacks that are five feet, with an inflection point at 8 feet height and a sloped setback from that height that increases at the rate of 10 inches vertically for every additional 12 inches horizontally. (*Note that setbacks are sloped. They do not have “pitch” – that is a term that applies to roofs and other structures, not setback planes. It confuses people who may think that the setback slope is a limit to roof pitch, when it is not.*)

With this setback configuration, it’s reasonable to allow a maximum building height of 18 feet on all lots for both detached SDUs and affected portions of attached SDUs. (An 18 foot height would have to be 13 feet from the adjacent property.)

Do not allow any intrusions into the setback areas other than eaves and chimneys.

- Rewrite **adjustment** (35) to clarify criteria and set maximum extent of allowable adjustments, as follows:

Conversion of Existing Building. Obviously, allow conversion if the structure meets all SDU standards. For structures that would conform to all standards, *except the sloped setback plane*, allow only for total square footage no more than 600 s.f. and no portion of structure more than 15’ above grade. Allow conversion of such structures that are closer than five feet to an interior lot line, only if the adjacent property owner grants an easement.

Building Height. Allow a max height of 24 feet if all of the structure that would fall within the scope of the “Building Height/Sloped Setback” standard is at least 20 feet from all interior property lines and within the sloped setback.

¹ Councilors may want to adopt a slightly different minimum lot size. Here are the relevant factors:

- The **Metro Plan** Low Density Residential density maximum is 14.28 dwellings per net acre (du/na), which is equivalent to one dwelling per 3,050 square feet or two dwellings per 6,100 square feet.
- The City’s R-1 Low Density Residential Zone maximum density is 14 du/na, which is equivalent to one dwelling per 3,111 square feet or two dwellings per 6,222 square feet.

Development standards for existing alley access only lots

These standards are mostly specified in the proposed code under section **9.2779 Alley Access Lot Standards** under the “Development Standards.” Subsection. The following proposed subsections should be changed to be the same as for detached SDUs:

- **Building Size.**
- **Building Height/Interior Setback.**

In addition to using the same Building Height standards, use the same **adjustment** for building height. (i.e., replace adjustment (36) with the rewritten adjustment (35).)

Development standards for accessory buildings

These standards are mostly specified in the proposed code under section **9.2751 Special Development Standards for Table 9.2750** under the “Accessory Buildings in R-1” subsection, in the following subsections:

- **Building Size.** Simplify accessory building size limits as 10% of lot size for all lots, regardless of lot size or development site size. Allow alternatives for larger development sites only through PUDs.
- **Building Height/Setback.** Simplify and provide adequate protection by having interior yard setbacks be five feet, with an inflection point of 8 feet and a sloped setback that increases at the rate of 10 inches vertically for every additional 12 inches horizontally.

With this setback configuration, it’s reasonable to allow a maximum building height of 25 feet on all lots. (A 25 foot height would have to be 19 feet from the adjacent property.) This should be stated as: “No part of the building (except chimneys), shall be more than 25 feet above grade.”

- Rewrite **adjustment** (34) to allow only up to a five foot increase in height in a PUD and as long as the entire structure meets the sloped setback standards. (*With a 25 foot max height, as suggested, there is no great need, and there is significant potential impact, for allowing higher accessory buildings unless they’re part of a PUD. PUD approval criteria already require development to be “compatible” and have “minimal impact” on surrounding areas.*)