

Zoning Ordinance Cleanup Items (Docket #240-21)

ZONING AND PLANNING COMMITTEE
AUGUST 16, 2021
PLANNING & DEVELOPMENT

Summary of Proposed Amendments

- Fix internal inconsistencies, improve clarity, and fix typos or errors
- A few policy changes proposed
- Based on feedback from residents, staff, building professionals, and more

Organization

Section 1: Building Type definitions

- Single-Family, Detached
- Two-Family, Detached
- Single-Family, Attached
- Multi-family

Section 2: Garage Ordinance

- Special permit allowance for 2 attached or detached garages
- Exemption for Side-Facing Garages

Section 3: Other changes

- Language codifying existing practice, clarifying edits, and scriveners' errors, corrections

Removed Since June ZAP Presentation

- An incorrect edit proposed to Sec. 1.5.2.D, Lot Coverage
- Edit striking Sec. 6.10.4, Recreational Marijuana Establishments
- Special permit for Accessory Buildings in Sec. 3.4.3.A.3

Section 1

HOUSING TYPE DEFINITIONS

Existing Two-Family, Detached Definition (Sec. 1.5.1.B)

- **Two-Family, Detached.** A building that contains 2 dwelling units and is either divided vertically so that the dwelling units are side by side but separated by a shared wall extending the entire maximum height of one or both units, and/or is divided horizontally so that one dwelling unit is above another.

Dwelling Unit Definition

(Sec. 1.5.1.E)

- **Dwelling Unit.** One or more rooms forming a habitable unit for 1 family, with facilities used or intended to be used, in whole or in part, for living, sleeping, cooking, eating and sanitation

Currently Not allowed - Adjacent Garages



- Garages not separated by living space
- Each unit has one garage

Two-Family, Detached- Allowed Under Current Interpretation



- Common two-family home being constructed today
- Garages not counted as part of dwelling unit- must be separated completely by living space
- Typically leads to two-curb cuts and additional paving

Proposed Two-Family, Detached Definition, Option 1 (Sec. 1.5.1.B)

Proposed Edits

Two-Family, Detached. A building that contains 2 dwelling units and is either divided vertically so that the dwelling units are side by side but separated by a shared wall extending the entire maximum height of one or both units, including garages, and/or is divided horizontally so that one dwelling unit is above another. Accessory apartments shall not be considered a separate dwelling unit for the purposes of this section.

- Allows garages to touch
- Maintains requirement for complete connection between each unit

Proposed edits Option 1- Garage Ordinance

(Sec. 3.4.4.F)

Proposed Edits

F. Additional Standards for Two-Family, Detached residential buildings

1. 1. Parking spaces in Garages are counted toward the minimum number of accessory parking spaces required by Sec. 5.1.4. Garages may be attached or detached.
 - a) For each residential unit, there shall be no more than 500 square feet in total Garage area, no more than one Garage, and each Garage shall provide for no more than 2 automobiles; **and**
 - b) There must be space that meets the requirements to be eligible for Habitable Space above each Garage if the Garages share a Garage Wall; except
 - a) 1 and 1 ½ story buildings are exempt from Section 3.4.4.F.1.2

- Requires habitable space above garages if they touch

Allowed Under Two-Family, Detached Definition, Option 1



- Garages not separated by living space
- Habitable space above each garage required if they share a garage wall
- Full connection for full height between each unit

Proposed Two-Family, Detached Definition, Option 2 (Sec. 1.5.1.B)

Proposed Edits

Two-Family, Detached. A building that contains 2 dwelling units ~~and is either divided vertically so that the dwelling units are side by side but separated by a shared wall extending the entire maximum height of one or both units, and/or is divided horizontally so that one dwelling unit is above another.~~ Accessory apartments shall not be considered a separate dwelling unit for the purposes of this section

- Allows for garages to touch
- Allows for flexibility in how the massing and units are arranged

Allowed Under Two-Family, Detached Definition, Option 2



- Separation wall does not extend full height
- Garages not separated by living space
- Allows for shared driveway
- One curb cut

Allowed Under Two-Family, Detached Definition, Option 2



Impact

- Minimal connection between units
- Allows for shared driveway
- Allows for variation, and the break up, of the massing

Two-Family, Detached Options Pros & Cons

| | Option 1 | Option 2 |
|-------------|--|--|
| Pros | <ul style="list-style-type: none"> • Allows for fewer curb cuts & reduced paving • Creates some flexibility for garage placement • Minimizes change to existing regulations | <ul style="list-style-type: none"> • Allows for fewer curb cuts & reduced paving • Simplifies definition • Creates greater flexibility for garage placement • Potential for greater variation in massing |
| Cons | <ul style="list-style-type: none"> • Less flexibility • Can result in blocky massing | <ul style="list-style-type: none"> • Could result in two-families with minimal connection • Less predictable configurations |

Single-Family, Detached Definition

(Sec. 1.5.1.A)

Proposed Edits

Single-Family, Detached. A building ~~or structure~~ that contains only one dwelling unit. Accessory apartments shall not be considered a separate dwelling unit for the purposes of this section.

- Clarify that accessory apartments are not considered as separate dwelling units for the purpose of definition the housing type
- No substantive changes proposed

Single-Family, Attached Definition

(Sec. 1.5.1.C)

Proposed Edits

Single-Family, Attached. A building or structure that either:

1. Contains 3 or more dwelling units, attached to one another at the ground level and each having a separate primary and secondary access at ground level; or
2. A grouping of principal buildings containing more than two units in total. Contains 2 dwelling units and is not a two-family detached dwelling.

- May include more than two dwelling units, all of which are attached, or a grouping of three or more units in multiple buildings on a single lot.
- Clarifies that adding an accessory apartment does not change the housing type

Multi-Family Definition

(Sec. 1.5.1.C)

- Clarify which housing configurations with 3 or more dwelling units fall under the category of a Multi-Family building.

| Existing Language | Proposed Edits |
|---|---|
| Multi-Family. A building or structure containing 3 or more dwelling units. | Multi-Family. A building or structure containing 3 or more dwelling units <u>primarily accessed through a common building entrance.</u> |

Section 2

GARAGE ORDINANCE

Add exemption for Side Facing garages 10+ feet back

- Front Facing Garages set back over 10 feet are already exempt from the maximum door widths
- Proposed amendment would exempt a detached or attached Side Facing Garage behind the Front Elevation from the maximum door widths
- Side Facing garages on corner lots would not be eligible for this exemption

Side Facing Garage Exemption Options

(add new section after Sec. 3.4.4.G.1)

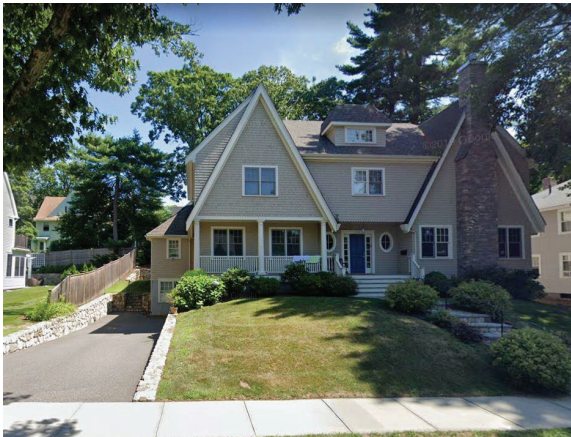
| Option 1 | Option 2 |
|--|---|
| A detached or attached Side Facing Garage that is located 10 feet or more behind the Front Elevation , and is not on a corner lot, is exempt from the standards for Side Facing Garages (Sec. 3.4.4.D). | A detached or attached Side Facing Garage that is set back from the Front Elevation , and is not on a corner lot, is exempt from the standards for Side Facing Garages (Sec. 3.4.4.D). |

Side Facing Garage Exemption- Option 1

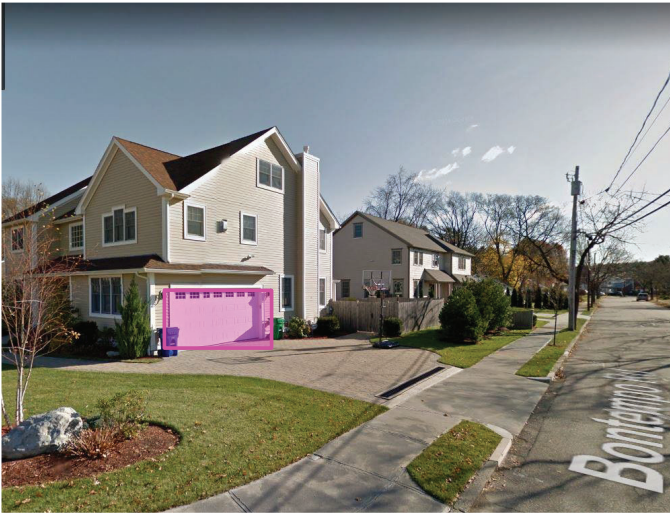
- Would require garage to be set back 10+ feet from Front Elevation
- Exempts garage from door width maximums
- Same setback amount required for Front Facing Garages

Side Facing Garage Exemption- Option 2

- Less strict setback from Front Elevation required



Side Facing Garage Exemption – Corner Lots (not exempt)



Add Special Permit allowance for garages

(Sec. 3.4.4.H.1)

- Option for two attached or two detached garages inadvertently removed when Garage Ordinance was adopted
- Clarifies that 700 square ft total allowed by-right can be split between 2 separate garages
- Only Single-Family, Detached residences eligible for this special permit

Proposed edits

(Sec. 3.4.4.H.1)

| Existing Language | Proposed Edits |
|--|--|
| <p>H. By Special Permit</p> <p>1. 1. For residential buildings with one unit: a Garage with provision for more than 3 automobiles, or a Garage of more than 700 square feet in area, or more than 2 Garages.</p> | <p>H. By Special Permit</p> <p>1. For <u>Single-Family, Detached</u> residential buildings with one unit: a Garage with provision for more than 3 automobiles, <u>or a second attached or detached Garage</u>, or a Garage of more than 700 square feet in <u>total Garage</u> area <u>on a lot</u>, or more than 2 Garages.</p> |

Other changes in Section 2

- Definition of Garage (Sec. 3.4.4.B.1)- remove reference to “structure”
- Standards for one unit and two-unit residential buildings (Sec. 3.4.4.E-F)- Align text with current ordinance language by changing “one unit” and “two unit” to “single-family” and “two-family”

Section 3

OTHER CHANGES

Lot Coverage

(Sec. 1.5.2.D)

- Clarify that decks and other uncovered structures do not count against lot coverage

Setback Averaging

(Sec. 1.5.3)

- Clarify that averaging is only applicable to the principal structure on a lot and cannot be used for accessory structures

Height definition

(Sec. 1.5.4.D.1)

- Clarify that Sec. 1.5.4.D.1 applies only to buildings that are used for any purpose other than single-or two-family residential use

Accessory Apartments

(Sec. 6.7.1.D.2 and Sec. 6.7.1.E.2)

- Clarify that only habitable space in the principal dwelling unit can be used in the calculation of Habitable Space for the purpose of creating accessory apartments.

Other edits

- Add Sec. 5.13 to Table of Contents
- Fix incorrect references in Sec. 5.13
- Update minimum distance between principal dwelling for Detached Accessory Apartments (Sec. 6.7.1.E)
- Add language clarifying ISD's discretion to allow similar uses (Sec. 2.3.1; Sec. 3.4.1; Sec. 4.4.1)
- Codify practice of allowing rendered perspective drawings in Sec. 7.3.1.B

All Proposed Edits

| Section 1 | | | Section 3 | | |
|-----------|---|----------------|-----------|---|------------------------------------|
| 1 | Single-Family, Detached Definition | Sec. 1.5.1.A | 9 | Lot Coverage | Sec. 1.5.2.D |
| 2 | Two-Family, Detached Definition | Sec. 1.5.1.B | 10 | Setback Averaging | Sec. 1.5.3 |
| 3 | Single Family, Attached Definition | Sec. 1.5.1.C | 11 | Height -basement definition | Sec. 1.5.4.D.1 |
| 4 | Multi-Family Definition | Sec. 1.5.1.D | 12 | Special Permit for garages | Sec. 3.4.4.H.1 |
| Section 2 | | | 13 | Internal Accessory Apartments | Sec. 6.7.1.D.2 |
| 5 | Definition of Garage | Sec. 3.4.4.B.1 | 14 | Detached Accessory Apartments | Sec. 6.7.1.E.2 |
| 6 | Standards for one family and two-family residential buildings | Sec. 3.4.4.E-F | 15 | Table of Contents | |
| 7 | Exemption for Side Facing Garages Behind Front Elevation | Sec. 3.4.4.G.1 | 16 | Incorrect references in 5.13 | Sec. 5.13 |
| 8 | Special Permit for garages | Sec. 3.4.4.H.1 | 17 | Use Table Clarifications | Sec. 2.3.1; Sec. 3.4.1; Sec. 4.4.1 |
| | | | 18 | 3D computer-generated model for special permits | Sec. 7.3.1.B |