

TO: Rochester Planning and Zoning Commission

FROM: Jeff Ellerbusch - Analysis, Planning and Policy Supervisor

DATE: February 6, 2013

RE: **File #R2012-005TA City Text Amendment**
Land Development Manual Amendment to Add New Low Density Zoning District called the CN-NR (Core Neighborhood – Neighborhood Residential) District

BACKGROUND

The Planning Department has been intermittently involved since 2007, at the instruction of the City Council, working with representatives of the “Imagine Kutzky” neighborhood planning organization on initiatives to amend the Land Development Manual (LDM) to better reflect the zoning needs of older neighborhoods. Discussions have included Second Street re-development issues, commercial land use design regulations on other major approaches, mixed use development and residential land use regulations.

Defining what are the development and design issues unique to older residential areas and how these issues should be addressed through different zoning tools took a lot of the discussion time. Zoning Overlay zones, Traditional Neighborhood Design (TND) style regulations, and the newer “Form-Based” style zoning applications were discussed. Every option has its limitations to effective application.

The focus settled on adding new zoning districts to our present ordinance designed to address specific issues unique to neighborhoods predominantly established before zoning regulations. The decision to proceed with the low density zone first was made because it could potentially affect the largest area in our core neighborhoods. Those volunteers most closely involved in this process had the most familiarity with the issues in their low density areas. Following the direction of the “Imagine Kutzky” representatives and the input they solicited from the residents of the Kutzky Park Neighborhood, staff drafted amendment language for the LDM to add a new zoning district called the CN-NR (Core Neighborhood-Neighborhood Residential) District.

AMENDMENT EFFECT

The proposed text amendment as presented for adoption will not affect the existing or potential use of any specific property(ies) at this time. This action is only an amendment to the text of the LDM to add a new zoning district that doesn’t exist in the ordinance presently. To affect a property, this new zone would have to be adopted and then a re-zoning action would have to take place on a specifically identified area that at the present time is most likely zoned R-1

(MIXED SINGLE FAMILY) or R-1X (SINGLE FAMILY EXTRA). The Commission and the Council would hold additional public hearings on any future re-zoning requests.

DRAFT TEXT TO BE ADDED TO LDM

The Land Development Manual (LDM) is structured in a way where every residential zoning district has two tables that define the permitted uses and their general standards and the appearance standards for each use. The tables also make reference to specific section of the LDM that cannot fit into a tabular format . Other regulations applicable to certain activities or review processes that may take place in multiple zoning districts, usually as an accessory type use, are located in other sections of the ordinance. This structure leads to a very lengthy and cumbersome list of sections in the ordinance that must be amended. Over 50 different sections of the LDM have to be amended.

Attached is the draft text changes presented in numerical order according to the chapters of the LDM, sections and subsections in the LDM. To provide context for each change, part(s) of the existing text language of the pertinent paragraph are also reproduced.

MAJOR ASPECTS OF THE NEW ZONE AS COMPARED TO EXISTING CODE

Listed in order of appearance in the LDM are abstracts of the major differences between the draft CN-NR (CORE NEIGHBORHOOD-NEIGHBORHOOD RESIDENTIAL) regulations and the least restrictive low density zone in the LDM, the R-1X (SINGLE FAMILY EXTRA) District.

Each major issue is rated by its comparable relationship to the existing R-1X district as MORE RESTRICTIVE, LESS RESTRICTIVE, NEUTRAL or NEW.

1. 60.605 - MORE RESTRICTIVE - Neighborhood meeting is required for any conditional use permit. Now only CUP's for excavation or land alteration activities require neighborhood meeting.
2. 61.142 – MORE RESTRICTIVE - All Conditional Uses must be reviewed through the Type III, Phase III process rather than the shorter Type III, Phase I typically required. The Phase III process gives approval authority to the Council rather than the Commission.
3. 62.261 (1) (c) (6) - MORE RESTRICTIVE – Townhomes are limited to no more than 3 attached units compared to 5 or potentially 9.
4. 62.273 (1) (B) – LESS RESTRICTIVE - Garages with doors facing an alley shall not be required to maintain an 18 foot setback off the alley, only five feet.
5. 62.273 (1) (E) - MORE RESTRICTIVE - If a lot has access to an alley, no new curb cuts will be allowed from the street to the lot.
6. 62.273 (1) (F) - MORE RESTRICTIVE – Must screen parking in front of garage if within 6 feet of lot line.
7. 62.273 (2) (A) – LESS RESTRICTIVE - Allow 75% of the required rear yard to be covered with accessory buildings (present regulations would allow a larger footprint but not a second floor for a garage on a typical lot and limit the rear yard coverage to 35%).
8. 62.273 (E) (3) – LESS AND MORE RESTRICTIVE – Allow a garage to be only as tall as the primary building on the lot but no more than two stories. Present regulations allow a 15 foot tall garage regardless of house height. Allow the second story to be used as home occupation which is not allowed in the R-1X.

9. 62.273 (G) – MORE RESTRICTIVE – Limit garage footprint to 785 square feet and potentially two stories. 1,500 SF is the typical permitted maximum.
10. 62.278 (2) - MORE RESTRICTIVE – Accessory (Mother-in-Law) apartments not allowed in the CN-NR district.
11. 62.278 (2a) - LESS RESTRICTIVE – Allows a detached garage to include an accessory apartment. This section permits a use nowhere else allowed in the LDM. LDM allows a second dwelling (rear yard dwelling) on double sized lots but not as small as 5,000 square feet.
12. 62.278 (10) - LESS RESTRICTIVE - Permit Bed and Breakfast uses as a conditional use – R-2 zone required for a B&B in the LDM.
13. TABLE 62.462 - MORE RESTRICTIVE - The CN-NR District will not allow offices, medical facilities, nursing and personal care facilities, funeral homes or agricultural operations that are presently allowed as conditional uses at intersections or fronting major streets.
14. TABLE 62.463 - LESS RESTRICTIVE - Require no minimum lot width for a residence. Reduce minimum lot area for a SFD to 4,000 SF from 6,000; 5,000 SF vs. 7200 SF for a duplex and 2500 SF per unit in a two unit townhome; 2000 SF per unit in a townhouse building with three or more units. Allow 16' versus typical 25" foot rear-yard setback. Allow 5 foot side-yard versus typical 6 and a sum of side-yards of 10 versus 16 feet.
15. 62.491 - MORE RESTRICTIVE & NEW - Prohibit the conversion of an existing single family detached home into a duplex except by a conditional use.
16. 62.492 – NEW – Adds design requirements to applicable to all new dwellings or in cases where there is a majority expansion or remodeling. Other design requirements are required according to unique scenarios. This aspect of the CN-NR district is the most far-reaching since no other district sets design minimums for dwellings.
17. 63.112 (3) - LESS RESTRICTIVE - Allow an 11 foot side-street side-yard and 12.5' is normally required.
18. 63.112 (6) – LESS & MORE RESTRICTIVE - Require a “build to line” in the front yard of the dwelling - MORE. Along a street require the dwelling be located from between 16 to 24 feet set off the front property depending on the setback of adjacent homes within 20 feet – LESS - presently a 25' setback is a minimum requirement but could be deeper if the owner desired. A “Design Modification” would allow a front yard to match the neighbor’s setbacks and potentially could be less than 16' if the adjacent homes are already closer to the street.
19. 63.122 - LESS RESTRICTIVE - Allows front and rear encroachments of 8 feet and side encroachments of 2 feet with balconies, stoops, porches, bay/bow windows etc. if the part of the building that encroaches has a 50% level of transparency.
20. 63.126 (H) - MORE RESTRICTIVE & NEW – Fences in front or side-street yards limited to 4 versus 6 feet in height and cannot be chain-link style – NEW.
21. 63.130 - LESS RESTRICTIVE - Requires only a minimum of 20% of the lot area kept as landscaped usable open space, not the 50% landscape area required by the code presently. The minimum setbacks consume 25% of a lot, already exceeding the 20%, but this required open space area must have minimum dimensions of at least 8' and at least 200 SF in a single area. So sometimes the front yard and side-yards don't count toward meeting the 20% open space. Where lot width is less than forty (40) feet, the minimum dimension of usable open space may be reduced to six (6) feet.
22. 63.137 - LESS & MORE RESTRICTIVE – Driveways are not counted as “Landscape Area” –MORE- but previous pavement areas used for recreation are a permissible type of “Landscape Area” – LESS.
23. 63.426 – LESS RESTRICTIVE – No spillover parking required in the CN-NR district.

24. 63.430 - MORE RESTRICTIVE – New parking areas must be serviced by an alley if available.
25. 63.455 91) (A) - MORE RESTRICTIVE – parking lots in rear-yard must be separated from the dwelling by 6 feet and from any side lot line shared with another residential use.

ATTACHMENTS

1. Draft Text
2. Draft Tables (2)