

## Chapter 42 Summary of Amendments

**Expanding the Urban Area** - this amendment geographically expands the "urban area" to include all areas in the City Limits that are within Beltway 8. The urban area designation allows for reduced building line requirements for certain developments along major thoroughfares with a designated width of less than 80 feet, certain single family residential developments and garage setback lines. It also allows for the use of lot size performance standards, reduced compensating open space requirements and shared driveways. The amendment expands the area eligible to seek Special Minimum Lot Size and Special Minimum Building Line status. For purpose of the park dedication requirements, the urban area remains unchanged.

**Guest Parking** - New higher density single-family development provides only enough parking for the units. With the densification of the city, demand for curb parking is being increased due to multiple units on what used to be one single family lot, creating a lack of guest parking for the redeveloping areas. The proposed amendment requires one guest parking space for every six dwelling units. Existing on-street parking in front of the development counts toward fulfilling the total parking requirement. Included are amendments to PWE Design Manual allowing for culverts on open ditch streets to provide on-street parking. It also identifies standards for a reserve restricted to parking.

**Existing Conditions Survey** - This amendment requires certain information be shown in a site survey for each subdivision plat with single-family residential uses. This is to assist staff review of site development elements.

**Building Line Encroachments** - This amendment specifies the type of encroachments allowed into a platted building line of 10 feet or greater.

Key Points to the amendment are as follows:

- An encroachment of up to 30 inches is allowed for roof eaves, bay windows, balconies, fireplace chimneys or decorative features that are cantilevered into the setback line.
- An encroachment of up to 5 feet is allowed for open stairways or wheelchair ramps into the building setback line.

**Name Requirements for Partial Replats** – Neighborhood residents are concerned that a new replat name with a different name will remove the property from their deed restrictions. To insure name continuity, new applications for partial replats of single family residential subdivisions contain separately filed deed restrictions must be sequentially numbered referring back to the original plat name. For example, the first partial replat of "Sunny Land Subdivision" would be named "Sunny Land Subdivision partial replat no. 1".

**Average Lot Size/Average Lot Width** - The current provisions of the code are based upon a 1970 style townhouse product. The purpose of these amendments is to allow greater flexibility for a mix of housing prices within a subdivision in the urban area while maintaining the compensating open space requirements.

Key Points to the amendment are as follows:

- Allowing for lots less than 1,400 square feet if the average area in the block face is a minimum of 1400 square feet.

- Allowing for a minimum lot width of 15 feet if the average width in the block face is a minimum of 18 feet.
- Allowing for the averaging of building coverage performance standards for lots within the block face.

There is a provision that limits the maximum lot width to 30 feet for averaging lot width and 3,500 square feet for averaging lot area. This was added to prevent skewing the numbers with an oversized lot or width for averaging purposes.

These amendments are not applicable in established minimum lot size areas.

**Sign Posting Requirements for New Single Family Residential Subdivisions which contain Certain Reserves** - This amendment requires the posting of signs on reserves advising the homebuyers of the proposed future use of those tracts. Each sign must be posted before any single-family lot may be sold and must remain until the reserve is developed or the last lot is sold and developed.

The provisions of this amendment do not apply to landscape reserves, park or open space reserves, compensating open space reserves, drainage or detentions reserves, or recreational reserves.

**Shared Driveways** - Concerns about fire protection, access and turning movements and the adequacy of a shared driveway width, length, geometrics and minimum setbacks adjacent to shared driveways for firefighting purposes led to amendments related to the shared driveway provision for residential development inside the Urban Area.

Key Points to the amendment are as follows:

- Establishing that a shared driveway development must take access from a minimum 21' paving section for a public street.
- Establishing a minimum shared driveway width of 18-feet with a 3-foot building setback line for most situations.
- Allowing for minimum shared driveway width of 16-feet with a 4-foot garage setback line in certain situations.

**Lift Station Reserve Requirements** - this amendment resolved the conflicts found between Chapter 42 and the Public Works & Engineering Design Manual regarding allowable lift station reserve sizes.

Key Points to the amendment are as follows:

- A lift station with one pump may have a minimum reserve size of 2,500 s.f.
- A lift station with two pumps may have a minimum reserve size of 3,750 s.f.
- A lift station with more than two pumps may have a minimum reserve size of 5,000 s.f.

Since drafting the amendments two additional issues have come to forward.

**Minimum Lot Size and Building Line** -The current provision sets a maximum size of two opposing block faces per application. The recommendation is to revise the minimum lot size and building line provision to allow larger application areas. Each block would be analyzed on a block by block basis for meeting the ordinance criteria. On protested applications, the Planning Commission may recommend removing block(s) from the area.

**Side setbacks** –The Code allows the construction of buildings on the property line when the construction includes the appropriate fire rated wall. If the applicant has ownership or interest in the adjoining property at the time of permit application, they may provide a form of easement from one property to another as common area; however that is only done through a recorded instrument which encumbers the property perpetually. The amendment includes a change to Chapter 10 of the Code of Ordinances requiring a construction and perpetual maintenance agreement with the abutting property owner when construction is within 3' of a property line.