

**MINUTES OF THE MEETING OF THE JERSEY VILLAGE
PLANNING AND ZONING COMMISSION**

November 11, 2013 – 7:00 p.m.

THE PLANNING AND ZONING COMMISSION OF THE CITY OF JERSEY VILLAGE, TEXAS, CONVENEED ON NOVEMBER 11, 2013 – 7:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW, JERSEY VILLAGE, TEXAS

A. The meeting was called to order at 7:00 p.m. and the roll of appointed officers was taken. Commissioners present were:

Chairman, Debra Mergel	Rick Faircloth, Commissioner
Barbara Freeman, Commissioner	Joyce Berube, Commissioner
George Ohler, Commissioner	Tom Eustace, Commissioner
Michael O’Neal, Commissioner	

Council Liaison, Justin Ray was present at this meeting.

Staff in attendance: Mike Castro, City Manager; Lorri Coody, City Secretary; Bobby Gervais, City Attorney; Danny Segundo, Public Works Director; Frank Brook, City Engineer; Christian Somers, Building Official; and Deborah Capaccioli-Paul, Engineering Technician.

B. Consider approval of the minutes for the meeting held on October 24, 2013.

Commissioner Ohler moved to approve the minutes for the meeting held on October 24, 2013. Commissioner Berube seconded the motion. The vote follows:

Ayes: Commissioners Faircloth, Berube, O’Neal, Eustace, and Ohler
Chairman Mergel

Abstain: Commissioner Freeman

Nays: None

The motion carried.

C. Discuss and take appropriate action regarding the preparation and presentation of the Preliminary Report to Council on November 18, 2013, as it relates to amending the city’s comprehensive zoning ordinance regarding the management of anticipated residential teardown and rebuilding activities in the City of Jersey Village.

Danny Segundo, Director of Public Works, introduced the item. Background information is as follows. The Planning and Zoning Commission has met on several occasions with Gary Mitchel, the Consultant from Kendig Keast Collaborative to discuss and review changes to the City’s Code of Ordinances regarding the management of anticipated residential teardown and rebuilding activities within the City. At its most recent meeting on October 24, 2013, the consensus of the Commission was to approve the Consultant’s proposed amendment document with the following conditions:

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1. Delete the second amendment in Section 14-9; and
2. Delete Section 14-332 amendments as they are the responsibility of the Building Board of Adjustment and Appeals.

Nonetheless, in preparing the preliminary report for signature, it was discovered that the intent of the Commission as it relates to Section 14-9 was that the Board of Adjustment be the body to regulate/approve variances for residential teardown and rebuild activities. Accordingly, to effect this change in the Consultant's amendment document, it is necessary that both the first and the second amendments be deleted from the Consultant's document for Section 14-9.

Additionally, it was discovered that the language to be included concerning "J-Swing Garages" was omitted.

In addition to these changes, staff has included amendments to Section 14-225 to correct a Scribner's error.

This item is to approve a Preliminary Report to Council on November 18, 2013, as it relates to amending the city's comprehensive zoning ordinance regarding the management of anticipated residential teardown and rebuilding activities in the City of Jersey Village that includes the following changes to the Consultant's document:

1. Deletes the first and the second amendment in Section 14-9;
2. Deletes Section 14-332 amendments as they are the responsibility of the Building Board of Adjustment and Appeals;
3. Adds language pertaining to "J-Swing Garages;" and
4. Add amendment language pertaining to Section 14-225.

Commissioner Eustace moved to approve the Preliminary Report for submission to Council on November 18, 2013 with the proposed changes to the Consultant's document. Commissioner Berube seconded the motion. The vote follows:

Ayes: Commissioners Faircloth, Berube, Freeman, O'Neal, Eustace, and Ohler
Chairman Mergel

Nays: None

The motion carried.

Upon passage of this motion, the Preliminary Report was signed for presentation to Council. A copy of the Preliminary Report is attached to and made a part of these minutes as Exhibit "A."

Chairman Mergel called items D and E on the agenda together as follows:

D. Discuss and take appropriate action concerning the application request of Service Franchise Inc., PO Box 2818, Hudson WI, 54016 (Applicant) and Jaron Stone, PO Box 2818, Hudson WI, 54016 (Owner) to amend the zoning ordinance at Chapter 14, Article IV, Section 14-105(a)(21) by adding a subsection (c) to include car wash facility.

E. Discuss and take appropriate action regarding the preparation and presentation of the Preliminary Report to Council on November 18, 2013, as it relates to request of Service Franchise Inc., PO Box 2818, Hudson WI, 54016 (Applicant) and Jaron Stone, PO Box 2818, Hudson WI, 54016 (Owner) to amend the zoning ordinance at Chapter 14, Article IV, Section 14-105(a)(21) by adding a subsection (c) to include car wash facility.

Danny Segundo, Public Works Director, introduced the items. He told the Commission that on October 18, 2013, Service Franchise, Inc. filed an application for a zoning amendment. The request seeks to amend the City of Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-105(a)(21) by adding a subsection (c) to include car wash facility.

Mr. Segundo told the Commission that the requested change, if approved, will permit car wash facilities in District F upon approval of a Specific Use Permit (SUP). With this in mind, Mr. Segundo told the Commission that it will be necessary to define the term “car wash” in Section 14.5 of the Code. The suggested definition is as follows:

Car Wash - A facility of the tunnel unit type for washing and cleaning of passenger vehicles which allows washing of multiple vehicles in a tandem arrangement while moving through the structure, to include detail areas, vacuum areas and a lobby.

Mr. Segundo told the Commission that these items are to discuss the application and prepare a preliminary report for submission to Council on November 18, 2013.

Discussion was had about the location of the proposed facility. Staff indicated on the area map the location of the facility. Additionally, it was explained that the lot is located between the CVS Pharmacy and Advanced Auto Parts.

There was concern for why the initial requirements for this District did not provide for “car washes” in that there may have been a reason for not locating such businesses in District F. Nonetheless, no one knew why they were not included and conclude that it was most likely an oversight.

There was also discussion about the depth of the property. Staff located the lot on the area map. The Commission learned that the rear of the property contained a detention area, leading to discussions about this area. It was determined that there was approximately some 80 feet from the back of the lot to this detention area.

Discussion was had about the other locations for this Franchise. The applicant stated that they have a car wash operational in Missouri City. It is located within a 3 mile radius of Sienna Plantation in a high-end retail location.

It was noted that the building for this car wash, if it is over 300 square feet, will need sprinklers.

The Commission engaged in discussion about traffic and how this facility will affect same. It was noted that there were no studies included in the application pertaining to traffic and no studies have been performed. It was noted that as work begins on US Highway 290, Jones Road will become more congested. Some Commissioners wondered if this business will contribute to the congestion.

Noise from the machinery was a concern for the Commission. The applicant explained that the noise coming from the car wash is minimal due to how the machines for this business model are constructed. The motors are very small with minimal noise.

There was discussion and concern about “chemical run-off.” The applicant explained that the machines for this car wash are designed for “green” operation. They reclaim 80 to 90 percent of the water used. Additionally, rain water is captured for use. The operation is environmentally safe. All chemicals are biodegradable. The applicant stated that the business model is such that they want to look good, run clean, and stay in business for the long-term.

Staff stated that they have concern for noise, being that the business is located so close to the residential section. The applicant told the Commission that the hours of operation for closing in the summer will be no later than 7:30 pm and no later than 6:30 pm in the winter.

This facility will not have oil changing services. The approximate revenue for this location is estimated at 1 to 2 million per year.

With no further discussion on the matter, Commissioner Faircloth moved to approve the Preliminary Report as submitted in the meeting packet as it relates to request of Service Franchise Inc. (Applicant) and Jaron Stone (Owner) to amend the zoning ordinance at Chapter 14, Article IV, Section 14-105(a)(21) by adding a subsection (c) to include car wash facility; and present the report to City Council on November 18, 2013. Commissioner Eustace seconded the motion. The vote follows:

Ayes: Commissioners Faircloth, Berube, Freeman, O’Neal, Eustace, and Ohler
Chairman Mergel

Nays: None

The motion carried.

Upon passage of this motion, the Preliminary Report was signed for presentation to Council. A copy of the Preliminary Report is attached to and made a part of these minutes as Exhibit “B.”

Chairman Mergel called items F and G on the agenda together as follows:

F. Discuss and take appropriate action concerning the application request of Service Franchise Inc., PO Box 2818, Hudson WI, 54016 (Applicant) and Jaron Stone, PO Box 2818, Hudson WI, 54016 (Owner) for a specific use permit to allow the operation of a car wash facility on a tract of land located at 8714 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

G. Discuss and take appropriate action regarding the preparation and presentation of the Preliminary Report to Council on November 18, 2013, as it relates to the request of Service Franchise, Inc., PO Box 2818, Hudson WI, 54016 (Applicant) and Jaron Stone, PO Box 2818, Hudson WI, 54016 (Owner), for a specific use permit to allow the

operation of a car wash facility on a tract of land located at 8714 Jones Road, Jersey Village, TX 77065 within the city limits in zoning District F.

Danny Segundo, Public Works Director, told the Commission that Service Franchise, Inc. filed an application for a zoning amendment. The request is to amend the City of Jersey Village Code of Ordinances at Chapter 14, Article IV, Section 14-105(a)(21) by adding a subsection (c) to include car wash facility.

Contingent upon the Planning and Zoning Commission's desire to include "car wash facility" as a specific use in District F, Service Franchise, Inc. has also filed an application for a Specific Use Permit to allow the operation of a car wash facility on a tract of land located at 8714 Jones Road, Jersey Village, TX 77065 which is located within zoning District F.

Items F and G are to discuss the application for a specific use permit and prepare the preliminary report for submission to Council on November 18, 2013.

Staff reviewed the application and site plan with the Commission. In completing the review, Mr. Segundo called the Commission's attention to Section 5 of the proposed Ordinance which calls for a listing of any special conditions for the Specific Use Permit should the Commission desire to approve same.

The Commission engaged in discussion about special conditions. Their discussions centered on the following:

1. Noise;
2. Landscaping;
3. Lighting with a requirement that none face residential;
4. Store front must face Jones Road;
5. Trees shall be planted on back of property between masonry wall and the detention pond in order to buffer noise;
6. Needed changes for the monument sign; and
7. Chemicals to be environmentally friendly (green).

In addition to the items above, the Commission briefly discussed on-site parking and the ability of this type of business to positively enhance the character of Jones Road now and in the future.

With no further discussion on the matter, Commissioner Ohler moved to table items F and G in order that the project site plan might be revised in order to reflect the special conditions discussed. Commissioner O'Neal seconded the motion. The vote follows:

Ayes: Commissioners Faircloth, Berube, Freeman, O'Neal, Eustace, and Ohler
Chairman Mergel

Nays: None

The motion carried.

It was the consensus of the Commission that they would meet on November 18, 2013 at 6:00 p.m. in order to review the changes before presenting same to City Council.

H. Consider with possible action removing from the table the action regarding the application request of WCB Land, LLC, 111 East Jericho Turnpike, Mineola, NY 11501,(Applicant/Owner) and Mark Welch with David Weekly Homes (Agent) for a final plat review and approval for the Enclave at Castlebridge, comprised of a 22.34 acre tract of land located in the City of Jersey Village.

Lorri Coody, City Secretary, introduced the item. She told the Commission that during the Commission's October 24, 2013 meeting, Commissioner O'Neal successfully moved to table the action regarding the application request of WCB Land, LLC, 111 East Jericho Turnpike, Mineola, NY 11501, (Applicant/Owner) and Mark Welch with David Weekly Homes (Agent) for a final plat review and approval for the Enclave at Castlebridge, comprised of a 22.34 acre tract of land located in the City of Jersey Village because the final plat submitted was not found to be in its final form.

Therefore, before any discussions can be had on this request, the Commission must remove this item from the table.

Accordingly, after brief discussion on the matter, Commissioner O'Neal moved to remove from the table the action regarding the application request of WCB Land, LLC, 111 East Jericho Turnpike, Mineola, NY 11501,(Applicant/Owner) and Mark Welch with David Weekly Homes (Agent) for a final plat review and approval for the Enclave at Castlebridge, comprised of a 22.34 acre tract of land located in the City of Jersey Village. Commissioner Eustace seconded the motion. The vote follows:

Ayes: Commissioners Faircloth, Berube, Freeman, O'Neal, and Eustace
Chairman Mergel

Nays: Commissioner Ohler

The motion carried.

Chairman Mergel called items I and J on the agenda together as follows:

I. Discussion with possible action concerning the application request of WCB Land, LLC, 111 East Jericho Turnpike, Mineola, NY 11501, (Applicant/Owner) and Mark Welch with David Weekly Homes (Agent) for a final plat review and approval for the Enclave at Castlebridge, comprised of a 22.34 acre tract of land located in the City of Jersey Village.

J. Discuss and take appropriate action regarding the preparation of final plat recommendations for the Enclave at Castlebridge Development, which is comprised of a 22.34 acre tract of land located in the City limits, and make decisions regarding the presentation of same to Council on November 18, 2013.

Danny Segundo, Public Works Director, introduced the items. Background information is as follows: During its October 24, 2013 meeting, the Commission approved the preliminary plat for this development with conditions but was unable to approve the final plat at that time because the Commission felt there was a conflict between staff and the City Engineer concerning the ownership/responsibility of the waste water/water utilities; and the conflict

needed to be resolved prior to approval of the final plat. Accordingly, a recommendation for approval of the final plat was tabled.

City Manager, Mike Castro addressed the Commission. He gave a brief outline of the history of the development of this property. The background information is as follows:

In 2004/2005 the property was being developed for a 154 unit town home project. It was to be a private development with private streets, utilities, water, and sewer. It was to have a Home Owner's Association. The project never completed. There is no record that the City accepted the utilities for this property as public.

Mr. Castro told the Commission that City Ordinances provide for development design and development building specifications. He stated that the City does not believe that the design specifications for the 2004/2005 development met the City's Code and was allowed at the time only because the development was private, meaning all the utilities were to be maintained by the home owner's and not the City.

Currently, the design for the development has changed to one of 94 single family homes. The City is not opposed to this development change but does oppose the applicant's request that the City be responsible for the utilities (water, waste water, drainage and detention.) Accordingly, staff recommends approval of the final plat with the conditions that the streets, water, waste water, drainage and detention are private.

The Commission engaged in discussion about the City's acceptance process and what steps are necessary in order to gain certification. City Manager Castro explained that given the current configuration of the development's system, the City is not in a position to accept this responsibility.

The Commission engaged in discussion about maintenance of such a system and waterline breaks. There was also discussion about the effects such breaks would have on the foundations of the homes and the concern that the existing lines will be only 6 feet away from foundations.

The Commission wondered if the City took no responsibility for these homes and there is a waterline break, what would be the result. City Attorney Gervais explained that if the City does not own or maintain the system, than it would have limited responsibility.

In accepting responsibility for the system, the biggest concerns for the city are maintenance costs and homeowner liability in terms of damaged foundations due to waterline breaks.

The Commission also wondered about the condition of the utilities since the construction took place over 10 years ago. City Manager Castro explained that while this too is a concern, there are tests that can be run to evaluate the condition of the lines.

The Commission asked staff to restate the recommendation. Staff recommends that the final plat be approved with the condition/plat note acknowledging that the streets, water, waste water, drainage and detention are the responsibility of the developer/Home Owner's Association or assignee.

Mr. Mark Welch spoke on behalf of applicant. He told the Commission that they have conducted the following research since the Commission's last meeting:

1. City Records
2. Interview with former City Manager
3. Interview with former Public Works Director
4. Interview with City Engineer

All research seems to indicate that the City would assume responsibility of the utilities. He further explained that the City's records contain documentation that the utilities were always intended to be public. Mr. Welch called attention to the current plat and its notes, mentioning the conditions approved for the development. They indicate that the utilities are public.

He told the Commission that he would like an opportunity to put together his response to staff's submission to the Commission (the City Engineer's Memo). He also wants to find a solution. He does not believe putting the burden of these utilities on the future home owners is the answer, and it is a deal breaker. He proposed that the developer would be willing to increase the front build line from 16 feet to 20 feet.

Mr. Welsh told the Commission that this development, when complete, will bring some 21 million in tax valuation into the community, equating to approximately \$158,000 annually in tax revenue. He stated that he believes the City should accept responsibility for the utilities.

Mr. Jeff Davis, attorney for the applicant, explained his version of the process had back in 2004/2005 concerning the public utilities process. He mentioned that the project called for individual metering of the homes, a fact that supports that the lines were to be public.

The Commission engaged in discussion about the applicant's proposal. The City Engineer was asked to comment on the proposal. The City Engineer stated that an adjustment in the setback would improve the issue, but it would not resolve it. From an engineering perspective, the further the homes are away from the waterlines, the better. It was mentioned that last year alone in Jersey Village there were some 15 to 20 water main breaks.

The applicant is proposing moving the front build line 4 feet. This action will reduce the number of floor plans that the developer will offer.

City Manager Castro spoke on behalf of the current homeowners of Jersey Village who are being asked to share the risk of this project. He rebutted the comments about the individual meters, stating that the project initially called for a master meter until the developer asked for individual meters for each home. Additionally, as far as prior City inspections of the system, the TCEQ requires inspections if a development ties into a public water supply.

Discussion was had concerning the new proposal. Some members of the Commission felt it might be beneficial to table the item in order that staff and the developer might reach an agreement. Accordingly, Commissioner Ohler moved to table (items I and J) approval of the final plat until dialog can be opened up between the developer and the City in order to resolve the utility responsibility issue in order that the final plat may be presented in final form. Commissioner O'Neal seconded the motion. The vote follows:

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Ayes: Commissioners Faircloth, Berube, Freeman, O’Neal, Eustace, and Ohler
Chairman Mergel

Nays: None

The motion carried.

K. Adjourn

With no additional business to conduct Commissioner O’Neal moved to adjourn the meeting. Commissioner Berube seconded the motion. The vote follows:

Ayes: Commissioners Faircloth, Berube, Freeman, O’Neal, Eustace, and Ohler
Chairman Mergel

Nays: None

The motion carried.

The motion carried and the Commission adjourned at 8:55 p.m.

Lorri Coody, City Secretary

**EXHIBIT A TO THE
NOVEMBER 11, 2013 P&Z MINUTES**

**PRELIMINARY REPORT
AMENDMENTS TO INCLUDE CAR WASH FACILITY AS A
SPECIFIC USE IN ZONING DISTRICT F**



**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION
PRELIMINARY REPORT
AMENDMENTS TO INCLUDE CAR WASH FACILITY AS A
SPECIFIC USE IN ZONING DISTRICT F**

The Planning and Zoning Commission has met in order to review the zoning ordinances as they relate to amending the zoning ordinance at Chapter 14, Article IV, Section 14-105(a)(21) by adding a subsection (c) to include car wash facility.

After review and discussion, the Commissioners preliminarily proposed that Chapter 14, Article IV, Section 14-105(a)(21) be amended by adding a subsection (c) to include car wash facility.

This preliminary change to the City’s comprehensive zoning ordinance is more specifically detailed in the proposed ordinance attached as Exhibit “A.”

The next step in the process as required by Section 14-84(c)(2)(b) of the Jersey Village Code of Ordinances is for Council to call a joint public hearing with the Planning and Zoning Commission.

Respectfully submitted, this 11th day of November 2013.

s/Debra Mergel, Chairman

ATTEST:

s/Lorri Coody, City Secretary



ORDINANCE NO. 2013-XX

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE, TEXAS, THE JERSEY VILLAGE DEVELOPMENT CODE, BY AMENDING CHAPTER 14, ARTICLE IV, SECTION 14-105(a)(21) BY ADDING A SUBSECTION (C) TO INCLUDE CAR WASH FACILITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL; PROVIDING A PENALTY AS PROVIDED BY SECTION 1-8 OF THE CODE; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS THAT:

Section 1. The Code of Ordinances of the City of Jersey Village, Texas, is hereby amended by adding a new subsection (c) to Section 14-105(a)(21), so that Section 14-105(a)(21) shall read as follows:

- “(21) The following uses are permitted in district F with a specific use permit:
- a. Telephone switching facilities.
 - b. Child day-care operations (licensed child-care centers and school-aged program centers).
 - c. Car Wash Facility.”

Section 2. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Jersey Village, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 3. Repeal. All other ordinances or parts of ordinances in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed.

Section 4. Penalty. Any person who shall violate any provision of this Ordinance shall be guilty of a misdemeanor and subject to a fine as provided in Section 1-8.

Section 5. Effective Date. This ordinance shall be in full force and effect from and after its passage.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2013.

Rod Erskine, Mayor

ATTEST:

Lorri Coody, City Secretary

**EXHIBIT B TO THE
NOVEMBER 11, 2013 P&Z MINUTES**

**PRELIMINARY REPORT
AMENDMENTS TO CHAPTER 14**



**CITY OF JERSEY VILLAGE – PLANNING & ZONING COMMISSION
PRELIMINARY REPORT
AMENDMENTS TO CHAPTER 14**

The Planning and Zoning Commission has met in order to review the zoning ordinances as they relate to amending Chapter 14, Building and Development, addressing identified concerns relating to residential teardowns/rebuilds.

After review and discussion, the Commissioners preliminarily propose that the amendments be made to Chapter 14, Building and Development, related to residential teardowns/rebuilds.

These preliminary changes to the City’s comprehensive zoning ordinance are more specifically detailed in the proposed changes attached as Exhibit “A.”

The next step in the process as required by Section 14-84(c)(2)(b) of the Jersey Village Code of Ordinances is for Council to call a joint public hearing with the Planning and Zoning Commission.

Respectfully submitted, this 11th day of November 2013.

s/Debra Mergel, Chairman

ATTEST:

s/Lorri Coody, City Secretary



PROPOSED DEVELOPMENT CODE AMENDMENTS

This document is not final pending legal review, public hearings, and adoption by City Council.

Sections with Potential Amendments

Sec. 14-3. Purpose of chapter	1
Sec. 14-5. Definitions	2
Sec. 14-9. Appeal and variance procedures (deleted)	3
Sec. 14-88. Regulations that apply to all districts	4
Sec. 14-101. Regulations for district A (single-family dwelling district)	5
Sec. 14-137. Table 14-2; lot standards	8
Sec. 14-225. Flood damage prevention	9
Sec. 14-282. Driveway design standards	10

INSTRUCTIONS: AMEND existing Section 14-3 to add new content as indicated.

Sec. 14-3. Purpose of chapter.

- (a) The purpose of this chapter is the implementation of the comprehensive plan, specifically the goals, objectives and policies contained therein, and the protection of the health, safety and general welfare of existing and future residents of the city.
- (b) This purpose is met by:
 - (1) Providing the means of implementing the policies and provisions of the comprehensive plan.
 - (2) Guiding the growth of the city, concentrating more intense development in areas with high development capability and limiting development in areas of low capability.
 - (3) Guiding, through the establishment of performance standards, the type, distribution and intensity of development.
 - (4) Preserving neighborhood character in older established residential areas through supplemental standards intended to manage the nature and intensity of infill development, add-on construction, and reconstruction after removal of existing dwellings.

(Ord. No. 95-04, § 1(101), 2-20-95)

PROPOSED DEVELOPMENT CODE AMENDMENTS

This document is not final pending legal review, public hearings, and adoption by City Council.

INSTRUCTIONS: AMEND existing Section 14-5 to add new and revise existing content as indicated.

Sec. 14-5. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Blockface means the properties abutting on one side of a street between the two nearest intersecting streets or other physical features, such as a watercourse or unsubdivided land, that defines the end of the block.

Garage, front load means a private garage where the vehicular access doors to the garage face toward and are generally visible from a public way.

Garage, side load means a private garage where the vehicular access doors to the garage are perpendicular to the front lot line and, therefore, are generally not visible from a public way, unless the lot is a corner lot and the garage loads from the side street.

Garage, J-Swing means a garage upon which the entry point from the street is located in front of the house and the garage door is perpendicular to the front of the house. A J-Swing garage must have at least two windows, each 12 square feet or greater, oriented toward the front of the lot.

Yard, front means the space enclosed by the front lot line, the side lot lines and a line parallel to the front lot line and even with the main building or any projections thereof, other than steps, ~~or~~ planter box ~~or enclosed porches.~~

PROPOSED DEVELOPMENT CODE AMENDMENTS

This document is not final pending legal review, public hearings, and adoption by City Council.

INSTRUCTIONS: AMEND existing Section 14-9 to revise existing content as indicated.

Deleted as recommended.

DRAFT

PROPOSED DEVELOPMENT CODE AMENDMENTS

This document is not final pending legal review, public hearings, and adoption by City Council.

INSTRUCTIONS: AMEND existing Sections 14-88 and 14-332 to add new content to both of these parallel sections as indicated.

Sec. 14-88. Regulations that apply to all districts.

(a) *General regulations.*

(13) Add-on construction. After a certificate of occupancy has been issued for a building in accordance with section 14-7(b), no add-on type of construction such as patio covers, carports, balconies, stoops, porches or any structural alteration of the building shall be made unless a new building permit is first obtained from the development officer in accordance with Chapter 14. The plans must be submitted to and approved by the development officer. Requests for a building permit to allow add-on type construction or structural alteration of a building shall indicate that the proposed construction will be in harmony with the style of the original building.

- a. Where add-on construction to a single-family detached dwelling in district A involves structural alteration that will increase the square feet of enclosed living area on the ground floor, such add-on construction shall be permitted only to the side or rear of the existing dwelling, as space on the lot may allow while maintaining conformance with the applicable standards for minimum side and rear building setbacks.
- 1. Where such add-on construction will result in a finished building height that at any point exceeds the height of the front façade of the existing dwelling at any point, the add-on construction shall be permitted only to the rear of the existing dwelling.

PROPOSED DEVELOPMENT CODE AMENDMENTS

This document is not final pending legal review, public hearings, and adoption by City Council.

INSTRUCTIONS: AMEND certain subsections within existing Section 14-101 to add new and revise existing content as indicated.

Sec. 14-101. Regulations for district A (single-family dwelling district).

(b) *Height and area regulations.* The height of buildings, the minimum area of buildings, the minimum lot size and the minimum dimensions of yards in district A shall be as follows:

(1) *Height.*

a. Single-family residences shall not exceed 2½ stories in height, except for Blocks 26, 38, 41, 42 and 47, which shall not exceed 1½ stories.

1. When a new single-family residence in district A conforms with the limitation on number of stories above, but exceeds 35 feet in height, 1 foot of additional side setback and 1 foot of additional rear setback from the minimum required shall be provided for each 1 foot of additional building height above 35 feet.

2. Add-on construction to an existing single-family residence shall not result in building height greater than 35 feet unless:

a) The existing residence was constructed farther from the side and rear property lines than the minimum required setbacks, to where the additional setback is sufficient to enable the improved residence to satisfy the requirement of this subsection for additional side and rear setback to offset additional height above 35 feet; or

b) The proposed construction work on the existing residence will change the location of the side and/or rear exterior walls to where the improved residence will satisfy the requirement of this subsection for additional side and rear setback to offset additional height above 35 feet.

b. Detached private garages and freestanding structures other than those freestanding structures listed in subsection (b)(1)c of this section, shall not exceed in height the roof peak of the residence.

c. The height of all freestanding structures except residential structures and freestanding garages shall conform to table 14-1 of this article.

d. Nonresidential structures shall not exceed 35 feet in height.

TABLE 14-1

		Height (feet)	Maximum Size (square feet)
1.	Utility structure	8	100
2.	Greenhouse	12	200
3.	Pet house	4	50
4.	Hobby structure	12	200
5.	Playhouse	12	200
6.	Gazebo	15	500
7.	Cabana or dressing room	12	200
8.	Pool cover	15	not applicable

PROPOSED DEVELOPMENT CODE AMENDMENTS

This document is not final pending legal review, public hearings, and adoption by City Council.

(2) *Building area.*

- a. Single-family dwellings shall have a building area of at least 1,750 square feet for single-floor residences, or 1,200 square feet on the ground floor for multistory residences.
- b. Detached private garages shall not exceed four-car capacity or 1,000 square feet of ground floor area.
- c. On residential lots the total ground floor area of all freestanding structures within a required rear yard shall not exceed 25 percent of the area of the rear yard.

1. This limitation on rear yard coverage shall increase to 40 percent of the area of the rear yard in cases where a detached private garage that is partially or entirely situated within the rear yard area does not exceed one story or 20 feet in height, whichever is less.

- d. Nonresidential buildings shall contain not less than 1,000 square feet of ground floor area, except for churches or other places of worship which shall contain not less than 4,000 square feet of ground floor area.
- e. The maximum size of all freestanding structures except residential structures and freestanding garages shall conform to the standards contained in table 14-1

(3) *Location on lot.*

- a. The setbacks established in section 14-88(b) may be modified as follows: Except as provided by subsections b, c and d hereof, detached private garages and other freestanding structures shall not be located on any lot closer than 70 feet to the front lot line, three feet to a side lot line, ten feet to a rear lot line, ten feet to a side street line or ten feet to the single-family dwelling. Detached private garages and other freestanding structures exceeding one story in height shall not have second story openings facing the nearest side or rear lot line, except as may be required to comply with standards for emergency access and egress.
- b. The setbacks established in section 14-88(b) may be modified as follows: A nonresidential building shall not be located closer than 25 feet to the front lot line, 25 feet to a side lot line, or 25 feet to a rear lot line.
- c. A carport shall not be located closer than three feet to a side lot line, ten feet to a rear lot line or ten feet to a side street line; provided that a carport which loads from a side street shall not be located closer than 20 feet to the side street line.
- d. An attached or detached private garage which loads from a side street shall not be located closer than 20 feet to the side street line.

e. An attached private garage oriented for front loading shall be set back at least 25 feet from the front building line. If the single-family dwelling is set back farther on the lot than the minimum required front setback, then the attached private garage shall be set back at least 25 feet from the point on the front façade of the dwelling that is closest to the front building line. In no case may the vehicular access doors of an attached private garage be located closer to the front building line than any other point on the front façade of the dwelling, unless the dwelling is on an interior lot within a block and the attached private garage is oriented for side loading.

- (4) *Lot size.* No lot in this district shall have less than 10,000 square feet of total area, and no lot shall be less than 70 feet wide at the front building line; provided, however, that no church or other place of worship shall be constructed on a lot having less than five acres of total area.

a. No lot in this district for a single-family detached dwelling shall have a total area that exceeds by more than 20 percent the total area of any other lot for a single-family detached dwelling on the same blockface.

b. No lot in this district for a single-family detached dwelling shall have a width that exceeds by more than 20 percent the width of any other lot for a single-family detached dwelling on the same blockface.

PROPOSED DEVELOPMENT CODE AMENDMENTS

This document is not final pending legal review, public hearings, and adoption by City Council.

(5) *Open areas.*

- a. Residential lots shall have a minimum of 50 percent of the required front yard and required side yards adjacent to a side street devoted to landscaping.
- b. Nonresidential lots shall have a minimum of ten percent of the total lot area devoted to landscaping. All open unpaved or uncovered space shall be devoted to landscaping.

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PROPOSED DEVELOPMENT CODE AMENDMENTS

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INSTRUCTIONS: AMEND existing Section 14-137 to add new and revise existing content in and footnotes to Table 14-2 as indicated.

Sec. 14-137. Table 14-2; lot standards.

LOT STANDARDS								
Lot Type	Minimum Lot Area (in square feet) ⁽¹⁾	Minimum Lot Width (in feet) ⁽²⁾	Minimum Lot Depth (in feet)	Minimum Front Setback (in feet)	Minimum Side Setback (in feet)	Minimum Side Street Setback (in feet) ⁽⁵⁴⁾	Minimum Rear Setback (in feet)	Minimum Street Standard ⁽³²⁾
Urban residential	10,000	70	100	25	7.5	10/25	25	R-1
<u>Urban residential. Supplemental standards for SF dwelling lots in district A</u>	<u>See Note 1 for maximum limitation⁽¹⁾</u>	<u>See Note 2 for maximum limitation⁽²⁾</u>	<u>N/A</u>	<u>N/A</u>	<u>12.5 from common lot line with a SF dwelling lot that is ≤50% in area</u>	<u>N/A</u>	<u>30 from common lot line with a SF dwelling lot that is ≤50% in area</u>	<u>N/A</u>
Garden/patio	5,000	34	100	25	7.5/0	10/25	16	R-1
Townhouse	2,000	24	100	25	0	10/25	25	R-1
Multifamily	7,500	60	100	25	7.5	10/25	25	LC-1
Nonresidential	10,000	75	100	25	7.5	10/25	25	LC-1

⁽¹⁾ Minimum lot area per dwelling unit. In district A, a maximum lot area also applies to lots for single-family detached dwellings, under which the total area for such lots shall not exceed by more than 20 percent the total area of any other lot for a single-family detached dwelling on the same blockface.

⁽²⁾ In district A, a maximum lot width also applies to lots for single-family detached dwellings, under which the width for such lots shall not exceed by more than 20 percent the width of any other lot for a single-family detached dwelling on the same blockface.

⁽³²⁾ Lots may be located on any street classification of greater but not lesser capacity than the minimum standard. The design of the development and the anticipated traffic generation will determine actual street design classification.

⁽⁴³⁾ For apartment lots with more than two dwelling units, the minimum lot size is calculated according to the number of dwelling units as described in section 14-132(d).

⁽⁵⁴⁾ Where one or more lots have frontage on a street, all other lots in that block with side lot lines on the same street shall have a setback requirement of 25 feet.

SF single-family residential, detached

N/A not applicable.

(Ord. No. 95-04, § 1(table 4-1), 2-20-95; Ord. No. 01-30, § 13, 10-15-01; Ord. No. 02-09, § 4, 4-15-02)

PROPOSED DEVELOPMENT CODE AMENDMENTS

This document is not final pending legal review, public hearings, and adoption by City Council.

INSTRUCTIONS: AMEND existing Section 14-225 to add new content as indicated.

Sec. 14-225. Flood damage prevention.

(f)

Appeal and Variance procedures. A developer may appeal the decision of the city when it is alleged there has been an error in any requirement, decision or determination in the enforcement or administration of the district floodplain hazard regulations. The procedure for an appeal shall be according to the hardship relief procedures contained in ~~section 14-6, section 14-9.~~ section 14-9. ~~Variations shall not be issued within any designated floodway.~~

Prerequisites for granting variances are:

(5)

Variations shall not be issued within any designated floodway. ~~if any increase in flood levels during the base flood discharge result.~~

PROPOSED DEVELOPMENT CODE AMENDMENTS

This document is not final pending legal review, public hearings, and adoption by City Council.

INSTRUCTIONS: AMEND existing Section 14-282 to add new content as indicated.

Sec. 14-282. Driveway design standards.

The developer shall design, construct, upgrade, reconstruct or repair driveway approaches (also referred to as driveways or curb cuts) for access to lots according to the standards of this section. Driveways shall be permitted only upon streets where full street improvements exist and are maintained as a public street; provided, however, that low volume (residential) driveways may be permitted on public alleys or other accepted public access facilities in existence prior to the adoption of this chapter. Prior to construction of a driveway, the developer shall obtain a driveway permit from the city.

(1) *Location and construction of low volume (residential) driveways.*

- a. The developer shall locate low volume driveways entirely within the frontage of a lot and not less than one foot from any side property line as extended perpendicularly to intersect with the curb line.
- b. The developer shall construct driveways so as not to interfere with pedestrian crosswalks.
- c. The developer shall construct driveways a minimum of three feet from any obstruction such as a street light or utility pole, fire hydrant, traffic signal controller, telephone junction box, etc.
- d. The developer shall construct driveways to conform to the criteria shown in figure 14-14.

1. With any new driveway construction or complete reconstruction of a driveway in district A, organic plant material such as grass or groundcover shall be provided along both sides of any portion of the driveway within the minimum required front yard area. Such organic plant material shall be placed immediately adjacent to the driveway edges and extend at least 3 feet from the driveway. Where the driveway is less than 3 feet from a side property line, organic plant material shall be placed in all of the area between the driveway and side property line, within the minimum required front yard area.

- a. Where permeable materials are used in such driveway construction or reconstruction, the surface area of the permeable materials installed shall not apply toward satisfaction of the residential landscaping standard in section 14-101(b) under which a minimum of 50 percent of the required front yard and required side yard adjacent to a side street must be devoted to landscaping.
- e. The developer shall design driveways with curb return radii according to the classification of the street as provided in table 14-13.