

LAND DEVELOPMENT CODE REVIEW
PART 2
SUGGESTED REGULATORY CHANGES

RE Rural Estates Comparison Chart

Dimension	Code	Miles	Wagler	MacFarlane	Lannamann
Lot Size	2 ac	1 ac			
Lot Width	150				
Lot Depth	200				
Setbacks					
Front	50				
Side	25				
Street Side	50				
Rear	50				
Building Height					
Stories	2.5				
Feet	30				
Floor Area Min	1,500	2,000			
Floor Area Max					
Lot coverage	20				
FAR	.15				
Units/Acre					
Acc. Str. Rear Setback					

Discussion Notes:

- If a determination is made to modify the minimum lot size to one acre, the lot dimensions and setbacks should be reviewed to make sure the lots can be reasonably created and that the setbacks leave adequate room to build a house and any accessory structures.
- Maximum building height and maximum number of stories is listed in the chart but not in the written dimensional standards.
- Nobody commented on the maximum stories at 2.5, but I am not sure what a half story means. Why not simply have a maximum building height?

SFR Single Family Residential Comparison Chart

Dimension	Code	Miles	Wagler	MacFarlane	Lannamann
Lot Size	0.5 ac				
Lot Width	100				
Lot Depth	150				
Setbacks					
Front	35				
Side	20				
Street Side	35				
Rear	30				
Building Height					
Stories	2.5				
Feet	30				
Floor Area Min	1,800	2,000			
Floor Area Max					
Lot coverage	35				
FAR	.20				
Units/Acre					
Acc. Str. Rear Setback					

Discussion Notes:

- Nobody commented on the maximum stories at 2.5, but I am not sure what a half story means. Why not simply have a maximum building height?

MDR-1 Comparison Chart

Dimension	Code	Miles	Wagler	MacFarlane	Lannamann
Lot Size	15,000				14,250
Lot Width	100				80
Lot Depth	120	140	150	120	130
Setbacks					
Front	35				
Side	12.5				
Street Side	12.5	20			
Rear	25	30			
Building Height					
Stories	2.5				
Feet	35				
Floor Area Min	1,700	1,800			
Floor Area Max		3,400			
Lot coverage	50				
Units/Acre	4	3	3		3
Acc. Str. Rear Setback					7

Discussion Notes:

- Mr. Lehning proposed eliminating the entire zoning classification.
- Changing rear and side yard setbacks could result in making existing homes non-conforming. This could become an obstacle for homeowners wanting to make improvements such as room additions where the existing structure was built at the minimum setback line. If the reason for the larger setbacks is to allow for swimming pools, this can be controlled by the larger minimum rear setback already established. We have not had variance applications from areas where the 25-foot rear setback is in place.
- Reducing the rear setback for swimming pools (Lannamann suggestion) is also an option to allow more room for pools either individually or in combination with the larger rear setback for the principal structure.
- If housing cost is an issue, the addition of 100 square feet to the minimum floor area probably adds \$15,000 to \$20,000 to the cost of the house.
- Why not simply eliminate the units/acre standard? The number of units per acre are set by the minimum lot size as it is applied in the subdivision design. This is not something we ever check in the existing neighborhoods, and it is unclear how the units/acre would even be applied in already platted areas.
- Nobody commented on the maximum stories at 2.5, but I am not sure what a half story means. Why not simply have a maximum building height?
- What is the maximum floor area intended to achieve? Some locations, such as lakefront, might support larger houses based on total property value. Why exclude this opportunity?

Each neighborhood will build, or should be able to build, to the property value of that neighborhood. If a property owner stays within the building envelope on the lot, why not allow them to build the house that fits their needs and lifestyle.

- The minimum lot width and lot depth if applied only yield 12,000 square feet in lot area. The balance must be made up by widening the lot or making it deeper.

MDR-2 Comparison Chart

Dimension	Code	Miles	Wagler	MacFarlane	Lannamann
Lot Size	9,000	11,000	10,800		10,890
Lot Width	75	80	80		
Lot Depth	120	130	135		
Setbacks					
Front	25		30		
Side	12.5				10.5
Street Side	12.5	20			
Rear	25		40		
Building Height					
Stories	2.5				
Feet	35				
Floor Area Min	1,200	1,500	1,600		1,400
Floor Area Max		3,000			
Lot coverage	50				
Units/Acre	4	4			4
Acc. Str. Rear Setback	5/10				5
Garage 2-Car	400				3 car/500

Discussion Notes:

- Mr. Lehning proposed eliminating the entire zoning classification.
- Changing rear and side yard setbacks could result in making existing homes non-conforming. This could become an obstacle for homeowners wanting to make improvements such as room additions where the existing structure was built at the minimum setback line. If the reason for the larger setbacks is to allow for swimming pools, this is controlled by the larger minimum rear setback already established. We have not had variance applications from areas where the 25-foot rear setback is in place.
- Reducing the rear setback for swimming pools (Lannamann suggestion) is also an option to allow more room for pools either individually or in combination with the larger rear setback for the principal structure.
- If housing cost is an issue, the addition of 100 square feet to the minimum floor area probably adds \$15,000 to \$20,000 to the cost of the house.
- Why not simply eliminate the units/acre standard? The number of units per acre are set by the minimum lot size as it is applied in the subdivision design. This is not something we ever check in the existing neighborhoods, and it is unclear how the units/acre would even be applied in already platted areas.
- Nobody commented on the maximum stories at 2.5, but I am not sure what a half story means. Why not simply have a maximum building height?

- What is the maximum floor area intended to achieve? Some locations, such as lakefront, might support larger houses based on total property value. Why exclude this opportunity? Each neighborhood will build, or should be able to build, to the property value of that neighborhood. If a property owner stays within the building envelope on the lot, why not allow them to build the house that fits their needs and lifestyle.
- Three car garage seems excessive. Typical home design provides four off-street parking spaces with two in the garage and two in the driveway. Standard parking space is 20 feet deep and will fit on the lot with no overhang into the right-of-way with a 25-foot setback. The added garage area probably adds another \$15,000 to the house cost.
- Changing the minimum lot size for area, width and depth will make most of the lots in Whispering Heights non-conforming, and changing the setbacks will affect the buildable area of the parcel. The subdivision plat has been approved as a preliminary subdivision plan so there is some level of vested rights here.
- Other R-2 neighborhoods (Palm Gardens, Marilyn Avenue, Revels Road area have larger lots for the most part.) There are 6 non-conforming lots in these areas now, but most lots exceed 80 feet in lot width.

TC-R Town Center Residential Comparison Chart

Dimension	Code	Miles	Wagler	MacFarlane	Lannamann
Lot Size	9,000		10,400		
Lot Width	100				
Lot Depth				add	
Setbacks					
Front	25		30		
Side	20			Reduce	
Street Side	25			Reduce	
Rear	30				
Building Height					
Stories					
Feet	35				
Floor Area Min	1,700				
Floor Area Max					
Lot coverage	50				
Units/Acre					
Acc. Str. Rear Setback					

Discussion Notes:

- Mayor MacFarlane thought the district should include a minimum lot depth and suggested that at least some of the setbacks were overlarge. No specific numbers were proposed. The setbacks in TC-R are larger than in other standard zoning classifications in an area where slightly smaller lots are planned to support the commercial center. A reduction at least in the side yard setbacks is a good idea.
- Ms. Lannamann did not give any specifics regarding dimensions but did offer some comments on the TC-R District.. Her comments are listed below:
 1. Work from Home (WFH) This is grey and can be interpreted as anything. Especially inside HOAs...we have to think inside PUDs and the HOAs that will usually govern in this residential type.
Response: The TC-R zone only applies within the town center overlay. This area is fully platted and it is highly unlikely that any HOA will be established here. Home occupations are clearly described in the definition section of the code (Chapter 1). We really cannot prohibit home occupations as the state has pre-empted the Town from doing this.
 2. Minimum lot size for single family detached units is 9,000 square feet. (This seems not to fit with Town Center concepts. Town Center residentials are usually townhouses or loft type apartments.)
Response: Not sure if the concern is that 9,000 square foot lot is too large or too small. Most of the TC-R is already developed with single-family units. There has been some infill on vacant lots over the years, and the smaller lots

are intended to allow some slightly denser housing close to the Central Avenue commercial area.

3. ~~Minimum lot width for single family detached units is 100 feet (Existing lots of record that are less than 100 feet wide may be developed as long as they meet setback requirements; however, if two adjacent vacant lots are owned by the same entity, they shall be combined to meet minimum lot width requirements.)~~ (This seems to conflict with Town Center residential living. Is this what we want this in the Town?)

Response: We need to look at what actual lot widths are the predominant size in the district. We should not make the lot width bigger than the predominant size in the district or we risk creating a bunch of non-conforming parcels.

4. ~~Minimum square footage of principal dwelling on single family detached homes is 1,700 square feet (air conditioned, not including garage or accessory dwelling).~~

(This seems to conflict with Town Center residential living. Is this what we want this in the Town?)

Response: Is 1,700 minimum too big or too small? Again, the intent is to allow slightly more housing close to the Central Avenue corridor. With a little smaller lot it seems to make sense to have a slightly smaller minimum house size.

- Increasing minimum lot sizes and front yard setbacks in an area that is largely developed (Wagler) is a formula for creating non-conforming parcels and structures. The TC-R is fully platted and mostly built out. The TC-R district is not going to be applied outside the overlay area, so we really only have infill development to worry about.

TC-F Town Center Flex Comparison Chart

Dimension	Code	Miles	Wagler	MacFarlane	Lannamann
Lot Size	9,000		10,400	Reduce	
Lot Width	100				
Lot Depth				Add	
Setbacks					
Front	25		30	Reduce	
Side	12.5				
Street Side	25			Reduce	
Rear	30			Reduce	
Building Height					
Stories					
Feet	35				
Floor Area Min	1,700				
Floor Area Max					
Lot coverage	40				
Units/Acre					
Acc. Str. Rear Setback					

Discussion Notes:

- Mayor MacFarlane thought the district should include a minimum lot depth and suggested that at least some of the setbacks were overlarge. No specific numbers were proposed. Some of the setbacks in TC-F are larger than in other standard zoning classifications in an area where slightly smaller lots are planned to support the commercial center.
- Why does a smaller maximum lot coverage make sense in a zoning classification that is intended to support the commercial core by having slightly more intensive development with an option to convert to office and potentially small retail use as a stand-alone business or as a work-live option? Maximum lot coverage should be increased.
- Increasing minimum lot sizes and front yard setbacks in an area that is largely developed (Wagler) is a formula for creating non-conforming parcels and structures. The TC-F is fully platted and mostly built out. The TC-F district is not going to be applied outside the overlay area, so we really only have infill development and potential conversion from residential to low intensity commercial to worry about.

PROPOSED HIGH DENSITY RESIDENTIAL

Dimension	HDR-1	HDR-2	Townhome Units 2.03.03
Lot Size			5000 sf.
Lot Width			50 ft end, 35 ft interior
Lot Depth			120 ft
Unit Width	35 feet	35 feet	
Unit Depth			
Setbacks			
Front	20	20	25
Side	20	20	15
Street Side	25	25	25
Rear	25	25	25
Building Spacing	40	40	
Building Height	35 feet	35 feet	30 feet
Stories	2 stories	2 stories	2.5 stories
Units /Building	4	4	
Floor Area Min	1,800 sf.	1,500 sf.	1,200 sf
Lot coverage			40%
Units/Acre			4
Parking	4/unit (min 2-car garage)	4/unit (min 2-car garage)	2

Discussion Notes:

- How would the high-density zoning district be applied? The Town does not have a high density residential classification on the future land use map. One option would be to allow the zoning in VMU, but the maximum density is too low to attract standard rental apartments and condominium uses other than townhouse units. Is the intent to add a high-density residential land use classification to the future land use map? If the intent is to apply the HDR zones in the Village Mixed Use areas, the intended outcomes can be done via the standard PUD process.
- Why have two districts when the only difference is minimum unit floor area? The minimum floor area needs to be researched to see what is common in multifamily projects.
- A minimum unit width of 35 feet seems unrealistically wide for apartments and most other multi-family types. The minimum unit width is even large for townhouse units.
- Compare proposed HDR districts to the current townhome requirements in Section 2.03.03. dimensional requirements are similar. See chart above. The requirement for a 2-car garage has been recommended by the Planning Board and is pending Town Council action. Per current code these townhome rules apply in TC-C, TC-F and TC-R.
- A maximum of 2-stories is not enough for current standard rental units and many condominium units. Rental projects now use 3- to 5-stories and project sizes in the 250-unit range.

- The multifamily district needs to include a minimum project size (acres), and project density (units per acre), project setbacks as well as unit spacing requirements, and some other finishing details.
- The HDR as proposed seems to be more along the lines of a townhouse design. The code already has townhouse rules that could perhaps be reviewed and amended to accomplish the same purpose.
- The HDR districts as proposed will need some linkage to the comprehensive plan to designate where the uses will be allowed.
- The resulting product would be a quadplex on one or two stories. Units at Central and Lakeshore might fit this design intent.

CHAPTER FOUR REVISION TOPICS

The following topics were summarized from the various submittals for Chapter 4 Development Review Procedures. In some cases the recommendations were very specific with dimensions and other details specified. The topics are identified as items that should be referred to the Planning Board for review and recommendation. The specifics can be included in the staff report at that time as that presentation will be the starting point for specific discussion of amendment. The topic areas include:

- Revise Central Lake CDD references.
- Review single-family design guidelines with regard to block size and 10% waiver rule.
- Delete wood materials as acceptable for walls and roofing for new structures.
- Review townhouse design rules.
- Increase minimum area to qualify for a planned unit development.
- Allow PUD zoning in overlay areas only.
- Define flag lots. Allow?
- Prohibit clear cutting trees for new development. Design roads and development sites around trees.
- Shorten the action time for site plan and subdivision approval and construction.
- Require earlier submittal for variances and review variance applications through the Development Review Committee.
- For variances add a disclaimer statement regarding ability to obtain a variance and add additional conditions for variance review.
- Include sunset provision in all development agreements.
- Increase architectural detailing requirements.
- Require an independent traffic study for proposed developments.
- Establish a minimum time to activate a conditional use.

CHAPTER SEVEN REVISION TOPICS

The following topics were summarized from the various submittals for Chapter 7 Landscaping, Irrigation and Hardscape. In some cases the recommendations were very specific with dimensions and other details specified. The topics are identified as items that should be referred to the Planning Board for review and recommendation. The specifics can be included in the staff report at that time as that presentation will be the starting point for specific discussion of amendment. The topic areas include:

- Edit buffer diagram to put more space between the required wall and the right-of-way.
- Deepen the buffer area requirement between residential and commercial uses, and for non-residential uses generally.
- Increase the lot area allowable for lawn grass.
- Move street trees further from the sidewalk.
- Update the plant list table.
- Amend Section 7.12.01 to account for state pre-emption of tree removal permits.
- Add root barriers to the planting requirements.

CHAPTER EIGHT REVISION TOPICS

The following topics were summarized from the various submittals for Chapter 8 Development Standards. In some cases the recommendations were very specific with dimensions and other details specified. The topics are identified as items that should be referred to the Planning Board for review and recommendation. The specifics can be included in the staff report at that time as that presentation will be the starting point for specific discussion of amendment. The topic areas include:

- Modify the minimum lot frontage requirement. One recommended expanding the number and one recommended reducing the number.
- Provide more space between a sidewalk or bike path and the curb.
- Require all infill units to install sidewalk.
- Increase parking minimum to 4 spaces per unit (counting the garage spaces).
- Require a mandatory connection to Town utilities when a parcel is within 300 feet.
- Clarify language on two subdivision entrances.
- On Table 8.03.02 review standards for local roads. Expand right-of-way requirement to 60 feet.