

Frog Pond East and South Implementation

**Draft Development Code Amendments for
June 2023 City Council Work Session**

1. Clear and objective standards for multi-family

- **Intent:** Provide clear and objective standards for multi-family similar to single-family and middle housing. Note, proposed multi-family buildings/uses that are not part of an approved subdivision or Master Plan, still need to go through the Stage I/Stage II Master Plan development review process. The intent of the proposed standards is to change the review criteria and process that applies to architectural review and basic site planning review such as setback and lot coverage for multi-family buildings where the use has already received a master plan approval.
- **Explanation:** Adapt and modify current standards for townhouses to apply to multi-family.
- **Code Reference:** Subsection 4.113 (.14) *Residential Design Standards*, new subsection for multi-family)
- **Draft Code Amendment:**

(.15) *Design Standards for Multi-Family Housing:*

A. *Purpose and Intent.* The purpose of the multi-family design standards is to create and maintain street frontages that are varied and attractive, create an environment that is conducive to walking, and provide natural surveillance of public spaces. The standards will also promote building details in multi-family development that provide visual interest, contribute to a high-quality living environment for residents, give a sense of quality and permanence, and enhance compatibility with the surrounding community. The design standards also aim to create consistency with design standards for other residential unit types that multi-family housing may be built adjacent to.

B. *Entrance Orientation.*

1. At least one main entrance for each multi-family structure must either meet the standards in subsections a. and b. below, or must meet the alternative standard in subsection B.2.
 - a. The entrance must be within eight feet of the longest street-facing exterior wall of the structure; and
 - b. The entrance must either:
 - i. Face the street;
 - ii. Be at an angle of up to 45 degrees from the street; or
 - iii. Open onto a porch. The porch must:
 - a. Be at least 25 square feet in area; and
 - b. Have at least one entrance facing the street or have a roof.

2. Alternative standard. As an alternative to subsection 1., a main entrance to a multi-family structure may face a courtyard if the courtyard-facing entrance is located within 60 feet of a street and the courtyard meets the following standards:
 - a. The courtyard must be at least 15 feet in width;
 - b. The courtyard must abut a street; and
 - c. The courtyard must be landscaped or hard-surfaced for use by pedestrians.
- C. *Windows*. A minimum of 15 percent of the area of all public-facing façades must include windows or entrance doors. Façades separated from the street or public space by a dwelling are exempt from meeting this standard. Required windows shall be clear glass and not mirrored or frosted, except for bathrooms.
- D. *Articulation*.
 1. *Minimum Articulation*. All public-facing façades shall incorporate the following design elements at a minimum interval of every 30 feet. The minimum number of design elements is determined by dividing the façade length (in feet) by 30 and rounding up to the nearest whole number.
 - a. Varying rooflines.
 - b. Offsets of at least 12 inches.
 - c. Balconies.
 - d. Projections of at least 12 inches and width of at least three feet.
 - e. Porches.
 - f. Entrances that are recessed at least 24 inches or covered.
 - g. Dormers at least three feet wide.
 2. *Articulation Element Variety*. Different articulation elements shall be used as provided below, based on the length of the facade. For the purpose of this standard, a "different element" is defined as one of the following: a completely different element from the list in subsection D.1. above; the same type of element but at least 50 percent larger; or for varying rooflines, vertically offset by at least three feet.
 - a. Where two to four elements are required on a façade, at least two different elements shall be used.
 - b. Where more than four elements are required on a façade, at least three different elements shall be used.
- F. *Pedestrian Access and Circulation*. The following standards are intended to ensure safe and efficient circulation for pedestrians within multi-family development.
 1. Each multi-family development shall contain an internal pedestrian circulation system that makes connections between individual units and parking areas, green focal points and other common open space areas, children's play areas, and public rights-of-way. All pedestrian connections (walkways) shall meet the following standards:

- a. Except as required for crosswalks, per subsection 3., where a walkway abuts a vehicle circulation area, it shall be physically separated by a curb that is raised at least six inches or by bollards.
 - b. Walkways shall be constructed of concrete, asphalt, brick or masonry pavers, or other hard surface, and not less than five feet wide.
 2. All walkways shall comply with the requirements of the Americans with Disabilities Act.
 3. In order to provide safe crossings of driveways and parking areas, crossings shall be clearly marked with either contrasting paving materials (such as pavers, light-color concrete inlay between asphalt, or similar contrasting material) or reflective striping that emphasizes the crossing under low light and inclement weather conditions.
 4. Pedestrian connections shall be provided between buildings within the development, and between the development and adjacent rights-of-way, transit stops, parks, schools, and commercial developments. At least one connection shall be made to each adjacent street and sidewalk for every 200 linear feet of street frontage. Sites with less than 200 linear feet of street frontage shall provide at least one connection to the street and/or sidewalk.
- F. *Off-Street Parking Location and Design.* The following standards are intended to support a pedestrian-friendly street environment and to minimizing the visual impacts of parking areas and garages.
1. Off-street parking spaces and vehicle maneuvering areas shall not be located between the front building plane and a street property line (except alleys).
 2. Off-street parking areas shall not occupy more than 50% of the total length of each street frontage as measured 20 feet from the street property line. Drive aisles without adjacent parking spaces do not count as parking areas for the purposes of this standard.
 3. Off-street parking spaces shall not be located within ten feet of any property line, except alley property lines. Driveways and drive aisles are permitted within ten feet of property lines.
 4. Landscaping, fencing, or walls at least three feet tall shall separate parking areas from useable open space, green focal points, and public streets (except alleys).
 5. If garages are attached to a street-facing facade, they may not be located closer to the street property line than the building facade.
 6. Driveways associated with attached garages that take direct individual access from a public or private street must meet the townhouse driveway and access standards in Subsection 4.113 (.14)
5. For the purpose of those standards, each individual

multi-family garage shall meet the standards applicable to a townhouse or townhouse lot.

2. Process Updates for Multi-family Housing

- **Intent:** Improve language throughout code to clarify and update review process for multi-family housing in residential zones.
- **Explanation:** Review and update language throughout Development Code to make process to review multi-family housing in residential zones substantially similar to the process for single-family and middle housing. Additional section-specific explanations are provided below.
- **Code Reference:** various
- **Draft Code Amendments:**

Modified language (changes ~~struck through~~ or **bold underlined**)

Section 4.030 Jurisdiction and Powers of Planning Director and Community Development Director

Explanation: Add clarity for the review process for architecture review of middle housing. Draft reflects Planning Commission discussion in January about DRB not being the appropriate place for review, but larger buildings should still provide public notice. Current draft has smaller apartment buildings (6 or fewer units) follow the same process as middle housing (Class I Review, staff decision with no public notice) and larger buildings being subject to Class II Review (staff decision with public notice and notice to DRB).

- (.01) *Authority of Planning Director.* The Planning Director shall have authority over the daily administration and enforcement of the provisions of this Chapter, including dealing with non-discretionary matters, and shall have specific authority as follows:
- A. A Class I application shall be processed as a ministerial action without public hearing, shall not require public notice, and shall not be subject to appeal or call-up, except as noted below. Pursuant to Class I procedures set forth in Section 4.035, and upon finding that a proposal is consistent with the provisions of this Code and any applicable Conditions of Approval, shall approve the following, with or without conditions:
 4. Building permits for **residential structures in residential zones not subject to Site Design Review, except for multi-family structures with seven or more units**, ~~single family dwellings, middle housing, and in the Village zone, row houses or apartments,~~ meeting clear and objective zoning, siting, and design requirements standards and located on lots that have been legally created. The Planning Director's approval of

such plans shall apply only to Development Code requirements and shall not alter the authority of the Building Official or City Engineer on these matters.

- B. A Class II application shall be processed as an administrative action, with or without a public hearing, shall require public notice, and shall be subject to appeal or call-up, as noted below. Pursuant to Class II procedures set forth in Section 4.035, the Director shall approve, approve with conditions, deny, or refer the application to the Development Review Board for a hearing:

12. **Architectural and site plans, including modifications and remodels, for multi-family residential structures in residential zones with seven or more units not subject to Site Design Review and meeting clear and objective zoning, siting, and design standards and located on lots that have been legally created. This does not include review of Stage I and Stage II Planned Development Master Plans and Site Design Review of open space and other common improvements, which is subject to review by the Development Review Board.**

Subsection 4.176 (.04) Buffering and Screening

Explanation: Remove requirement for screening and buffering between single-family and multi-family as new standards and allow and encourage them to be integrated.

- B. Activity areas on commercial and industrial sites shall be buffered and screened from adjacent residential areas. ~~Multi-family developments shall be screened and buffered from single-family areas.~~

Section 4.113 (.01) Residential Open Space Standards

Explanation: Clarify that a multi-family development does not need to provide additional open space when it is part of a larger development. Makes the requirement consistent with those for single-family and middle housing.

- B. *Applicability.*
1. The open space standards of this subsection shall apply to the following:
 - a. Subdivisions.
 - b. Planned Developments.
 - c. Multi-family Development, **except as noted in 2. c. below.**
 2. These standards do not apply to the following:

- a. Partitions for non-Multi-family development. However, serial or adjacent partitions shall not be used to avoid the requirements.
- b. Middle Housing Land Divisions.
- c. Development of a multi-family building(s) on a lot within a subdivision where the open space requirements are otherwise met in the subdivision, as acknowledged in a prior land use approval.**

3. Encouraging and Integrating ADUs

- **Intent:** Remove identified barriers to Accessory Dwelling Units (ADUs) in Frog Pond East and South and citywide, particularly by expanding the allowance of them accessory to townhouses and limiting or modifying application of setbacks and lot coverage
- **Explanation:** Existing ADU language is modified to allow ADUs accessory to all townhouses, make the review process the same as other dwelling units, create exceptions for lot coverage, and provide special setbacks based on the setbacks for cottages under State model code for middle housing. Finally, special housing variety provisions to encourage ADUs in Frog Pond East and South.
- **Draft Code Amendments:**

4.113 (.10) B. *Accessory Dwelling Units: Standards:*

1. Number Allowed.
 - a. For detached single-family dwelling units, and ~~for~~ townhouses on lots meeting the minimum lot size for detached single-family in the zone: One per dwelling unit.
 - b. For all other dwelling units: None.

4.113 (.10) B. *Accessory Dwelling Units: Standards:*

4. Accessory Dwelling Units may be either attached or detached, but are **generally** subject to all zone standards **for the underlying zone except that** for setbacks, height, and lot coverage, unless those requirements are specifically waived through the Planned Development waiver or Variance approval processes.
ADUs are exempt from lot coverage maximums.

4.113 (.02) A. *Residential Building Setbacks: Lots Over 10,000 square feet:*

7. Cottage Cluster **and ADU** Setbacks: Setbacks in 1.—3. and 6. above do not apply to cottage clusters **and ADUs**. For cottage clusters **and ADUs**, minimum front, rear, and side setbacks are ten (10 feet).

4.113 (.02) B. *Residential Building Setbacks: Lots Not Exceeding 10,000 square feet:*

7. Cottage Cluster **and ADU** Setbacks: Any minimum setback in 1.—3. or 6. above that would exceed ten feet for a cottage cluster **or ADU** shall be ten feet.

4.120 (.05) FDA-H Dimensional Standards

- E. Accessory buildings and uses shall conform to front and side yard setback requirements. If the accessory buildings and uses do not exceed 120 square feet or ten feet in height, and they are detached and located behind the rear-most line of the main buildings, the side and rear yard setbacks may be reduced to three feet. **Minimum front and rear setback for ADUs is 10 feet.**

Old Town Residential Design Standards footnote (noted by *) on page 19

For cottage clusters **and ADUs**, minimum front and rear setbacks are 10'.

Section 4.125 (.05) Table V-1 Village (V) Zone Development Standards

No change to this table. For V (Village) Zone, highest setback to which ADU would be subject is 12 feet, so no change recommended.

4.127 (.08) Table 2 Residential Neighborhood (RN) Zone, Lot Development Standards (applicable to Frog Pond West only)

Amend table footnote "L"

- L. For cottage clusters **and ADUs** all setbacks otherwise greater than 10 feet for other housing types **is are** reduced to 10 feet.

4.127 (.08) Proposed New Table for Frog Pond East and South (as drafted for January 2023 work session)

Add table footnote "F"

- F. The minimum rear setback for a Cottage Cluster unit or Accessory Dwelling Unit (ADU) is 10 feet.

4.113 (.10) B. ADU Standards

6. ~~Where an Accessory Dwelling Unit is proposed to be added to an existing residence and no discretionary land use approval is being sought (e.g., Planned Development approval, Conditional Use Permit approval, etc.) the application shall require the approval of a Class I Administrative Review permit.~~ **ADU review process is the same as for single-family units and middle housing.**