



To: Zoning Subcommittee Members: Peter Stanton, Bland Banwell, Eva Rose Goetz, Paul Trusiani, Phil Notis; Susanne Conley, Melanie Wiker, Tom Falby, Justin Barker
From: Tex Haeuser, Planning Director 
Cc: Joshua R. Reny, Assistant City Manager
Date: August 31, 2018
Re: **Zoning Thoughts Following the August 27th Zoning Subcommittee Meeting**

It was apparent to me from Monday's somewhat under-attended meeting (Peter, Tom, Phil, Buzzy, Justin, and me) that how we deal with revisions to the Village Commercial zone—the zone along Ocean Street—depends on how we decide the question of whether to move the western VC zone line so that it follows property lines and doesn't bisect lots. One argument in favor of doing this is that it would eliminate some confusion over what land use regulations govern the bisected lots. However, after due consideration, I am more swayed by how lot lines change over time, which eventually will again leave us with bisected lots, and by the controversy expanding the VC zone would cause. The expansion of the VC zone to encompass all of the Martin's Point Health lot, Lot 15-65, for example, would bring the VC zone 121 feet further into the letter streets.

If we are to leave lots bisected by the zone line, I think the goal then becomes to see how we can allow these lots to benefit from the uses and residential density standards of the VC zone but, within the VR portion of the lots, to adhere to the VR height and setback standards.

Currently, this is the rule governing bisected lots:

Sec. 27-112(e): When a lot of record at the time of enactment of this zoning ordinance is transected by a zoning district boundary the regulations set forth in this Chapter applying to the larger part by area of such lot may also be deemed to govern in the smaller area beyond such zoning district boundary but only to an extent not more than thirty (30) linear feet in depth beyond said zoning district boundary.

In order to achieve the goal mentioned above for bisected lots in Knightville, we would need a section like this in the VC and VR zoning district regulations:

Sec. 27-112(e) notwithstanding, the following provisions shall govern lots divided between the Village Commercial zoning district and the Village Residential zoning district:

A. Lots fronting on Ocean Street

1. The portion of the lot within the Village Commercial district shall be governed by all of the Village Commercial zoning standards.

2. The portion of the lot within the Village Residential district shall be governed by the Village Commercial district standards for permitted uses, special exception uses, and maximum net residential density. Otherwise, all other Village Residential zoning standards shall apply.
3. The portion of any side lot line within the Village Residential zone shall be treated as a rear lot line for setback purposes.

B. Lots not fronting on Ocean Street

1. The entire lot shall be governed by the Village Commercial district provisions for maximum net residential density.
2. The entire lot shall otherwise be governed by the Village Residential zoning standards.

The lot line provision is intended to deal with several lots, such as the Martin's Point Health lot, where we would not want to allow a building coming back from Ocean Street along a side line to come within 6 feet—the proposed VR side yard setback—of the backs of the C Street properties. Instead, we would want it to be at least the proposed VR rear yard setback of 15 feet.

To see what the effect of these proposed amendments would be, let's first look at the other revisions talked about at Monday's subcommittee meeting:

- Do not replace the VC zone (along Ocean Street) with the Village Extension VE zone, but change the VC's maximum net residential density limits (24 units per acre for lots in the Knightville Design District—i.e., lots with frontage on Ocean Street—and a sliding scale for lots not in the Design District) to the Village Extension's no density limit.
 - In many of the City's newer zones there is no density limit because what actually determines how many units can fit on a lot are the requirements for off-street parking, building coverage, building height, setbacks, etc.
- Reduce the VC zone's maximum building height limit of 50 feet for lots in the Knightville Design District to 40 feet for any portion of a building that is within 25 feet of the VR zone.
 - This is a small reduction in property rights for the owners of lots along Ocean Street, but it would make the height of any building within 25 feet of the VR zone the same height as what is allowed for height in the VR.
 - **Based on the attached SketchUp model, we recommend that this amendment be changed to dropping down to 40 feet when within 50 feet of any lot wholly or partially within the VR zone.**
- Do not require a minimum lot area in VC (3,500 sf in the VC zone is currently required).
- VC proposed side yard setback: None, except 6 feet where abutting the VR zone.
- VC proposed rear yard setback: 6 feet, except 15 feet where abutting the VR zone.

Using these standards, and referring to the graphic entitled “Building Envelope Examples Under Proposed Zoning,” we can see how the proposed setbacks would define the allowed building envelopes. (A building envelope is the area in which a building would be allowed to be constructed. A building only takes up part of the building envelope because there also needs to be space provided for parking, landscaping, etc.) For the Martin’s Point Health lot, Lot 15-65, requiring the two side lot lines in the VR portion of the lot to be treated as rear lot lines means that the required setback becomes 15 feet and not just the 6 feet otherwise required for side lot lines in VR, as proposed. On Lot 15-44, however, the lot does not front on Ocean Street, so the side lot line in the VR zone stays a side line and is allowed to have the 6-foot setback. The lot has a rear lot line, and because of the proposed rule that all of zoning-bisected lots use the VR setbacks, the rear yard setback on both sides of the zone line would be 15 feet.

As mentioned above, the SketchUp model demonstrates that a VC zone building height step-down probably would make more sense at 50 feet than at 25 feet.