

Zoning Code Amendments

Fences, Residential Parking and Decks

Planning Commission Briefing

September 14, 2021



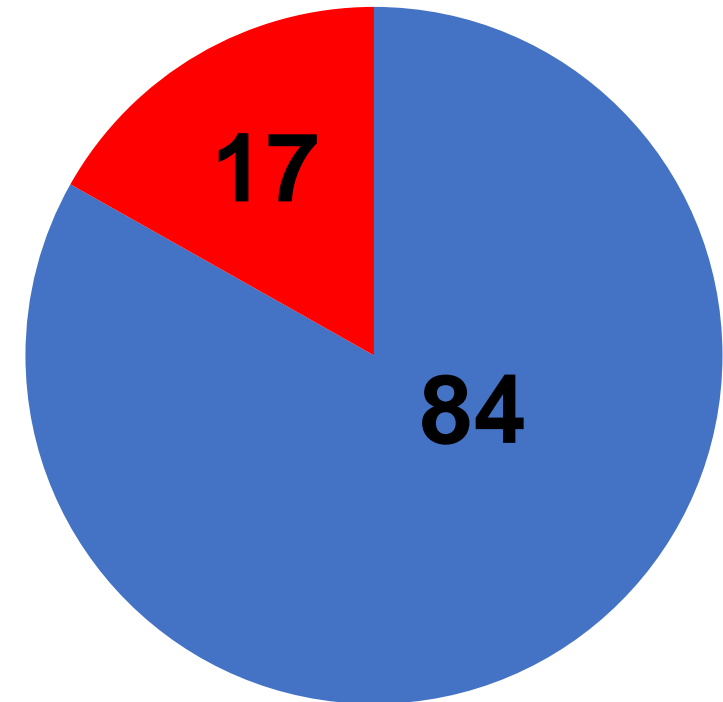
Amendment Overview

- The proposed amendments to the Zoning Code would revise standards for fences, decks, residential parking pads and garages with fewer than four spaces and off-site parking.
- The Department of City Planning analyzed over 2,800 requests to the Zoning Board of Adjustment from 2016 to 2021.
- The goal of the study was to identify variance and special exception requests that are frequently approved by the ZBA, which informed the proposed amendments.
- The proposed amendments would significantly reduce the number of applications brought to the ZBA.

Fences

- Since 2016, 101 requests have been made to the ZBA for variances to the Code's fence height standards.
- 84% (84) requests have been approved.
- All denied requests (17) have been for privacy fences in front or exterior side yards in residential districts.

Requests for Variances to Fence Height Standards



■ Approved ■ Denied

Current Fence Standards

925.06.A Features Allowed Within Setbacks

The following structures and features may be located within required setbacks:

...

2. Open ornamental fences, hedges, landscape architectural features or guard railings around depressed ramps, in any required yard or court, if, except when in a closed court, maintained at a height of not more than four (4) feet above the ground level adjacent thereto;
3. Fences or lattice-work screens or walls not more than six and one-half (6½) feet in height, or hedges or thick growth of shrubs, maintained so as not to exceed such height, in any required side or rear yard or court, provided they do not extend closer to a street than the buildable area of the lot. Barbed wire and razor edge are not permitted.

Proposed Fence Standards

912.04.K Fences and Walls

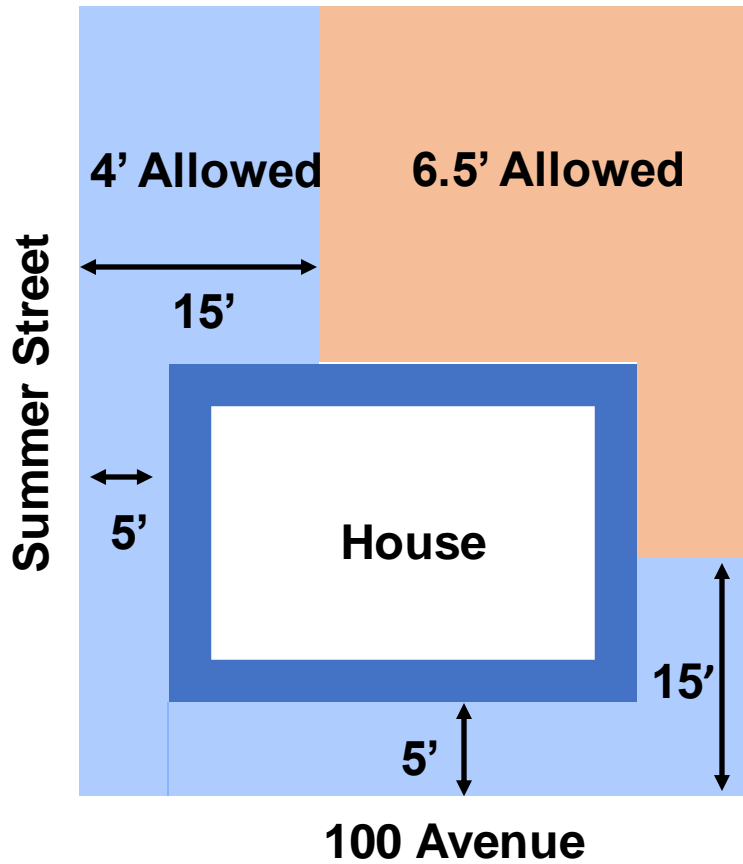
Fences; walls; hedges and landscaping architectural features; and similar features shall be permitted in all districts and shall be subject to the Materials and Methods and Opacity standards in Section 918.03.B.1, and the standards below, unless otherwise stated.

1. In front or side yards where the fence extends closer to a Street than the primary structure, only open and ornamental fences are permitted, and shall be no taller than (4) four feet in height;
2. In all other instances. fences, walls, and similar features are permitted within required setbacks to a height of six (6) feet and may be opaque;
3. Fences that do not comply with the height standards above may be reviewed and approved in accordance with the Administrator Exception procedures of Section 922.08 subject to the following standards:
 - a. No fence or wall shall exceed a height of one foot in additional to what is permitted in the standards above; and
 - b. The exception shall not have a detrimental impact on adjacent, impacted, properties or streets.
4. In the GI district opaque fences up to 6' are permitted in front or side yards;
5. Fences and walls in the RIV District are permitted subject to Section 905.04.H.1; and
6. Barbed wire and razor edge are not permitted in any district.

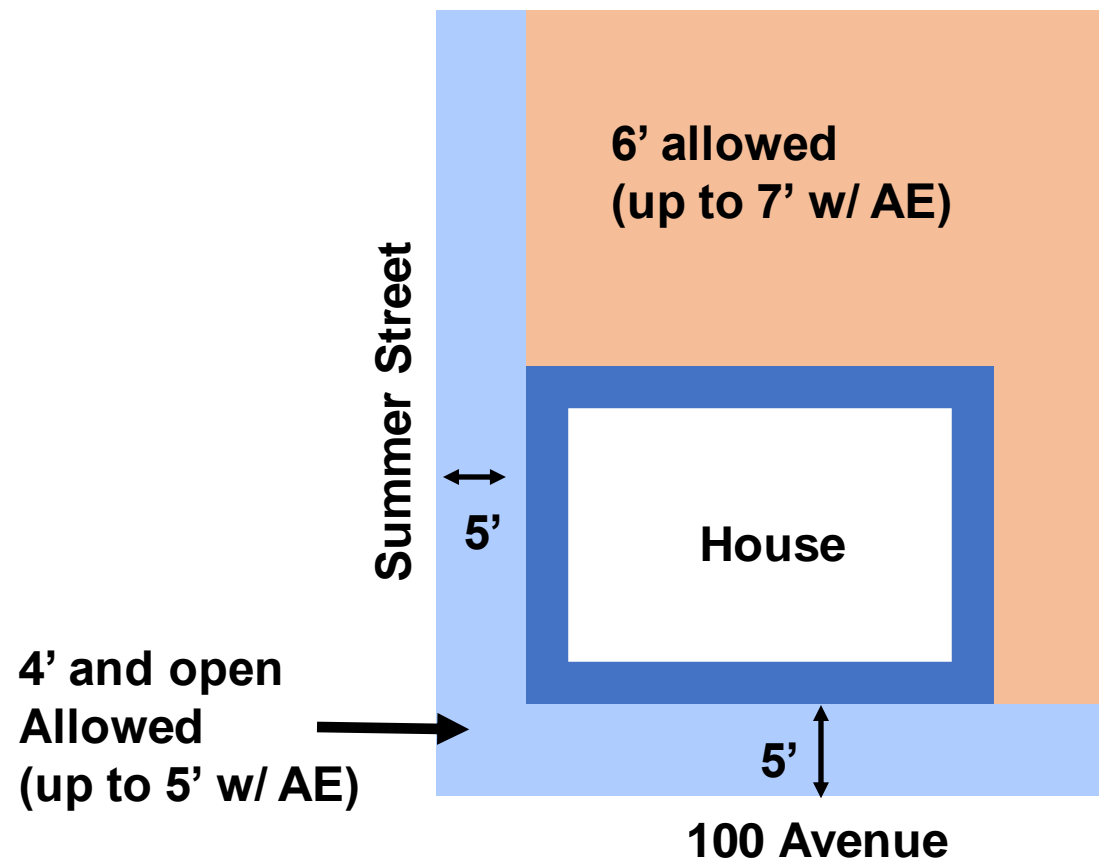
Example --

R1A-H District
15' front Setback
15' Exterior Side Setback

Now

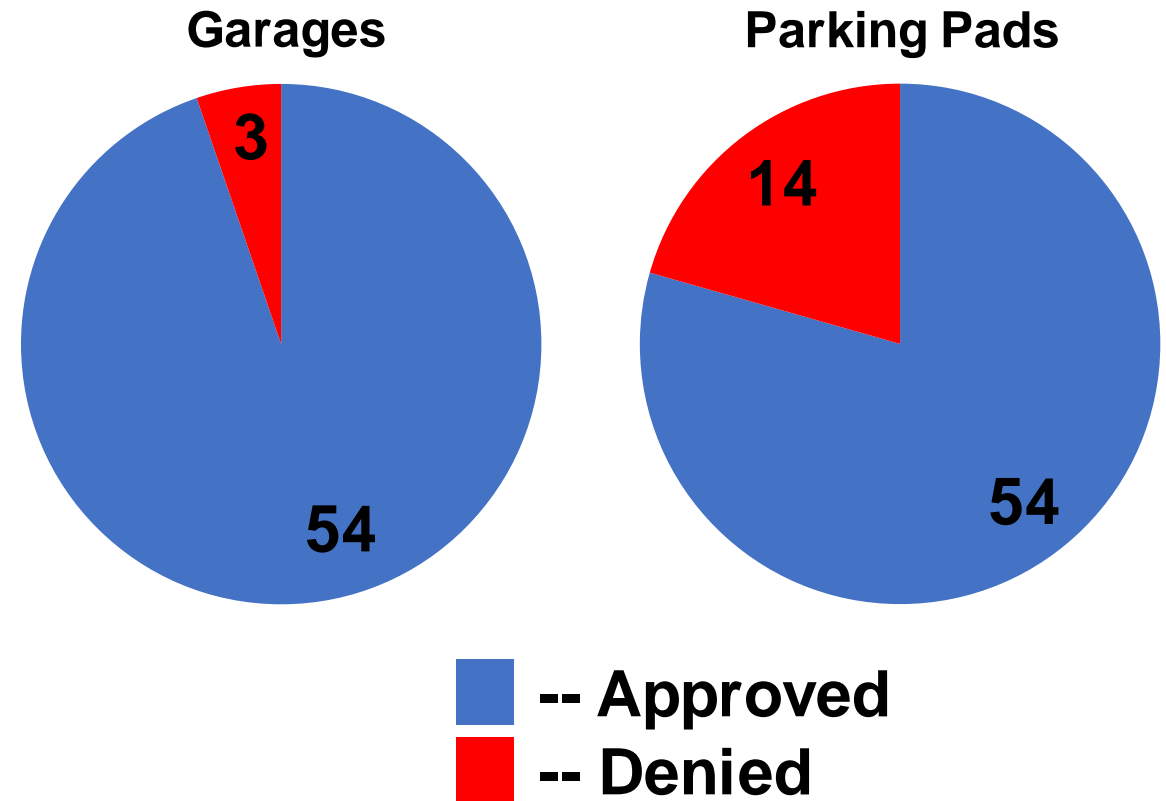


Proposed Amendment



Residential Parking Pads and Garages that do not exceed four spaces

- Since 2017, The ZBA has heard 115 requests to allow residential parking pads and garages that do not comply with the Code's setback standards for accessory structures.
- 54/68 (80%) requests for Parking Pads have been approved.
 - 10/14 denied requests were for parking pads in front yards.
- 54/57 (95%) requests for detached garages have been approved.



Current Parking Standards

912.04. - Accessory Use and Structure Development and Operational Standards.

The following standards shall apply to all accessory uses and structures unless otherwise specifically provided...

912.04.A Front Setback

Accessory structures shall comply with the front setback and front yard standards that apply to primary uses.

912.04.B Rear Setback

Accessory structures and uses shall not be required to comply with the rear setback standard that applies to principal uses. Accessory structures and uses shall be set back at least five (5) feet from the rear lot line when the rear lot line is not adjacent to a way. Accessory structures and uses may be set back at least two (2) feet from the rear lot line when the rear lot line is adjacent to a way.

912.04.C Side Setbacks

Accessory structures and uses shall comply with the side setback standards that apply to primary uses...

Proposed Parking Standards

912.04.L Parking Pads and Garages for Residential Uses with Fewer than five (5) Spaces

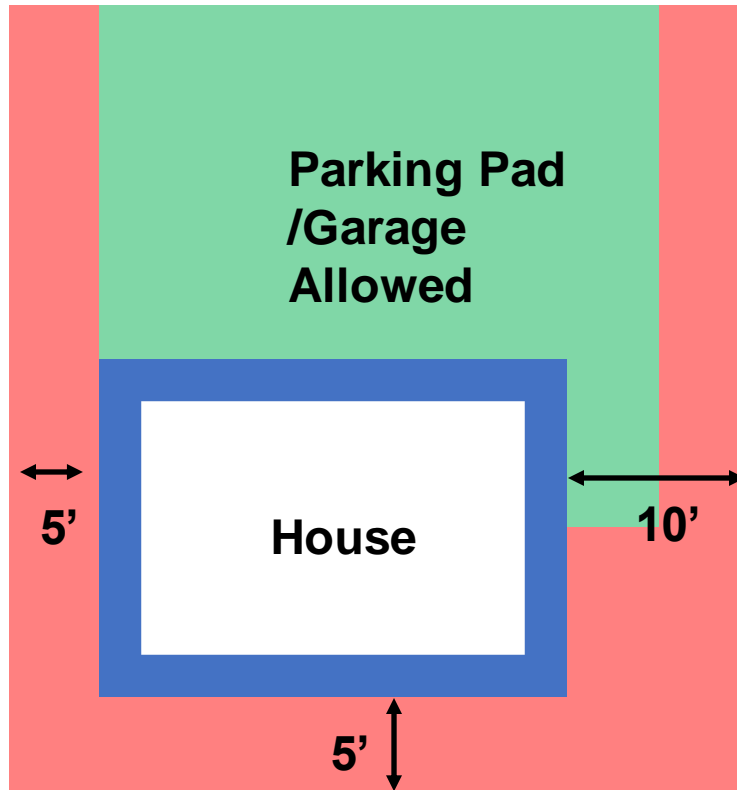
Parking pads and garages for residential uses that do not exceed four (4) spaces and do not comply with the setback standards for accessory uses and structures may be approved subject to the standards below.

- (1) Parking pads and garages shall be permitted in setbacks in side and rear yards;
- (2) In front and exterior side yards, parking pads and garages shall not be closer to the street than the primary structure;
- (3) Runoff shall be contained on-site and directed away from abutting properties; and
- (4) Parking pads shall provide enough area to reasonably accommodate the parking spaces provided, using Section 914.09.H for guidance, and in no case shall be smaller than the minimum standards for Compact-Size Parking Stalls. Parking spaces must be provided on-site without encroaching on public Rights-of-Way or neighboring properties unless legal access has been granted through easements or similar measures.

Example --

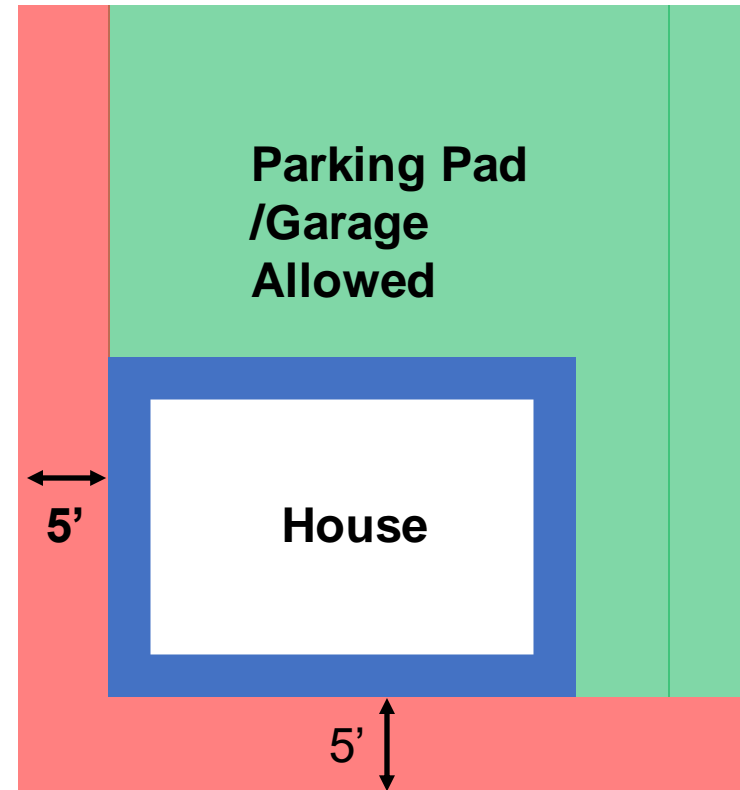
R1A-H District
15' front Setback
15' Exterior Side Setback
5' Side Setback
5' Rear Setback

Now



Holiday Drive

W/ Proposed Amendment

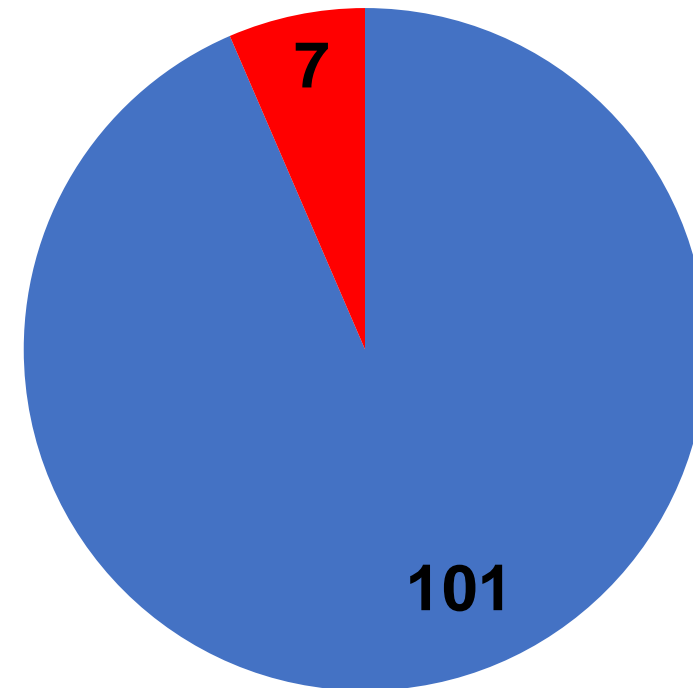


Holiday Drive

Decks and Porches

- Since 2017, the ZBA has heard 108 requests to allow decks and porches that do not comply with the Code's standards for accessory structures.
- 101/108 (94%) requests for porches and decks have been approved.

Decks and Porches



■ Approved ■ Denied

Current Deck and Porch Standards

- Porches and Decks are required to comply with the setback standards from Section 912.04
- Section 925.06.A allows first floor front porches to encroach up to 9' into a front or exterior side setback
- Section 925.06.G allows porches and decks in setbacks as an administrators exception subject to the standard that the porch shall not be any closer to the front or neighboring property line than the building line of the applicant's existing, legally established, primary structure.

Proposed Deck and Porch Standards

925.06.G.2 Standards

The applicant shall establish, by submittal of a plot plan, photograph(s) and other pertinent data such as written approval by abutting property owners that:

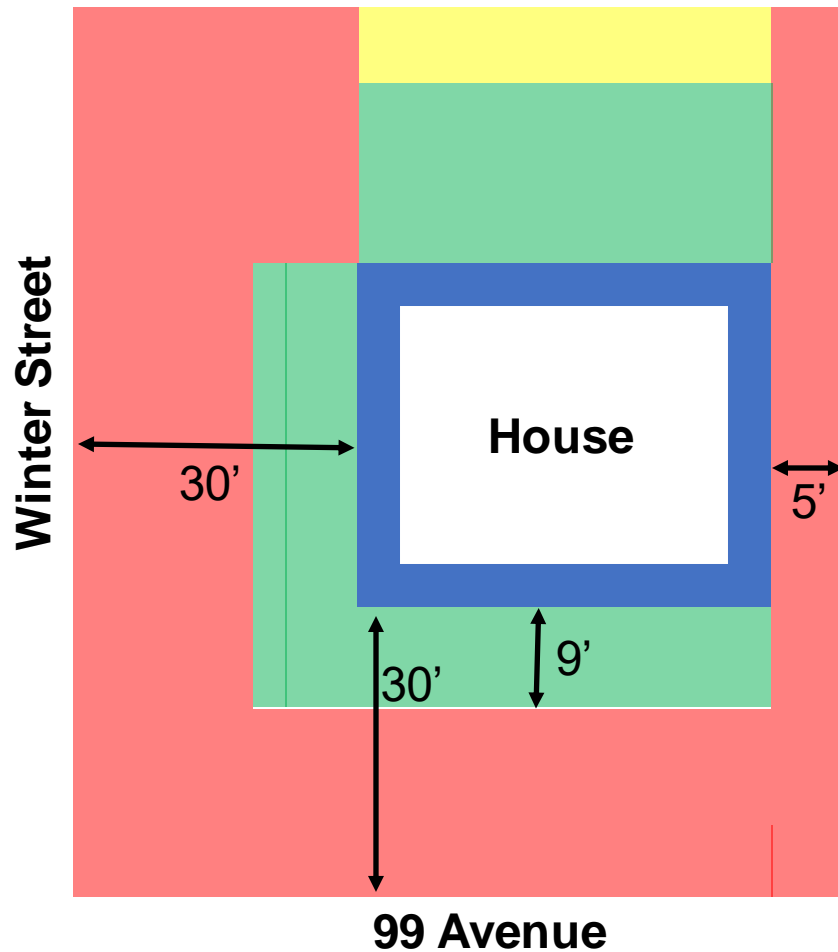
(a) For features other than HVAC units, porches and decks, with respect to the front and side yard setback requirements, the proposed construction or erection will not place the accessory use, structures, or additions any closer to the front or neighboring property line than the building line of the applicant's existing, legally established, primary structure;

Example

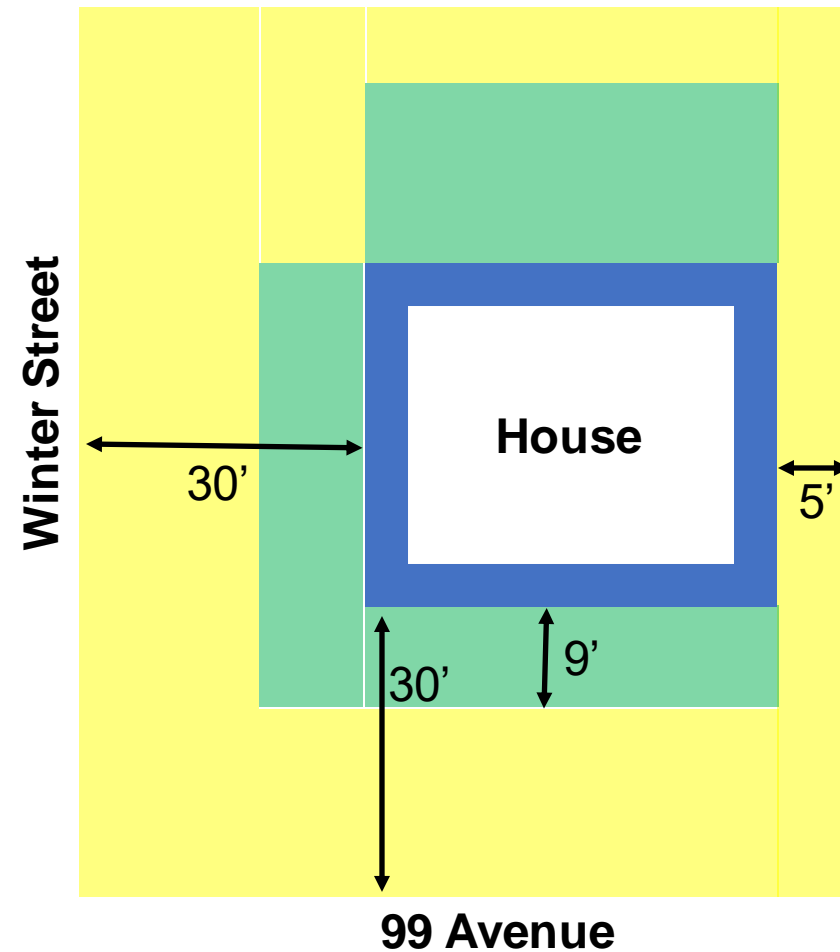
R1A-M District
30' front Setback
30' Exterior Side Setback
5' Side Setback
5' Rear Setback

- Permitted
- Administrator Exception
- Not Permitted

Now



W/ Proposed Amendment



Other Proposed Code Amendments

925.06.A Features Allowed Within Setbacks

The following structures and features may be located within required setbacks:

...

2. Solar energy and small wind energy systems when located on rooftops;

3. Small non-permanent residential accessory features that do not require a building permit such as play equipment, landscape decorations, and similar features;

...

Other Proposed Code Amendments

914.07.G.2 Special Exceptions

...

~~(b) Bicycle Parking~~

~~The Zoning Board of Adjustment shall be authorized, in accordance with the Special Exception provisions of Sec. 922.07, to permit a reduction in the number of required off-street parking spaces for developments or uses that make special provisions to accommodate bicyclists provided that the following provisions are met:~~

- ~~(1) That additional bicycle parking spaces, beyond those required, be provided in the form of enclosed bicycle lockers in a building or parking structure;~~
- ~~(2) That lockers or showers be provided within the facility for the use of bicycle riders; and~~
- ~~(3) That the reduction in the number of parking spaces be reduced by no more than one (1) space for each bicycle locker, and no more than ten (10) percent of the total required spaces.~~