



Legislation Details (With Text)

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Title:	Ordinance Amending Chapter 30 of the Land Development Ordinance (LDO) With Respect To Zoning, Planning and Development - Open Air / Cover Porch Front Setback Encroachments				
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Date	Ver.	Action By	Action	Result
12/19/2017	1	City Council	adopt	Pass

Ordinance Amending Chapter 30 of the Land Development Ordinance (LDO) With Respect To Zoning, Planning and Development - Open Air / Cover Porch Front Setback Encroachments

Department: Planning
Council District: All

Public Hearing: Yes
Advertising Date/By: December 7 & 14, 2017 / City Clerk

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PURPOSE:

The purpose of the text amendment is to revise the Land Development Ordinance (LDO) to allow open air / cover porches to encroach into the required front setback. The City Council is required to hold a public hearing on this amendment before considering its approval.

BACKGROUND:

Over the last 18 months, the Planning Department has received a number of variance requests by owners of existing single-family homes who wish to add a new front porch that would extend into their front setback. Staff has been evaluating the cases to see if there were patterns that may warrant a change to the Land Development Ordinance. After the last case, the Board of Adjustment asked staff to expedite our efforts.

- The Land Development Ordinance allows several encroachments, limited in dimension, into the required building setbacks that are determined to have a limited impact on the adjacent property. These include such things as overhanging eaves, stoops, bay windows and HVAC units.
- The goal of this effort was to continue to allow people to invest in their property and update obsolete

structures while promoting “neighborliness” in communities and enhancing the “eyes on the street” security.

- In keeping with the premise for allowing encroachments that are limited in dimension and have a limited impact of the adjacent property, the proposal is to add an allowance for front porches that are covered and open.

Process

The process to add this allowance into the Land Development Ordinance was developed and progressed as follows:

1. Initial Proposal - Staff formulated base dimensions for the encroachment based on a combination of the variance requests for front porches over the last 18 months, research determining the encroachments permitted by other jurisdictions, and the stated goals of this effort.
2. Stakeholder1 - Having a draft to work with, staff met with a stakeholders group which include TREBIC, the Neighborhood Congress, home builders, realtors and representatives from City boards and commissions. This group arrived at a consensus on some aspect of the change but still had concerns with several underlining issues.
3. Survey - Following the stakeholder group, staff created and launched a survey to poll all those interested in an effort to gather additional information to help resolve the concerns raised at the stakeholders group. After receiving 74 responses, the information was compiled to identify concurrence on the issues.
4. Draft Proposal - Staff prepared a draft ordinance base on all of the in input and information gather from the previous steps.
5. Stakeholder2 - The second stakeholder group meeting evaluated the work done to that point, the results of the survey, and a draft text amendment. The discussion and consensus evolved into the formulation of the amendment in its current form.
6. Planning Board - Will conduct a public hearing to consider this ordinance to revise the Land Development Ordinance (November 15, 2017). A recommendation will be forwarded to City Council.
7. City Council - Will conduct a public hearing to consider the ordinance to revise the Land Development Ordinance. This meeting is tentatively scheduled for December 19, 2017.

Explanation of Changes

The text amendment will make several changes to the Land Development Ordinance which are outlined as follows:

1. Creates definitions for stoops, open air / covered porches, and façade.
2. Specifies that the following items will now be permitted to encroach into setbacks:
 - a. Uncovered Stoops
 - i. Maximum of 5 feet into the front setback, and
 - ii. Maximum of 35 square feet into the front setback.
 - b. Open Air / Covered Porch
 - i. Maximum of 10 feet into the front setback,
 - ii. Can be along the entire façade of the dwelling,
 - iii. Must be outside of the required side setbacks, and
 - iv. Must be a minimum of 15 feet from the front lot line.

c. Uncovered Decks

i. Can be within 50% of the required rear setback.

3. Includes cross references (in a commentary) for the location of the section explaining how to calculation the front setback and the Planning Director's Administrative Memo on implementation of the front setback regulations.

BUDGET IMPACT:

There will be no impact on the current or future budgets.

RECOMMENDATION / ACTION REQUESTED:

The Planning Board recommended this amendment with revisions at its November meeting on a vote of 7-0. Staff recommends that City Council receive citizen comments and consider adoption of the proposed text amendment.