



Zoning Committee

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**REQUEST**

Text amendment to Section 2.20, 9.205, 9.305, 9.406, 9.705, and 9.805 of the Zoning Ordinance

**SUMMARY**

The petition proposes to:

- 1) add two new definitions for "useable common open space" and "private open space" and modify a current definition for "sublot".
- 2) provide an alternative to requiring private open space when land is sold with an attached single family dwelling unit by allowing a percentage of useable common open space to be provided instead. This would apply in multiple zoning districts.
- 3) allows additional features and amenities to count towards private open space and useable open space.

**PETITIONER**

LandDesign, Inc.

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**ZONING COMMITTEE  
ACTION/ STATEMENT  
OF CONSISTENCY**

The Zoning Committee voted 7-0 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

This petition is found to be consistent with the *Centers, Corridors and Wedges Growth Framework*, based on the information from the staff analysis and the public hearing and because:

- The plan calls for residential opportunities to accommodate a diverse population in quality and livable neighborhoods.

Therefore we find this petition to be reasonable and in the public interest based on information from the staff analysis and the public hearing and because it:

- Adds definitions for "useable common open space" and "private open space", and modifies the definition for "sublots" and relocates it into Definitions section of the Zoning Ordinance, where terms are commonly defined, making it clearer for users; and
- Allows decks, patios, balconies, porches, roof-top decks, and areas designed for outdoor living or landscaping to count towards required private open space or useable common open space, providing more flexibility in the design of residential developments; and
- Expands design flexibility for single family attached residential developments (excluding duplex, triplex, and quadraplex dwelling units) to provide either private open space or useable common open space to adapt to the changing residential marketplace and buyer preferences; and

- Provides consistency in regulations across multiple zoning districts which allow single family attached dwelling units.

Motion/Second: Samuel / Gussman  
 Yeas: Fryday, Gussman, Ham, McClung, McMillan, Samuel, and Watkins  
 Nays: None  
 Absent: None  
 Recused: None

**ZONING COMMITTEE DISCUSSION**

Staff provided a summary of the petition and noted that it is consistent with *Centers, Corridors and Wedges Growth Framework*.

A question was asked about the application of this text amendment to apartments and condominiums, such as The VUE. Staff responded, no, it only applies to duplex, triplex, quadraplex, and townhomes.

A question was asked about the TOD regulations having public access to private open space. If someone was walking from a TOD district into one of these districts, how would they know they don't have access to private open space areas? By allowing private open space that looks like common public open spaces, will pedestrians be confused? Staff explained that access from the public sidewalk to the entrance to a dwelling unit is necessary for residents, guests, and others that approach.

Another Committee member responded that this is more of a design issue associated with a development. Staff noted that if there was a problem, a homeowner could address the situation with fencing the area or putting up a sign indicating the area was private.

A question regarding the comparison of how much private open space would be provided vs. the option of providing ten percent of the site was asked. Staff provided a graphic example of a previous rezoning for 61 townhomes on 7.5 acres. The urban common open space square footage required would be slightly larger (32,670 square feet) than that required for private open space (24,400 square feet).

Committee members noted that this gives more flexibility in design and different opportunities for people moving into more urbanized areas.

There was no further discussion of this petition.

**PLANNER**

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