

LDC Task Force

December 10, 2015

Meeting Packet

Item 1 – Confirm Problem Statement – *Recap*

The November 19th meeting presented the following two problem statements. In summary, much discussion was held and there was general affirmation that these statements covered the issues and purpose of this task force.

Problem Statement 1

Vision: *The City would like to be able to quickly and efficiently approve residential construction projects that are in line with the adopted policies and goals of the City of Fargo.*

Issue: *Currently, there are many residential construction projects in core neighborhoods which are generally believed to substantially align with city policy and goals, but that cannot be quickly and efficiently approved because they require a variance due to minor infringement of LDC dimensional standards. While these variances are generally believed to be reasonable, most must be denied by the Board of Adjustment because the review criteria cannot be met, resulting in a lengthy appeals process through the City Commission which consumes time, recourses, and energy of City Commissioners, Board of Adjustment members, home owners, and city staff.*

Problem Statement 2

Vision: *The City desires that construction and redevelopment within core neighborhoods be done in a manner that is contextually consistent with surrounding properties in order to stabilize, protect, and maintain the historic and unique character of individual neighborhoods.*

Issue: *Within core neighborhoods, there is concern that residential buildings and additions can be constructed that could detract from the surrounding neighborhood because they are not constructed in a manner that is contextually consistent with surrounding properties. These buildings generally tend to stand out when contrasted against the existing neighborhood form, weather due to inconsistent scale, style, materials, etc. As a result, they are typically viewed by neighboring residents as having a negative effect on surrounding property values.*

Priority Ranking

As we try to narrow down possible solutions to address these problems, it would be helpful to confirm priorities among the group. As discussed in the November meeting, there are potentially competing interests as we find solutions that balance numerical dimensional review and context sensitivities. As such as we request the committee members fill out a priority ranking form, that is issued as an attachment to this packet.

LDC Task Force

December 10, 2015

Meeting Packet

Item 2 – Further Exploration of Solutions

At the November meeting, staff presented a range of alternatives to pursue. Based on the discussion, a range of these approaches were uncovered. As such staff presents short-term and mid-term solutions, these vary in complexity and duration needed for implementation.

a. Possible Short Term Solutions – Code Edits and Rezoning

1. Dimensional Standard Amendments

In reviewing Fargo's zoning code, staff compared ourselves between neighboring cities, and cities that have similar historic neighborhoods. In the November meeting, observation of the comparisons seemed to highlight interior side setbacks and building coverage as components that could be further considered to amend in order to meet some of the variance demands.

Two new columns are added below: SR-2H and SR- 3H as proposed zoning districts. The "H" is proposed as a new district applicable only within our study boundary.

City	Fargo				Minneapolis		West Fargo	
Zoning	SR-2	SR-2H	SR-3	SR-3H	R2	R2B	R-1B	R-1
Front	30	30	20	20	20	20	20 (25 for garages)	25
Interior	10%/10	10%/5	10%/10	10%/5	5-12	5-12	5	5
Street	15	12.5	12.5	12.5	8	8	12 (20 for garages)	12 (20 for garages)
Rear	25	25	15	15	5	5	25	30
Building Coverage	30%	35%	35%	40%			35%	30%
Open Space	-	30% (permeable)	-	30% (permeable)			30%	30%
Height	35	35	35	35			30	30

Based on discussion at the previous meeting, regarding open space and storm water needs, staff also presents a new standard with Open Space. Open Space is something that the current LDC requires in MR, Multi-Dwelling standards. We introduce it for the first time for consideration in the SR districts for the downtown neighborhoods.

LDC Task Force

December 10, 2015

Meeting Packet

New Zoning District for the Study Area – Summary of Changes

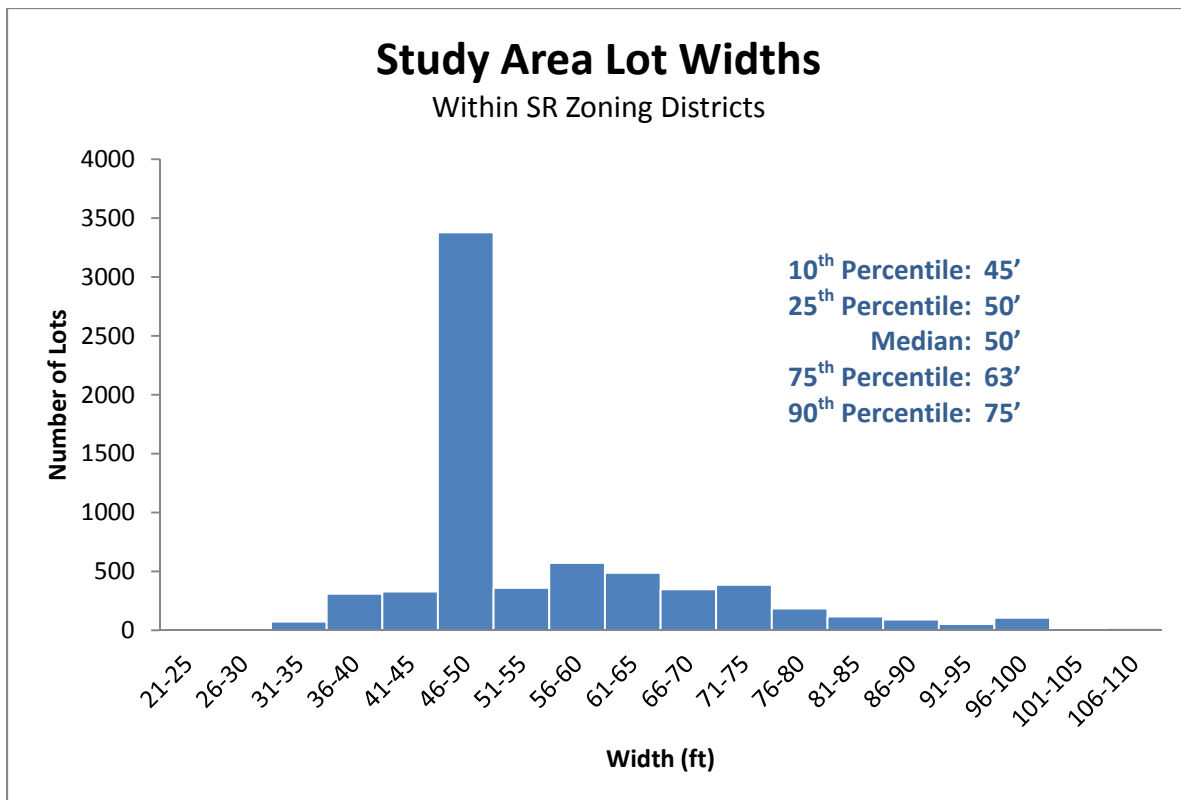
Interior-Side Setbacks

Definition:

Interior Side Setback: A setback that is to extend across the front lot line to the rear lot line along the side of a lot that is adjacent to another lot, the required depth of which is measured as the minimum horizontal distance between the side lot line and a line parallel thereto on the lot.

Optional Change:

- 10%/5'
 - 10% of the lot width or 5' (whichever is less)
 - Average Lot Width inside the Study Area is ~50' (see table below)
 - Example:
 - 40' Lot Width = 4' Interior Setback
 - 80' Lot Width = 5' Interior Setback
- Reason for Optional Change:
 - Smaller setbacks are consistent with traditional neighborhoods
 - Ability for the homeowner to expand.



LDC Task Force

December 10, 2015

Meeting Packet

Building Coverage

- Current Requirement:
 - Building coverage refers to the area of a lot covered by buildings (principal and accessory) or roofed areas, as measured along the outside wall at ground level, and including all projections, other than open porches, fire escapes, canopies and the first three feet of a roof overhang.
 - SR-2 = 30% Maximum Building Coverage
 - SR-3 = 35% Maximum Building Coverage
- Optional Change:
 - Increase in the maximum building coverage by 5% for SR-2H and SR-3H
 - SR-2H: 35% Maximum Building Coverage
 - SR-3H: 40% Maximum Building Coverage
- Reason for the Optional Changes:
 - Ability for the homeowner to expand and increase the square footage of the primary and accessory structure(s).

Minimum Permeable Surface Requirement

- Optional Change:
 - “An impervious surface is any surface on or in any parcel that reduces the rate of natural infiltration of storm water into the soil, including, but not limited to, and area occupied by buildings, structures, driveways, streets, sidewalks, asphalt, concrete, compacted gravel, or other non-porous or semi-porous substance.” City of Pleasanton, CA
 - New Requirement: Minimum 30% Permeable Surface
- Reason for the Optional Change:
 - Prevent fully paved lot and help control storm water runoff.

LDC Task Force

December 10, 2015

Meeting Packet

2. Accessory Structures (Detached Garages) Edits:

Many of the variances are based on the need to expand or build new detached garages.

Typically they are trying to build the garage taller or wider than allowed by code, conflicting the height limits or building coverage limits.

Height

- Current Requirement:
 - Accessory structures shall not exceed 15 feet in height.
 - Building height refers to the vertical distance between the average finished grade at the base of the building along the side of the building being measured and: 1) the average height level between the eaves and ridge line of a gable, hip or gambrel roof; 2) the highest point of a mansard roof; or 3) the highest point of the coping of a flat roof. (§20-0504)



- Optional Changes:
 - Accessory structures shall not exceed **17** feet in height.
 - **In addition, the ridge line of a gable, hip, or gambrel roof shall not exceed 20 feet in height**
- Reason for Optional Changes:
 - To allow a slight increase in height in order to accommodate 8' tall residential garage doors.
 - The intent of creating a maximum ridge line height is to close (or shrink) a loop-hole which allows two-story accessory structures built with low-hanging eaves.
 - For example, if the eaves are built to an elevation of 7 feet, then the ridge line could be constructed to a height of 23 feet. Or, if the eaves extend to the ground, the ridge line could be 30 feet in height.

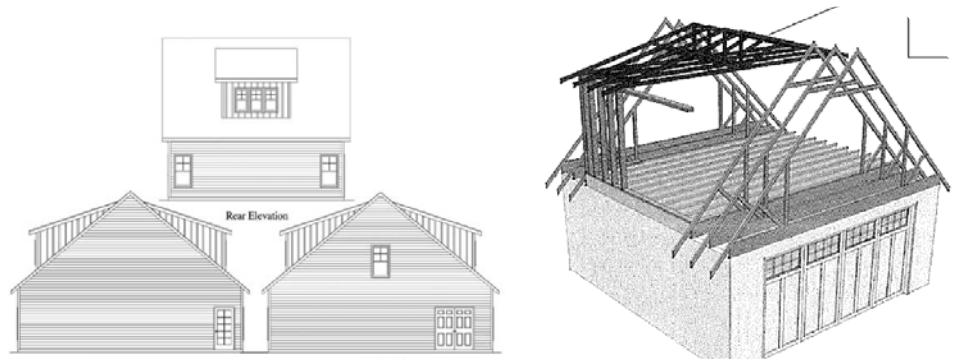


- Potential Issues:
 - How to measure building height of hybrid roofs?

LDC Task Force

December 10, 2015

Meeting Packet



Building Coverage

- Current Requirements:
 - Building coverage of detached accessory structures may not exceed that of the principal building...
- Optional Changes:
 - Building coverage of detached accessory structures may not exceed that of the principal building **or 700 square feet, whichever is greater.**
- Reason for Optional Changes
 - To allow at least a two-stall garage on properties with smaller houses.



3-Foot Setbacks in Rear Yard Area

- Current Requirements:
 - Accessory structures may be set back at least 3 feet from interior-side and rear lot lines when located within the rear yard area.
- No changes proposed

LDC Task Force

December 10, 2015

Meeting Packet

b. Possible Mid Term Solutions

– Development Review Procedure Integration for Context Sensitivities

1. What is the element of review?

- With every building permit?
- With special conditional permits?

2. Context Review Criteria:

- How to integrate scale and mass into review
 - Taller than abutting structures by 10'+
 - Abutting use is same or higher intensity
 - Average spacing between buildings is average for block
 - Lot is unique (corner, pie shaped, odd, slope)
 - Pitch is within 5% of abutting
 - Is addition more than 10% greater
- What is administrative?

3. Context Review Authority:

- Who to administer/review context items?
 - HPC – Expertise related to architecture and context
 - BoA – Mission would need to change
 - Staff, with appeal to BoA or Planning Commission

4. What type of process should be used to allow deviations from LDC dimensional standards?

- Public hearing, Notifications?
- Waiver vs. Variance?
- Appeals process?
- How to balance review vs. process efficiency?

5. Study applicability of other zoning tools:

- a. Form Based Code
- b. Performance zoning
- c. Neighborhood driven context; i.e. iconic and unique features such as Kennedy Court