

Twenty-two Points About SCAD

May 23, 2023

A Preamble:

There are some ideas in SCAD that we are interested in talking about. We want to be supportive of Mayor O'Neal, who has specifically asked us to try to find points of agreement. Our view is that revisions of this magnitude should go forward only with broad public stakeholder input and support.

We do not support omnibus changes to the development ordinance through private text amendment - because the actual wording of amendments needs to be open for suggested revision by the public, and for revision and full review by both Planning Department and the City Attorney's Office. Private text amendments, changeable only by the signatories and to a limited extent by the council, when used for omnibus development ordinance revisions establish a bad precedent.

With regard to SCAD, where there are provisions this group agrees upon, we support these be given priority for the UDO re-write that is upcoming, an approach that is in line with the process suggested by the Planning Director in her June 2022 memo to the JCCPC.

Our Points:

These thumbnails of points about SCAD are organized into items about which we would engage in serious discussion to find areas of agreement, items we oppose generally, and an item which, though not part of SCAD, we would support generally and would like to discuss.

This list is not meant to be comprehensive. It is meant to hit major points. There may be detailed comments or observations that are not enumerated here, but which will come up if we make progress in our discussions.

Items about which we would like to discuss:

1. Use Table – Residential in Non-Res. Zones
 - We oppose allowing residential development in the IL zone.
 - We would support breaking the O-I and IL zones into 1s and 2s with different degrees of allowed intensity and uses.
 - We oppose allowing auditoriums in CI and CN.
2. Detached Row Houses
 - We oppose this housing type altogether.
3. Accessory Structures Changes Generally
 - Accessory structures should remain subordinate to the primary in terms of area and height.
 - Accessory structures should remain behind the rear building line or at least behind the point 25% behind the front building line.

- The front building line might work in the suburban tier on large lots.
 - Height - keep current standard. See Height section.
4. Accessory Structures at Places of Worship
- Is this consistent with establishment clause in the Constitution?
 - What about the Fair Housing Act?
 - 3 ft. setback is too small.
 - Need a size limit for non-ADUs.
 - Need a maximum numbers limit – unlimited is too much as it could flip the primary use on the property.
 - Never in front of the Place of worship building(s).
 - Corner lots – need to rework in UDO generally. See In-fill section.
 - 75-25% rule makes no sense. How applied?
5. Small Lot Option
- We oppose exceptions for below grade space and garages from the 1,200 sf. Area maximum.
 - We oppose height limit change.
 - We oppose changes to ribbon drive requirement, but we would allow relief from shared drive requirement.
6. Townhouses
- We oppose intensification of current townhouse rules.
 - We oppose elimination of articulation standards.
 - We support incentives to employ rear-loaded garages.
 - We oppose the elimination of the 100sf privacy yards. Rules should increase these and allow for credit against porches, etc.
7. PATH
- We oppose the 25% bonus portion of PATH for a number of reasons.
 - We are interested in the 100% portion of path if targeted at housing non-profits and made to fit non-profit models. This would require a reconsideration of dimensional standards and neighborhood compatibility.
 - We oppose exempting PATH from NPOs.
 - We are concerned about the delegation of PATH compliance standards to no-ordinance manual.
 - Must use a development plan for enforceability.
8. Height
- We oppose the changes concerning measurement of height except as included below:
 - The current height measurement might be simplified by measuring the average of the highest point at the foundation and lowest point. Relief could be allowed where the difference between these points is extraordinary.
 - Adding a building story component to height calculation in some applications may be useful, but the concept of story must be contemplated more fully in the code.

9. In-Fill Standards

- We oppose changes to in-fill standards, but we support the creation of new, practical standards for corner lots and new rules that treat how variances affect in-fill rules applications in a given block-face.
- We oppose changes to vehicular use areas, but would consider practical changes to rules concerning VUAs for small lots.

10. Development Standards for CI

- We oppose reduction of rear-yard standard for CI where the neighboring zoning or use is residential.
- CI buildings need to be smaller when in proximity to residential uses and zones.

11. Development Standards for CN, OI, CG

- How would the CI standards election work in non-CI zones where the election is allowed? Would it be exclusive to the base-zoning standards or a cherry-pick? Bot O-I and CG can allow for very large buildings. CI is not compatible.
- The 20,000sf lot size is too big.
- We oppose exemption from site plan review.
- We oppose allowing a 0ft standard for rear yards.

12. Planned Development

- Explain non-residential uses standards for PDRs less than 100 units? Maximums?
- Better residential-nonresidential integration standards are necessary.
- Non-residential components must be internal to the development and not placed next to neighboring residential uses or residentially zoned land.
- Current rule allowing city/county to increase regulatory standards in PDRs over those proposed by the developer are not lawful unless the developer expressly consents.
- Building envelope requirement on plat should remain (Note confusing statement about height in staff survey).

13. Buffers

- We oppose the proposed changes to the current buffer requirements, but we would be willing to engage in a discussion of how buffers may be made to be more effective where they are needed to stabilize and protect neighboring uses. We are willing to consider step-downs in use and intensity at project perimeters as an alternative to buffers.
- We oppose any exception from buffer requirements for CI and design district projects.
- We oppose an exception for non-residential uses on parcels less than 20,000sf.

14. Parking

- We oppose elimination of all parking requirements, but we are interested in reducing minimum parking requirements where they are too strict. We are interested in an easily accessed permit-parking-only system in places where neighborhood character is threatened by an overload of on-street parking.

15. Basement Definition

- Explain please?

Items we oppose:

16. Site Plan Exceptions

- In the main, we oppose exceptions to site plan requirements.
- We oppose exceptions for projects with 20 or fewer ADUs.
- We oppose site plan exception for CI lots of less than 20,000 sf.

17. Old West NPO Changes

- We oppose changes to the FAR rules in the OWD NPO

18. Accessory Dwellings

- Keep 800sf maximum. Need to adopt standard rules for measuring area.
- Do the location requirements in 5.4.2.B(1)(b)(2) conflict with 5.4.1.?
- We oppose eliminating site plan review where currently required (civic uses).
- We oppose building ADU first unless it's a part of building ADU and primary as part of same project.

19. Flag Lots

- We oppose the proposed changes generally.
- The proposed changes seem to melt the standards for standard and reduced pole lots together. What would the standards for regular 20-foot pole flag lots be if the changes were adopted?
- Five houses on one pole are too many.
- The proposed yard spaces for flag lots are too small.
- Height limit for houses should remain at 25ft.
- Proposed illustration is misleading.
- Explain the 5ft minimum street frontage. What is the street?

20. Housing Types – Street, Rear, and Side Yards

- We oppose reduction of current street, rear, and side yard requirements except as may be necessary to promote a new, nonprofit concept of 100% PATH projects.
- Is it time to eliminate certain housing types from the UDO?
- Again, we oppose the Detached Row House type.

21. Detached Apartments

- We oppose detached apartments.

An Item we support, although not part of SCAD, we would like to discuss:

22. Inclusion of Small Units

- We support a requirement that new housing projects include a minimum portion of dwelling units containing 1,200sf or smaller, in all single-family and townhouse projects.