



DOCKET ITEM #6 A&B
***Text Amendment #2011-0006 – Infill Regulations for
Threshold Height in Floodplain***

Issue: Consideration of initiation of a text amendment and consideration of an amendment to the Zoning Ordinance to revise section 7-2503 regarding infill threshold requirements as they apply to certain properties affected by the new floodplain regulations.	Planning Commission Hearing:	April 5, 2011
	City Council Hearing:	April 16, 2011

Staff Recommendation: Staff recommends APPROVAL of the amendments to Sections 7-2503 of the City's Zoning Ordinance.

Staff: Steve Milone, AICP, Chief, Land Use Services Division, Planning and Zoning
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This text amendment will eliminate the SUP requirement for an increase in a house's threshold height when the purpose of the increase is to meet the minimum requirement for properties within the floodplain.

II. Background

Floodplain and Infill Regulations

On March 12, 2011, the City Council approved Text Amendment 2011-0004 to replace Zoning Ordinance Section 6-300 with new floodplain regulations. A conflict now exists between floodplain regulations and infill regulations. The floodplain ordinance requires a residence's lowest floor to be built one foot above the base elevation of the 100-year flood (Section 6-306(H)). The residential infill regulations require thresholds and first floors for single-family, two-family, and townhouse dwellings in most residential zones to be constructed no higher than the average threshold height of residences on the block (Section 7-2503).

Properties Affected

Altogether, approximately 325 properties are subject to both infill and floodplain rules. The largest concentration of these properties is in a portion of Rosemont south of East Maple Street along Hooff's Run where approximately 165 properties are affected by the potential conflict. This area of Rosemont was newly identified as being susceptible to a 100-year flood as part of the floodplain update. Within Rosemont, approximately 80 of the properties within the floodplain are developed with historic houses considered contributing structures in the Rosemont National Register Historic District. These structures may be exempt from complying with floodplain regulations for improvements that do not jeopardize the architectural or historic integrity of the structure.

The second largest concentration of properties is in Hume Springs where approximately 105 townhouse properties are located in the floodplain area along Four Mile Run. The remaining approximately 55 properties are located throughout the City in previously identified floodplain areas along City streams including Timberbranch, Taylor Run, Strawberry Run, and Holmes Run.

III. Discussion of Proposed Text Changes

To address the conflict between existing residential infill regulations and the new floodplain map and associated regulations, Staff proposes new Zoning Ordinance language to eliminate the infill SUP requirement for an increase in threshold height if the increased height is the minimum necessary to meet floodplain ordinance requirements.

The attached language at section 7-2503(B) will make the necessary change. Staff has also added subheadings to section 7-2503 and separated the components of section 7-2503(B) into subparts to make the entire section easier to read.

IV. Analysis

This text amendment seeks to balance competing policy needs: floodplain requirements and neighborhood compatibility. Before recommending this text change, Staff analyzed the effect of the change on threshold heights of new and substantially renovated homes and on residential neighborhood character. The properties in Hume Springs along Four Mile Run are developed with groups of townhouses that will be renovated or have modest additions that are unlikely to trigger compliance with the floodplain regulations. As to the floodplain area of Rosemont, Staff surveyed the area and found that approximately 10-15 single-family residences appear to be constructed with the lowest level below the minimum height required to meet floodplain regulations. If substantial improvements are made to these houses, the existing first floors will need to be raised by an average of one foot in height, resulting in overall threshold and first floor heights ranging from 9 inches to 3 feet 5 inches above grade. That height would not meet the infill requirements for average threshold. Residential property owners should not have to resort to SUP approval, the only current relief from the infill threshold regulations, in order to construct a first floor level that meets the mandatory requirements of the floodplain ordinance. This text amendment will eliminate the necessity of SUP approval in these limited situations. Changing the infill regulations to allow threshold heights to meet minimum floodplain requirements is a fair way to address both floodplain and infill policy issues and will not detract from overall residential neighborhood character in these limited cases.

Staff also considered whether overall building height should be allowed to increase commensurate with increases in threshold height required by the new floodplain map. Staff determined that the average required threshold heights of 9 inches to 3 feet 5 inches still permit a reasonably sized and proportioned house to be constructed; those small adjustments will not require flat or low-sloping roofs or otherwise result in squat houses that are out of character or unreasonably limited for the owners. Property owners will still have the option under infill regulations to request SUP approval if they can demonstrate that additional height is appropriate and compatible with the neighborhood. Therefore, Staff is recommending no change with regard to height requirements.

V. Staff Recommendation

Staff recommends that the Planning Commission initiate and recommend approval of the text amendment.

Staff: Barbara Ross, Deputy Director, Department of Planning and Zoning
Stephen Milone, Chief, Land Use Services Division, Planning and Zoning

Attachment: Proposed Zoning Text Changes

PROPOSED TEXT CHANGES

7-2503 Residential front setback and front door threshold in line with existing development.

(A) Average Setback. Unless a different rule is specified for a particular zone, wherever the major portion of a block is developed, and the majority of the buildings built on one side of a street between two intersecting streets or between one intersecting street and a street dead end have been built at a uniform front setback forward or behind the minimum front setback prescribed for the zone in which such buildings are located, new residential buildings hereafter erected shall conform to the setback line so established. Absent a majority of buildings at a uniform front setback, the setback shall be established by the average of the front setbacks of the buildings on one side of the street of a block as described above. For all other residential construction, including without limitation, porches and additions, the director may designate an appropriate front setback no closer to the front property line than the established or average setback line. The board of zoning appeals is authorized to grant a special exception under the provisions of section 11-1300 to modify the strict application of this requirement.

(B) Average Threshold. Whenever the major portion of a block is developed, no front door threshold of a single family, two-family or townhouse residential building erected or altered after {January 20, 2007} shall exceed the average height of the front door threshold of the residential buildings built on that block (one side of a street between two intersecting streets or one intersecting street and a street dead end) by more than 20 percent, provided, that

(1) Additional front door threshold height may be permitted if a special use permit is approved pursuant to section 11-500 of this ordinance, and city council determines that the proposed construction will not detract from the value of and will be of substantially the same residential character as adjacent and nearby properties.

(2) No SUP shall be necessary if the additional front door threshold is the minimum necessary to comply with the floodplain requirements of section 6-306(B).

(3) For the purpose of this paragraph 7-2503(B), the height of the front door threshold is defined as the vertical distance between the average pre-construction grade along the front of the

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building to the top of the threshold. The front door threshold shall accurately reflect the actual location of the first floor of the building, and in all cases the front door threshold shall be measured to the top of the threshold or the top of the highest elevation of the finished first floor, whichever is greater.

- (C) Blockface Determination. For the purposes of this section 7-2503, where the number of buildings on one side of a street between two intersecting streets or between one intersecting street and a street dead end is either fewer than five or where the distance between streets as specified above is less than 200 feet or where the number of buildings is greater than 15 or where the distance between streets as specified above is greater than 600 feet, the director may designate an appropriate block for purposes of calculating front setback and front door threshold height without regard to intersecting streets subject to an administrative protocol, and subject to city council approval as part of the special use permit, if there is one, granted pursuant to this section 7-25023.

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