

CHANGE OF ZONING FROM R5 MULTI-FAMILY AND RMH
RESIDENTIAL MOBILE HOME PARK RESIDENTIAL ZONING
DISTRICTS TO R4 SINGLE-FAMILY/TWO FAMILY OR R3
MODERATE TO HIGH DENSITY SINGLE-FAMILY ZONING
DISTRICTS

Application #13N-14-6182



STAFF REPORT – PLAN COMMISSION

Submitted by Planning Department Staff
North Tenth Street, West Ridge Subdivision, River Run Subdivision, Forest Hill Estates
Subdivision and Dove's Nest Subdivision

November 18, 2013

Planning Terms

Change of Zoning requires a public hearing before the Plan Commission with a recommendation to the City Council. The change of zoning is an amendment to the zoning map that changes the zoning district classification of a parcel of real property to a different zoning district classification.

“R5 Multi-Family Zoning District” is to encourage the establishment of multi-family dwellings with the predominant housing type being townhouses and garden apartments. These districts should front on a major collector or arterial roadway and be served by sanitary sewer and central water.

“RMH Residential Mobile Home Park Zoning District” is established to encourage the development of a well-planned residential mobile home park along major arterials or collector roadways as per the Thoroughfare Plan.

“R4 High Density Single-Family/Two Family Residential Zoning District” is to permit the establishment of single-family and two-family dwellings that have water and sewer facilities.

“R3 Moderate to High Density Single-Family Residential Zoning District” permits moderate to high-density single-family residential dwellings serviced by central water and sanitary sewer.

Non-Conforming Lot, Use or Structure—Any lot, use, or structure legally existing as of the effective date of this ordinance, that is not in compliance with this ordinance or any subsequent amendments.

Plan Commission's Role

The Plan Commission's role regarding a change of zoning is to send a recommendation of adoption, do not adopt, or no recommendation to the Council and the Council determines the final outcome as to if the change of zoning is adopted or not adopted. The Plan Commission conducts the public hearing on the application.

General Information

Prior to the 1995 re-write of the Unified Development Ordinance (UDO), single-family residential uses were permitted uses in other residential, commercial and industrial zoning districts thus having a pyramidal zoning classification structure. Meaning that more restrictive land uses were permitted in less restrictive zoning classifications such as single-family dwellings in a multi-family zoning district. With the adoption of the

1995 UDO, pyramidal zoning ceased to exist thus creating lawful non-conforming uses for all those areas that were built based on the pyramidal zoning theory.

The single-family or two family residential uses existing in the "R5 Multi-Family Residential" zoning district are required to seek relief from the Board of Zoning Appeals, if they are constructing an accessory building, room addition, destruction of the property by fire/explosion or any other activity related to a single-family residential use. The Comprehensive Master Plan indicates some of these areas as "Flood Hazard". The "Flood Hazard" areas are noted along Tenth Street and parts of River Run and West Ridge Subdivisions. West Ridge, Dove's Nest, Forest Hill Estates are depicted as 'Existing Residential/Infill' per the Comprehensive Master Plan.

Since the non-conforming uses were created by the City when they adopted the 1995 Unified Development Ordinance requirements, it seems only fair that the City rezone the properties to a zoning classification permitting their particular use by right. Some of the benefits of the change of zoning include (1) it is a smoother transition for financial institutions to provide loans for the sale, construction, remodeling and/or refinancing of the property, (2) it eliminates the time and expense required by the property owner seeking a land use variance before the Board of Zoning Appeals, and (3) it protects the residential values of the neighborhood.

Specific Requirements

The West Ridge subdivision contains single-family residential dwellings that were mostly established during the 1980's; River Run was established during the mid-90's with single-family residential dwellings; Dove's Nest is a two-family residential dwelling subdivision established in 1996, and Forest Hill Estates contains single-family, two-family, and multi-family dwellings units. Only the single-family and two-family dwelling units along Beechwood Court and Beechwood Drive will be rezoned that exist in Forest Hill Estates. Forest Hill Estates was originally established in 1968. All of these subdivisions existed prior to the change and adoption of the requirements for their specific zoning districts.

As for the area south of Field Drive along the west side of Tenth Street, a single parcel is zoned "RMH Residential Mobile Home Park" zoning district. It is a single-family structure remaining after the purchase of the right-of-way for Field Drive when it existed as a mobile home park. The remaining four parcels continuing to the south from the "RMH" zoned property contain single-family residential structures that have existed on these parcels for 60+ years. There is a small portion of these properties that are located in a "FH Flood Hazard" zoning district.

Staff notes that any areas that are currently zoned "FH Flood Hazard" zoning district will remain zoned as such due to it being the adopted areas as per the Federal Emergency Management Agency's flood maps.

Again, Staff is attempting to change the zoning in areas that can meet the zoning requirements of another zoning district so as not to create lawful non-conforming uses.

Attachments

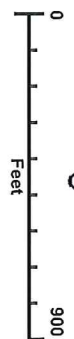
Aerial Photographs (3)



West Ridge, River Run, Dove's Nest

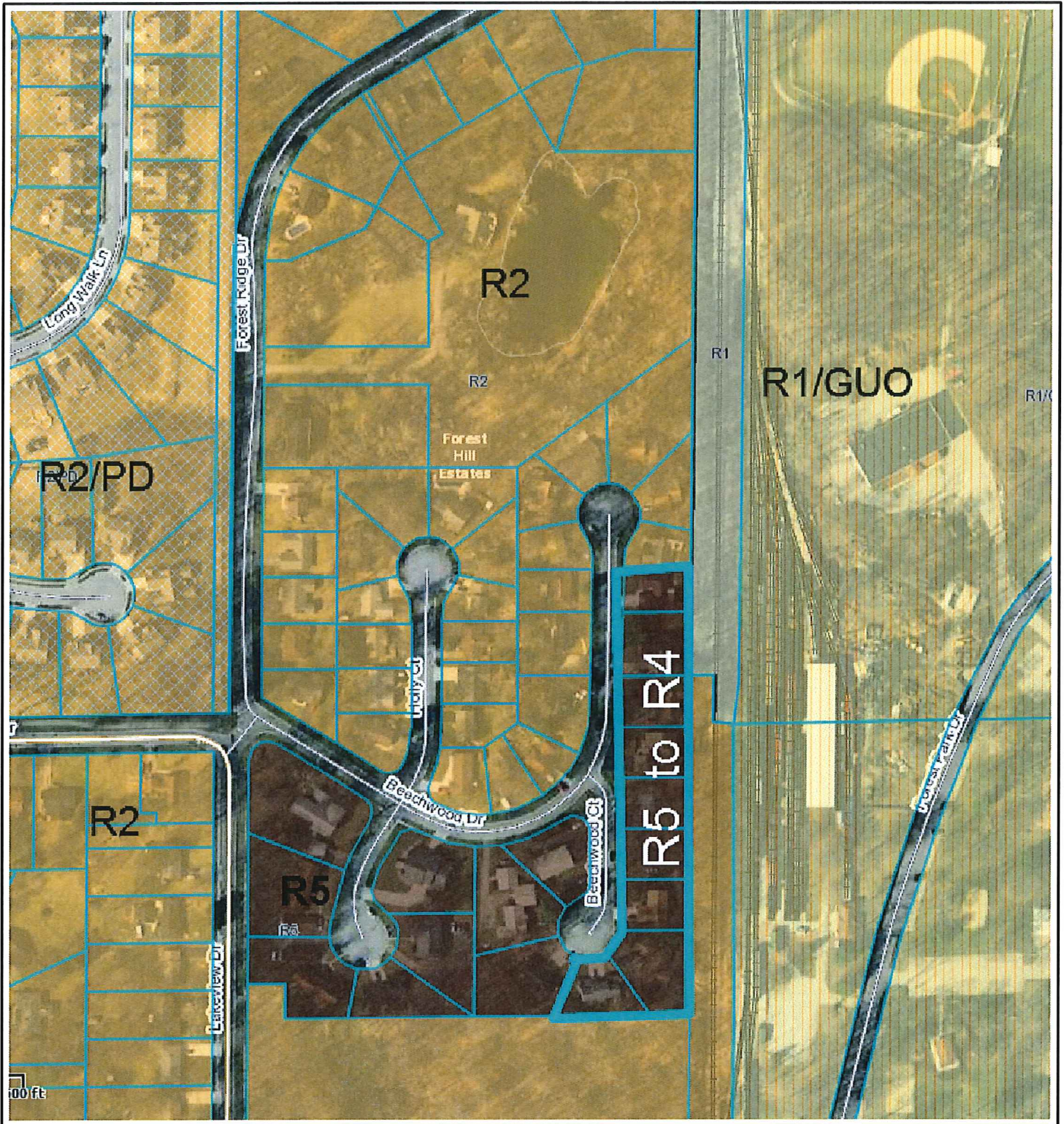
R5 to R4

Printed: Oct 30, 2013



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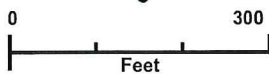




Forest Hill Estates

R5 to R4

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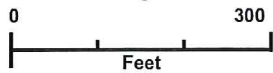
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N. 10th Street RMH and R5 to R3

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