



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 14, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
TXT-48648	Staff recommends APPROVAL.	n/a

** PROPOSED AMENDMENT(S) **

1.LVMC 19.00.100(B)(1), Official Zoning Map – Establishment of Zones, is hereby amended by adding thereto a new residential zoning district as follows:

B.Establishment of Zones

1. The residential zoning districts established by this Title are as follows and shall be known and cited as:

Abbreviated Designation	Zoning District Name	District Purpose
U	Undeveloped	page ##
R-E	Residential Estates	page ##
<u>R-D</u>	<u>Single Family Residential-Restricted</u>	<u>page ##</u>
R-1	Single Family Residential	page ##
R-CL	Single Family Compact-Lot	page ##
R-TH	Single Family Attached	page ##
R-2	Medium-Low Density Residential	page ##
R-3	Medium Density Residential	page ##
R-4	High Density Residential	page ##
R-MH	Mobile/Manufactured Home Residential	page ##

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2.LVMC 19.04.040(B)(2), Connectivity, is hereby amended as follows:

2.The minimum required Connectivity Ratio is 1.30 (links/nodes) for all development in R-D, R-1, R-MH, R-CL, R-TH, R-2, R-3 and R-4 zoning districts. The Connectivity Ratio required for multi-family residential developments will be determined by the Director, with advice from the Director of Public Works, based on the proposed site layout.

3.Table 1 of LVMC 19.04.160, Transportation – Land Use Matrix, is hereby amended as follows:

See **Exhibit A** of the attached “TXT-48648 Supplemental” for a draft of the updated LVMC 19.04.160, Transportation – Land Use Matrix – Table 1 which proposes to add a row to address the inclusion of the R-D District within the UDC. Text to be added is in blue and underlined.

4.LVMC Chapter 19.06, Residential Districts – Purpose and Development and Design Standards, is hereby amended by adding thereto a new Section 65 to provide the purpose and development standards for the R-D District as follows:

See **Exhibit B** of the attached “TXT-48648 Supplemental” for a draft of the new LVMC 19.06.065, R-D Single Family Residential-Restricted District, which proposes to add standards for newly included district. All text is new so no emphasizing of the text is used.

5.Table 1 of LVMC 19.06.070, R-1 Single Family Residential District, is hereby amended as follows:

Building Placement (see Figure 1)		Table 1
A. Minimum Lot Size	6,500 square feet	
Minimum Lot Width	<u>65</u> <u>60</u> feet ¹	
B. Max. Lot Coverage	50%	
Dwelling Units per Lot	1	
C. Minimum Front Yard Setback	20 feet	
D. Minimum Side Yard Setback	5 feet	
E. Minimum Corner Side Yard Setback	15 feet	
F. Minimum Rear Yard Setback	15 feet	
Footnotes: 1. Notwithstanding the minimum lot width in this Table, lots located along the circular portion of a cul-de-sac or a knuckle portion of a street may be reduced to a minimum of 30 feet in width at the front property line, provided the average lot width meets the required lot width.		

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6.LVMC 19.06.140(F), Residential Sign Standards – Signs Permitted in Residential Districts, is hereby amended as follows:

R-D is added to all sign categories in Paragraphs (5) through (15) and (17) where R-1 is indicated to allow these signs within the proposed R-D District with requirements that are the same as those for the R-1 District.

7.LVMC 19.08.040(H)(1)(a), Development Standards – Residential Adjacency Standards - Applicability, is hereby amended as follows:

- a. All property to be developed for nonresidential or multifamily residential use that is located adjacent to property which is zoned R-E, R-D, R-1 or R-CL, unless such adjacent property is developed with a nonresidential use, shall conform to the residential adjacency standards set forth in this Subsection.

8.LVMC 19.10.020(E)(2), C-V Civic District - Development Standards, is hereby amended as follows:

2.In addition to the standards established above, property in the C-V District adjacent to residential uses in the U, R-E, R-D, R-1, R-CL and R-2 Districts shall be subject to the height standards of LVMC 19.06.060, the landscape buffer standards of LVMC 19.08.040(F) and parking standards of LVMC 19.08.110.

9.Table 2 of LVMC 19.12.010, Permitted Uses – Land Use Tables, is hereby amended by adding thereto a new column to identify uses appropriate for the R-D District as follows:

See **Exhibit C** of the attached “TXT-48648 Supplemental” for a draft of the new LVMC 19.12.010 Table 2, Permitted Use, which proposes to add a column to the table to address which uses are permitted, either by right, conditionally, or by means of a Special Use Permit, for the newly included R-D District. Text to be added is in blue and underlined.

10. Title 19.12.070, Permissible Uses – Permissible Use Descriptions and Applicable Conditions and Requirements, is hereby amended by amending the conditional use regulations for the “Animal Keeping & Husbandry” entry as follows:

Conditional Use Regulations:

- 1. With respect to domestic animals:
 - a. The applicant must submit to the Department, for administrative review and approval, a site plan with notes indicating the number and types of animals to be kept or reproduced on the premises.
 - b. No more than 3 sheep or goats may be kept for each 20,000 square feet of land included in the building site.
 - c. All operations and activities shall be in accordance with LVMC Title 7.

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- d.No more than one horse or cow is permitted for each 7,500 square feet of lot area.
- e.In the R-D Zoning District, no more than 2 horses may be stabled on the building site, and the site must have a minimum net lot size of 18,000 square feet.
- f.No horse or cattle may be kept at any location south of Cheyenne Avenue.

2. With respect to non-domestic animals:

- a. Animals shall be confined at all times within a secured, enclosed or fenced area.
- b. Animals which are kept outdoors must be located at least 1,500 feet from any residential dwelling, school, child care facility or public park.
- c. The site must have a minimum area of 2 acres.
- d. All operations and activities shall be in accordance with LVMC Title 7.

- 11. Title 19.12.070, Permissible Uses – Permissible Use Descriptions and Applicable Conditions and Requirements, is hereby amended by amending the conditional use regulations for the “Auto Dealer Inventory Storage” entry as follows:

Conditional Use Regulations:

- 1. All loading and unloading of vehicles shall occur on site.
- 2. Loading and unloading of vehicles shall occur between the hours of 7:00 am and 10:00 pm.
- 3. All areas used for the parking or storage of vehicles shall be paved.
- 4. Stored vehicles shall be effectively screened so as not to be visible from adjoining properties or public rights-of-way.
- 5. The parcel must be located on a primary or secondary thoroughfare, or on a parcel that is adjacent to and accessed through a parcel located on a primary or secondary thoroughfare.
- 6. Lighting shall be shielded from adjacent properties.
- 7. The use shall not occupy or interfere with any parking spaces that are required for the dealership use or any other existing or proposed use for which required parking is or will be provided on the site. For commercial or industrial sites 15 acres or greater in size, the use may occupy up to 50 percent of the parking area that is provided in excess of the parking that is required by this Section for other uses.
- 8. The use shall not be located adjacent to any property zoned R-E, R-D, R-1 or R-CL unless that property has been developed with a nonresidential use.

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12. Title 19.12.070, Permissible Uses – Permissible Use Descriptions and Applicable Conditions and Requirements, is hereby amended by amending the conditional use regulations for the “Auto Repair Garage, Major” entry as follows:

Conditional Use Regulations:

1. All repair and service work shall be performed within a completely enclosed building.
2. All disabled vehicles shall be stored on a concrete or asphalt surface in an area which is screened from view from the surrounding properties and adjoining streets, pursuant to LVMC 19.08.040.
3. Outdoor hoists are prohibited.
4. All hazardous materials resulting from the repair, storage, or dismantling of vehicles shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution and flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable Federal, State, and local regulations.
5. No vehicle may be parked on the premises for the purpose of offering the vehicle for sale.
6. Outdoor bells and loudspeakers are prohibited.
7. This use shall not be located adjacent to any property zoned R-E, R-D, R-1 or R-CL unless that property has been developed with a nonresidential use. (C-2 only)

13. Title 19.12.070, Permissible Uses – Permissible Use Descriptions and Applicable Conditions and Requirements, is hereby amended by amending the conditional use regulations for the “Small Wind Energy System” entry as follows:

Conditional Use Regulations:

1. The minimum parcel size shall be 20,000 square feet.
2. No small wind energy system is eligible for approval if all or part of the property is within a conservation easement or scenic highway corridor, or is listed on the State or National Registers of Historic Places, unless the applicant submits satisfactory evidence that the addition of a small wind energy system is not a violation of the rules that govern the development of the property.
3. A system may be directly mounted on or attached to the principal structure on the site, or may be mounted on a freestanding tower. Where possible, the system should be integrated with other structures, such as buildings, light poles or on-premise sign structures, so as to minimize visual impacts.
4. A system shall not extend to a height greater than the following, measured with reference to the highest point of the fixed structure to which the system is attached (but excluding the wind turbine):
 - a. 50 feet, for parcels in the R-D, R-1 and R-2 Zoning Districts;
 - b. 65 feet, for parcels in the R-E, and R-3 Zoning Districts, and
 - c. 90 feet for parcels in the R-4, C-1, C-2, C-M and M Zoning Districts.

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5. When a system is mounted on a freestanding tower:
 - a. The tower and any guy-wires or other supports shall comply with all minimum setbacks for the property; and
 - b. The tower shall be set back from any habitable structure on an adjacent property a distance at least as great as the height of the tower.
6. No more than one system shall be permitted on a parcel of land.
7. A system shall be constructed and maintained so that noise levels do not exceed 60dBA, as measured by a sound level meter at the closest neighboring inhabited dwelling. However, this level may be exceeded during short term events such as utility outages or severe windstorms.
8. The applicant must submit proof of turbine certification approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.
9. A system must comply with applicable FAA regulations, including any necessary approvals for installations close to airports. Such approvals must be received prior to the submittal of a building permit application. For locations within the Airport Overlay District, the system must comply with all regulations and requirements applicable to that district.
10. A system must comply with all applicable fire codes and building codes.
11. A building permit application for a system must be accompanied by:
 - a. Standard drawings of the wind turbine structure including base, tower and footings;
 - b. An engineering analysis of the tower showing compliance with the International Building Code and certified by a licensed professional engineer; and
 - c. A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
12. Before the installation of a system, the applicant must provide satisfactory evidence that the electrical utility provider has been informed of the applicant's intent to install a system. An off-grid system shall be exempt from this requirement if the property is not served by an electrical utility provider.
13. No system shall be erected or moved onto any lot prior to construction of the main building unless a building permit has been issued for the construction of the main building.
14. Except with respect to Conditional Use Regulations 1, 3, 4, 5(b), 6 and 12 the Special Use Permit provision of Section 19.12.040(B) does not apply to this use. In the case of a Special Use Permit application filed as a consequence of not qualifying for conditional use treatment regarding any of the Regulations listed in the preceding sentence, the remaining Regulations shall apply as Minimum Special Use Permit Requirements, and Regulations 2, 5(a), 7, 8, 9, 10, 11 and 13 above, when imposed as Minimum Special Use Permit Requirements, shall be deemed to be nonwaivable.

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14. Title 19.12.070, Permissible Uses – Permissible Use Descriptions and Applicable Conditions and Requirements, is hereby amended by amending the conditional use regulations for the “Vehicle Parking, Storage or Repair in Residential Zoning Districts” entry as follows:

Conditional Use Regulations:

1. Except as otherwise provided in Regulations 2 to 14, inclusive, motor vehicles, including passenger cars, trucks and motorcycles which are not designed or used for racing or for purposes other than transportation, may be parked, stored or repaired on any property in a residential district, provided the same is accessory and incidental to the use of the property for residential purposes and does not constitute a nuisance, health or fire hazard offense under the provisions of this Code and do not have a detrimental effect on the neighborhood. Unless stored or parked within a completely enclosed building, the motor vehicles shall be stored or parked:
 - a. In the front yard, either:
 - i. On an approved driveway;
 - ii. On a surface of pavers or other blocks of uniform appearance that are at least 2 inches in thickness that extends the full length and width of the vehicle;
 - iii. On concrete or asphaltic paving that extends the full length and width of the vehicle; or
 - iv. On a surface of decomposed granite no less than 2 inches thick, defined with borders, but this alternative is available only on lots with a zoning designation of R-E; or
 - b. In the side yard, either:
 - i. Obscured by a 6-foot high fence to permanently screen the vehicles from view;
 - ii. On an approved driveway;
 - iii. On a surface of pavers or other blocks of uniform appearance that are at least 2 inches in thickness that extends the full length and width of the vehicle; or
 - iv. On concrete or asphaltic paving that extends the full length and width of the vehicle; provided, however, that the vehicle storage or parking complies with the other provisions set out in Regulations 1 to 14, inclusive.
2. Except as otherwise provided in Regulation 10 below, on a single family residential lot:
 - a. No more than 3 operable vehicles may be stored, or one vehicle per 1,250 square feet of lot area, whichever allows the greater number of vehicles;
 - b. No more than 50 percent of the front yard area may be used for the storage or parking of vehicles; and
 - c. No stored vehicles may be utilized for storing items of personal property, and the area under each vehicle must be kept free of debris and vegetation.

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3. Unless stored or parked within a completely enclosed building, a recreational vehicle or trailer, or combination thereof, may be stored or parked only as follows:
 - a. In a rear yard, either:
 - i. On a surface of pavers or other blocks of uniform appearance that are at least 2 inches in thickness that extends the full length and width of the vehicle;
 - ii. On a surface of decomposed granite no less than 2 inches thick, defined with borders; or
 - iii. On concrete or asphaltic paving, gravel or chat that extends the full length and width of the vehicle, trailer or combination;
 - b. In a front yard, but only on lots with a zoning designation of R-E, R-D or R-1, and in each case provided that the recreational vehicle or trailer, or combination thereof, is stored either on a surface of pavers or other blocks of uniform appearance that are at least 2 inches in thickness that extends the full length and width of the vehicle; on concrete or asphaltic paving that extends the full length and width of the vehicle, trailer or combination; or on a surface of decomposed granite no less than 2 inches thick, defined with borders (provided, however, that this third alternative is available only on lots with a zoning designation of R-E). Additionally, on a lot with a size of .2 acres or less, no recreational vehicle or trailer, or combination thereof, may be stored or parked in a front yard if it exceeds 24 feet in length. Finally, in no event may a recreational vehicle or trailer, or combination thereof, be stored or parked in a front yard in any district described in this Subparagraph (b) unless at least one of the following conditions is met:
 - i. The recreational vehicle or trailer, or combination thereof, is stored entirely in the yard area with no portion of the unit located closer than 2 feet from an adjacent public street or sidewalk; or
 - ii. It is demonstrated that the side and rear yards are not reasonably accessible for storage purposes. A corner lot shall be deemed to have reasonable access, and the existence of a fence or block wall, by itself, shall not be deemed to prevent reasonable access to the side or rear yards;
 - c. In a side yard, either:
 - i. Permanently screened from view from the public street by a 6 foot wall, with a 5 foot gate;
 - ii. On a surface of pavers or other blocks of uniform appearance that are at least 2 inches in thickness that extends the full length and width of the vehicle; or
 - iii. On concrete or asphaltic paving that extends the full length and width of the vehicle;
 - d. If it is not connected to any electrical or sewer service for more than 24 consecutive hours;
 - e. If it is not used for dwelling purposes;

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- f.If it is not used for the storage of goods, materials or equipment, other than those items considered to be part of the recreational vehicle and are related to the immediate use and enjoyment thereof; and
- g.Its use is in full compliance with applicable provisions of the Fire Code and other technical codes.
- 4.Except as provided in Regulation 9 below:
 - a.No vehicle may be repaired, stored or parked for more than 4 consecutive hours if its manufacturer's rated carrying capacity exceeds one ton.
 - b.No vehicle may be repaired unless it is owned by a permanent resident at the location where the repair takes place.
 - c.On a parcel within a single family residential district, not more than one passenger vehicle with commercial advertising displayed thereon may be stored or parked.
- 5.Except as otherwise provided in Regulation 10 below:
 - a.Any vehicle that is in mechanically inoperable condition shall be stored or repaired in a garage, shed or other enclosure; in a driveway; or in a rear yard that is enclosed by a 6-foot high fence to permanently screen the vehicle from view; provided, however, that if the abutting property is undeveloped, the fencing shall not be required until the adjacent property is developed.
 - b.No repair outside of an enclosure may occur later than 9:00 p.m. or earlier than 7:00 a.m.
- 6.Except as otherwise provided in Regulation 10 below:
 - a.No more than one vehicle that is in a mechanically inoperable condition shall be stored or repaired at any time outside of a fully enclosed building on the premises, and there shall be no repair of vehicles or storage of mechanically inoperable vehicles in the side yards.
 - b.A vehicle shall not be stored in a mechanically inoperable condition for more than 60 days.
 - c.No repair may be performed on any motor vehicle, including a recreational vehicle, within the front yard, including any driveway area, unless the repair is a "normal, reasonable and customary repair" as defined in Regulation 14 below.
 - d.No more than 4 vehicles may be repaired on the same parcel within any 12-month period.
- 7.There shall be no storage of junked vehicles, or parts thereof. Only serviceable parts for owned vehicles may be stored on the premises. Such storage shall not be permitted in the front or side yards but shall be permitted in the rear yard only if such storage is either fully enclosed by a 6-foot high fence to permanently screen the parts from view, or in a fully enclosed building; provided, however, that if the abutting property is undeveloped, the fence or enclosed building shall not be required until the adjacent property is developed. No more than 200 square feet of space shall be used for the storage of serviceable parts.

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8. The following are prohibited, except in connection with an approved construction yard or except as necessary to perform grading or construction work on the premises pursuant to a development permit:
 - a. The repair or storage of any vehicle whose primary function is other than the transportation of passengers, including but not limited to forklifts, backhoes, tractors, tow trucks and similar types of machinery, construction or industrial equipment; or
 - b. Unless for the sole purpose of loading or unloading passengers or goods, the parking or standing of any vehicle whose primary function is other than the transportation of passengers, including but not limited to forklifts, backhoes, tractors, tow trucks and similar types of machinery, construction or industrial equipment.
9. Nothing in Regulations 1 to 14, inclusive, shall be construed to permit the operation of a business as defined in Title 6. There shall be no repair, restoration or modification of non-owned vehicles for money or barter. However, nothing in Regulations 1 to 14, inclusive, prohibits the temporary emergency repair of owned or non-owned vehicles which have become mechanically inoperable while on the property or in the street.
10. On any lot owned by a member of a duly-recognized organization of automobile collectors or restorers, the owner may exceed the limitations on vehicle storage and repair set forth in Regulations 2, 5(a) and 6 above with respect to the restoration, refurbishing or rebuilding of his or her own classic or antique vehicle if any such vehicle is covered with a fitted full-vehicle pullover cover when it is not being worked on, the vehicle's tires are inflated, and the area under the vehicle is kept free of debris and vegetation.
11. In order to facilitate vehicle inspection and enforcement under Regulations 1 to 14, inclusive, any person responsible for or engaged in the parking, storage, repair, restoration or modification of any vehicle shall, upon request, provide to any authorized enforcement officer:
 - a. Evidence regarding the operability of the vehicle, as well as the ownership of the vehicle, such as current registration, title, bill of sale or other documentation from an authority responsible for motor vehicle regulation;
 - b. As applicable to the exception set forth in Regulation 10, evidence regarding the person's membership in a duly-recognized organization of automobile collectors or restorers; and
 - c. As applicable to the exception set forth in Regulation 10, evidence regarding the extent to which the vehicle or vehicles in question are actually and currently in the process of being restored, refurbished or rebuilt.
12. No vehicle may be parked or stored in a driveway unless:
 - a. All tires or wheels that support the vehicle are in contact with the driveway; or
 - b. Where any such tire or wheel is not in contact with the driveway, the vehicle at that location is resting on a jack stand or wheel ramp that is designed and manufactured for the purpose of temporarily supporting a vehicle.

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13. The provisions of Regulations 1 to 14, inclusive, shall apply to any person in control or lawful possession of any real property, including an owner, tenant, occupant, lessee or otherwise.
14. For purposes of these Regulations:
 - a. "Approved driveway" means a driveway that complies with all applicable curb cut requirements that have been established by the City.
 - b. "Mechanically inoperable," with respect to a motor vehicle, means that the vehicle is inoperative, cannot be moved under its own power, or cannot be operated lawfully on a public street or highway because one or more component parts necessary for such movement or lawful operation are lacking or have been damaged or deteriorated so as to become inoperative. Such component parts include without limitation the engine, transmission, wheels, tires, doors, windshield and windows.
 - c. "Normal, reasonable and customary repairs," with respect to a motor vehicle, means incidental repairs or service, including changing flat tires; repairing or servicing the electrical or ignition system; replacing hoses; cleaning or replacing filters; installing minor accessories; and adding or replacing lubricants, coolants, refrigerants, or hydraulics system fluids.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

Discussion and possible action to amend LVMC Title 19, Unified Development Code (UDC) of the City of Las Vegas, to re-introduce standards for the R-D (Single Family Residential-Restricted) District and revise standards for the R-1 (Single Family Residential) District and provide for other related matters.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
03/16/11	The City Council adopted Bill 2011-7 as Ordinance 6135 to merge Titles 18 (Subdivision Regulations) and 19 (Zoning Code) into one Title to be known as the Unified Development Code (UDC) of the City of Las Vegas. Planning Commission and staff recommended approval of the amendment.
05/02/12	The City Council adopted Bill 2012-17 as Ordinance 6190 to update Title 19 (Unified Development Code) to make various corrections, clarifications and improve graphics. This ordinance also re-introduced the C-PB (Planned Business Park) District. Planning Commission and staff recommended approval of the amendment.

ANALYSIS

In late 2010, the Planning Commission recommended adoption of a Unified Development Code (UDC) for the city of Las Vegas to consolidate the city's subdivision and zoning codes into one comprehensive development code. As a part of the drafting of the new code, department staff worked extensively with members of the public and other city staff to create a new approach to presenting the development standards appropriate to the city. Part of the new approach was the consolidation of zoning districts in order to produce more consistent development patterns. One district that was consolidated was the R-D (Single Family Residential – Restricted) District. This district was meant to provide for the development of low density, large lot, single-family detached residential units and was consistent with the policies of the Rural Density Residential category of the General Plan. This district required a minimum lot size of 11,000 square feet with a minimum lot width of 90 feet. Under the UDC adoption the R-D District was to be consolidated into the R-1 (Single Family Residential) District which has a minimum lot 6,500 square feet with a minimum lot width of 65 feet. The General Plan was amended to accommodate the expectation that in areas designated as R (Rural Density Residential) that larger R-1 lots would be would replace R-D lots moving forward.

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Since the adoption of the UDC there have been ongoing discussions with the community and development professionals about continuing to improve the city's development code. As a result of those discussions, it has been determined that the current zoning district structure does not provide sufficient transition of development standards between the R-E (Residential Estates) District and the R-1 District. Therefore, this amendment proposes to re-introduce the R-D District. The district will have the same general development standards (see Exhibit B) and permitted use (see Exhibit C) as had existed in LVMC Title 19 prior to the 2011 adoption of the UDC.

The proposed amendment also proposes to modify the minimum lot width for the R-1 District to allow the district a greater degree of flexibility while maintaining the lot area of 6,500 square feet, which is typical of suburban single family residential development. The new minimum lot width is proposed to be 60 feet.

FINDINGS

The proposed text amendment will achieve the following:

- Re-introduce the R-D (Single Family Residential-Restricted) District as a zoning district.
- Reduce the minimum lot width for the R-1 (Single Family Residential) District to increase the flexibility of configuring lot in the district, while maintain the minimum lot area which supports the low density intent of the district.

NOTICES MAILED

NEWSPAPER ONLY

APPROVALS

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PROTESTS

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