

AGREEMENT IN PRINCIPLE OF THE INFILL DEVELOPMENT TASK FORCE

The members of the infill development task force have reached an agreement in principle on the legislation and ZTA that comprises the Infill Development Reform Act of 2008. This agreement is contingent on the adoption of final legislative language that is consistent with these principles. On the basis of this agreement in principle, all members of the task force have agreed to either support the legislation or not oppose it, or take any actions or make statements inconsistent with non-opposition.

This agreement in principle encompasses the following issues:

Definition of Infill: The definition will be modified to ensure that the scope of the language captures older, established communities and is not overbroad. It is contemplated that the term “resubdivision” will be substituted for “subdivision” in the context of the ZTA’s scope as it pertains to 5 units or fewer, assuming that such a modification does not inadvertently exclude older, downcounty areas. Within the next several weeks, M-NCPPC will document the possible impact of using resubdivision as a criterion to confirm the scope of this revised approach is neither overbroad or underinclusive.

Effective Date: The effective date of ZTA 08-11 and 15-08 will be revised: at line 84 add: “Any building permit application filed and accepted as completed by the Department of Permitting Services within 120 days of the effective date may be approved and constructed under the prior standards.”

Single Car Garage Exemption: The ITF agreed that single car detached garages are a desirable architectural feature and should be encouraged. Therefore, a homeowner is granted a credit up to 240 SF of a detached single-car garage (i.e. the footprint of the single car detached garage will not be included in the lot coverage calculation). The ITF further agrees that all single car detached garages in R-40, R-60, R-90, and R-200 zones will not be higher than the current regulation in R-40, R-60, and R-90 zones, where the height limit for detached garages is 15 feet to the mean point of the roof and 20 feet to the peak.

Notice Provisions: The notice provision will be altered in the following manner: Strike lines 85 and 86 and insert new language so that the section will now read: “at least 30 days before filing the application, the applicant delivered or sent written notice of the applicant’s name, address, and telephone number and non-binding information regarding the non-binding SCOPE OF WORK or a non-binding drawing of each proposed building or addition. Modification to the SCOPE OF WORK or drawings will not give rise to a denial of the building permit or provide a basis of appeal.”

“SCOPE OF WORK” is defined as allowable building size, height, and setbacks within the zone classification.

Example: If an applicant submits to DPS, with the building permit application, the required affidavit, including either the non-binding rendering or non-binding scope of work, and lists the contacted parties, then the applicant has fulfilled this notice requirement.

Grandfathering: The grandfathering language will be clarified. To be clear, what this means is that if an existing house exceeds the lot coverage or height limit allowed by the new law, it may be rebuilt to the lot coverage or height existing prior to the date of the adoption of the bill. A house with lot coverage below the current law may be rebuilt no larger than the lot coverage in the new legislation.

Examples: 1) A house that is now at 32% lot coverage is destroyed by fire or another act of God. It may be rebuilt to 32% lot coverage but can not be any larger. 2) A house on a 6,000 SF lot now stands at 25% and is destroyed by fire. It may be rebuilt to 30% lot coverage. 3) If a house on a 6,000 SF lot is at 35% lot coverage and is destroyed by fire or another act of God, it may be rebuilt to 35%. 4) If a house in an R-200 zone is 50 feet tall and is destroyed by fire or another act of God, it may be rebuilt to 50 feet.

Porches and Bay Windows: The language will be clarified to permit an uncovered, unconditioned area above a porch. It is understood that bay windows includes bay windows that provide additional floor space.

Established Building Lines: The following language will be added to the EBL section of the ZTA:

ZTA 08-11 – Standards Residential Zones

1. Line 9: insert after main ‘single family detached residential’ buildings. It is agreed that commercial and/or non-residential buildings should not be included when calculating the EBL; only single family detached residential buildings should be considered for the EBL calculation.
2. Line 39: insert after two adjoining lots ‘*or the applicant may choose to use the front setback of the existing structure that was established prior to demolition, providing that the existing building meets the minimum setback of the zone.*’
3. Lines 41 & 42: delete ‘*The engineer or surveyor who signed the survey must also file an affidavit attesting to the accuracy of the survey.*’ It is agreed that a survey that is signed and sealed by a licensed engineer or surveyor is sufficient.
4. Line 47: insert after both streets ‘At the option of the applicant, corner lots may use the front setbacks of the adjoining buildings on either side.’
Line 66: delete ‘*before date ZTA enacted*’ and insert ‘on or after the effective date’.