

City Council Agenda Items
and
Contracts, Leases or Agreements

7/16/2013

City Council Meeting Date
Agenda Items Only

Jesse Fulcher
Submitted By

Planning
Division

Development Services
Department

Action Required:

ADM 13-4397: Administrative Item (OAKBROOKE PZD PHASE III, 361): Submitted by PARADIGM DEVELOPMENT for property located at OAKBROOKE PHASE III. The property is zoned Oakbrooke III R-PZD 09-3439 and contains a total of 26.76 acres. The request is to modify Oakbrooke Phase III, RPZD 09-3439, by reducing the number of dwelling units and adjusting alley ways.

Cost of this request	\$ -	Category / Project Budget	Program Category / Project Name
Account Number	\$ -	Funds Used to Date	Program / Project Category Name
Project Number	\$ -	Remaining Balance	Fund Name

Budgeted Item

Budget Adjustment Attached

[Signature]
Department Director

06-27-2013
Date

Previous Ordinance or Resolution # _____

[Signature]
City Attorney

6-27-13
Date

Original Contract Date: _____

[Signature]
Finance and Internal Services Director

6/28/13
Date

Original Contract Number: _____

[Signature]
Chief of Staff

6/28/13
Date

Received in City Clerk's Office 6-27-13 04:23 PM
[Signature]

[Signature]
Mayor

6/28/13
Date

Received in Mayor's Office
ENTERED 6/28/13
[Signature]

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director JP

From: Jesse Fulcher, Current Planner

Date: June 26, 2013

Subject: ADM 13-4397 (OAKBROOKE PZD PHASE III)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to modify Oakbrooke Phase III, R-PZD 09-3439, by reducing the number of dwelling units and adjusting alley ways.

BACKGROUND

In 2009 the owner submitted a new Planned Zoning District application for the entire subdivision, except Lots 1-17, which are located in Phase I. Oakbrooke R-PZD 09-3439 (Phase III) was approved in 2010. The new PZD was introduced to allow for smaller lot development than originally approved and two unique planning areas that included cottage housing and park court homes. The only street infrastructure that was proposed to be added was several alleys to allow rear-loaded garages.

The applicant proposes three changes to Oakbrooke III, as indicated on the attached site plan: 1) reduce the number of lots in three areas from 35 to 24 - this change will essentially revert the lot configuration back to what was approved in 2005; 2) remove a proposed alley adjacent to Bellwood Subdivision to allow preservation of a row of trees; and 3) increase the number of lots on the south side of Starry Night View from 5 to 9. The PZD approval in 2010 actually provided for 9 lots in this same area. However, a minor modification that was approved administratively by staff reduced the number of lots from 9 to 5.

Planned Zoning District modifications: Chapter 166.06(I) allows the Zoning and Development Administrator to make minor changes to an approved PZD. Any modification to a PZD which is not allowed under the Minor Modification process is considered a zoning action, requiring City Council approval. Both modifications to the Oakbrooke subdivision (13-4397 and 13-4420) are considered major modifications. Consistent with a zoning request, the applicant has notified all adjacent property owners, including those in the Oakbrooke, Bellwood and Bridgeport Subdivisions.

DISCUSSION

On June 24, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 5-0-1 (Hoskins recused).

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 09-4397 OAKBROOKE PHASE III, TO REVISE THE CONCEPT PLAN AND ZONING CRITERIA, REDUCING THE NUMBER OF DWELLING UNITS IN PLANNING AREA I FROM 28 TO 24 AND IN PLANNING AREA III FROM 76 TO 58, AND ADJUSTING ALLEY WAYS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the zoning criteria booklet and plats for R-PZD 09-4397 Oakbrooke Phase III are hereby amended to reflect the major modification to the zoning criteria and concept plan in Planning Area I, reducing the number of dwellings units from 28 to 24; Planning Area III, reducing the number of dwellings units from 76 to 58, and adjusting alley ways, as reflected in Exhibit "A."

Section 2: That the Planned Zoning District ordinance and official zoning map of the City of Fayetteville, Arkansas, are hereby amended to reflect the zoning criteria change provided in Section 1 above.

PASSED and **APPROVED** this day of , 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasure

Proposed Density Modifications – The proposed Major Modification for all intents and purposes is a minor change of density location.

Areas within the Oakbrooke III PZD to remain unchanged (shaded areas) -

Phase I - West Portion

PA1 - East Side of Best Friend and north of Winter Evening Place.

PA2

PA3 - North side of Starry Night View, north side of Front Porch View, both sides of Best Friend Lane, and east side of September Stroll

PA4

PA5

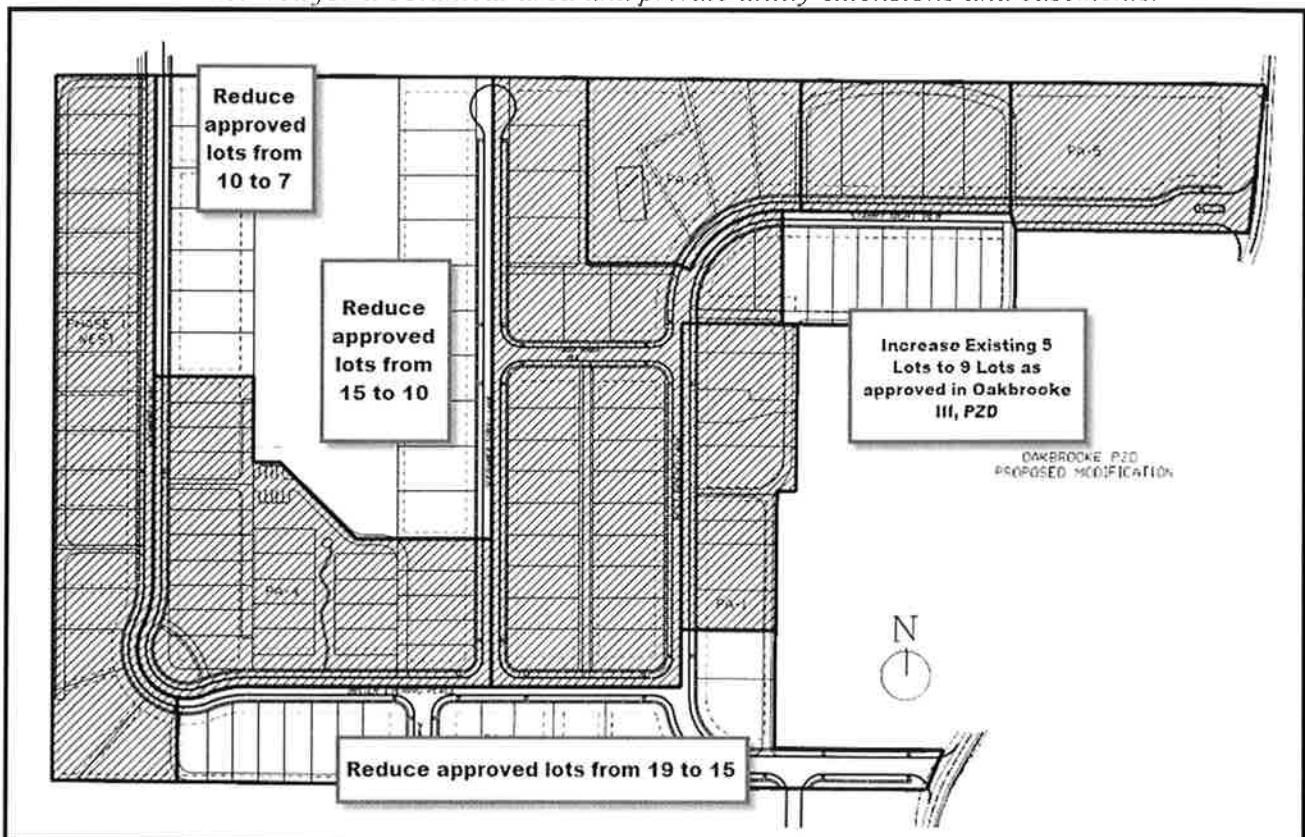
Areas within the Oakbrooke III PZD with proposed changes -

PA1 – **Proposed Change** – Reduce number of approved lots along the south side of Winter Evening Place (east of Hazeltine) and east side of Best Friend Lane from 10 total lots to 7 total lots.

PA3 - **Proposed Change** – Reduce number of approved lots along the east side of Neighborly Way from 10 total lots to 7 total lots.

Proposed Change – Reduce number of approved lots along the west side of September Stroll from 15 total lots to 10 total lots.

Proposed Change – Increase 5 lots along the south side of Starry Night View to 9 lots per the approved Oakbrooke III PZD, and withdrawing the 2012 minor modification change; along with one unbuildable lot (along the street frontage) reserved for a botanical area and private utility extensions and easements.



Proposed Circulation Modifications – Within the proposed Major Modification due to terrain issues, the desire to save significant tree canopy and drainage structures, we are proposing a few modifications to rear alleys.

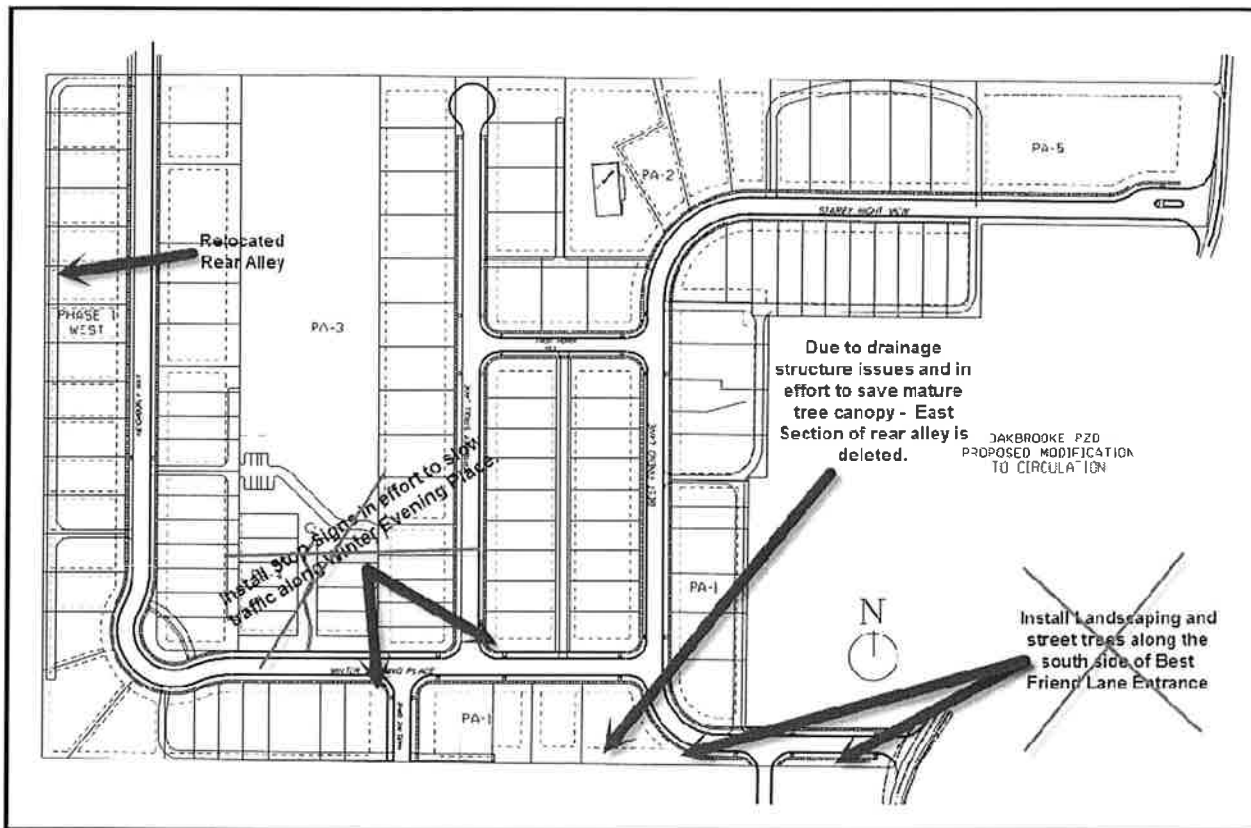
Areas within the Oakbrooke III PZD with proposed circulation changes -

Phase I - West Portion - **Proposed Change** – Relocate the alley from the rear of the lots along the east side of Neighborly Way to the rear of the lots on the west side of Neighborly Way. This will result in fewer driveways along Neighborly Way and significant preservation of tree canopy at the rear of the lots along the east side of Neighborly Way and adjacent to the Tree Preservation Area.

PA1 – **Proposed Change** – Due to a major drainage structure and the presence of mature trees, remove the east section of the formerly proposed alley along the rear of the lots south of Winter Evening Place. This will result in the preservation of mature canopy and more buildable lots. The two easternmost lots would be served by a private driveway.

Proposed Change— Install two Stop Signs to slow traffic along Winter Evening Place. One to be located at the SW corner of Winter Evening Place and Hazeltine to slow east-bound traffic along Winter Evening Place; the other to be located at the NE corner of September Stroll and Winter Evening place to slow west-bound traffic along Winter Evening Place.

Proposed Change— Install landscaping and street trees within the extended right of way along the south side of Best Friend Lane. Installed landscaping and trees to be maintained by the Oakbrooke Property Owners Association.





PC Meeting of June 24, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~June 24, 2013~~ Updated June 27, 2013

ADM 13-4397: Administrative Item (OAKBROOKE PZD PHASE III, 361): Submitted by PARADIGM DEVELOPMENT for property located at OAKBROOKE PHASE III. The property is zoned Oakbrooke III R-PZD 09-3439 and contains a total of 26.76 acres. The request is to modify Oakbrooke Phase III, RPZD 09-3439, by reducing the number of dwelling units and adjusting alley ways. Planner: Jesse Fulcher

BACKGROUND

The Oakbrooke Planned Zoning District was originally approved in 2005 and was comprised of two phases, Oakbrooke R-PZD 05-1463 (Phase I) and Oakbrooke R-PZD 05-1555 (Phase II). All the required street and utility infrastructure was completed and the final plats for each phase were approved and recorded. Home construction started in 2008.

In 2009 the owner submitted a new Planned Zoning District application for the entire subdivision, except Lots 1-17, which are located in Phase I. Oakbrooke R-PZD 09-3439 (Phase III) was approved in 2010. The new PZD was introduced to allow for smaller lot development than originally approved and two unique planning areas that included cottage housing and park court homes. The only street infrastructure that was proposed to be added was several alleys to allow rear-loaded garages.

Proposal: The applicant proposes three changes to Oakbrooke III, as indicated on the attached site plan: 1) reduce the number of lots in three areas from 35 to 24 - this change will essentially revert the lot configuration back to what was approved in 2005; 2) remove a proposed alley adjacent to Bellwood Subdivision to allow preservation of a row of trees; and 3) increase the number of lots on the south side of Starry Night View from 5 to 9. The PZD approval in 2010 actually provided for 9 lots in this same area. However, a minor modification that was approved administratively by staff reduced the number of lots from 9 to 5.

Planned Zoning District modifications: Chapter 166.06(I) allows the Zoning and Development Administrator to make minor changes to an approved PZD, such as the density reduction approved in 2012. Any modification to a PZD which is not allowed under the Minor Modification process is considered a zoning action, requiring City Council approval. Both modifications to the Oakbrooke

subdivision (13-4397 and 13-4420) are considered major modifications. Consistent with a zoning request, the applicant has notified all adjacent property owners, including those in the Oakbrooke, Bellwood and Bridgeport Subdivisions.

RECOMMENDATION

Recommendation: Both requests are considered major modifications; however, the changes are still relatively minor. The final product will be a combination of Oakbrooke I and Oakbrooke III, and will maintain a variety of lot sizes and house sizes. The change to the alley location will allow the developer to maintain existing tree canopy, which is adjacent to the Bellwood Subdivision. Staff recommends forwarding **ADM 13-4397 Oakbrooke R-PZD Phase III, Major Modification No. 1** to the City Council with a recommendation for approval.

Planning Commission Action: **Forwarded** **Denied**

Motion: Winston

Second: Pennington

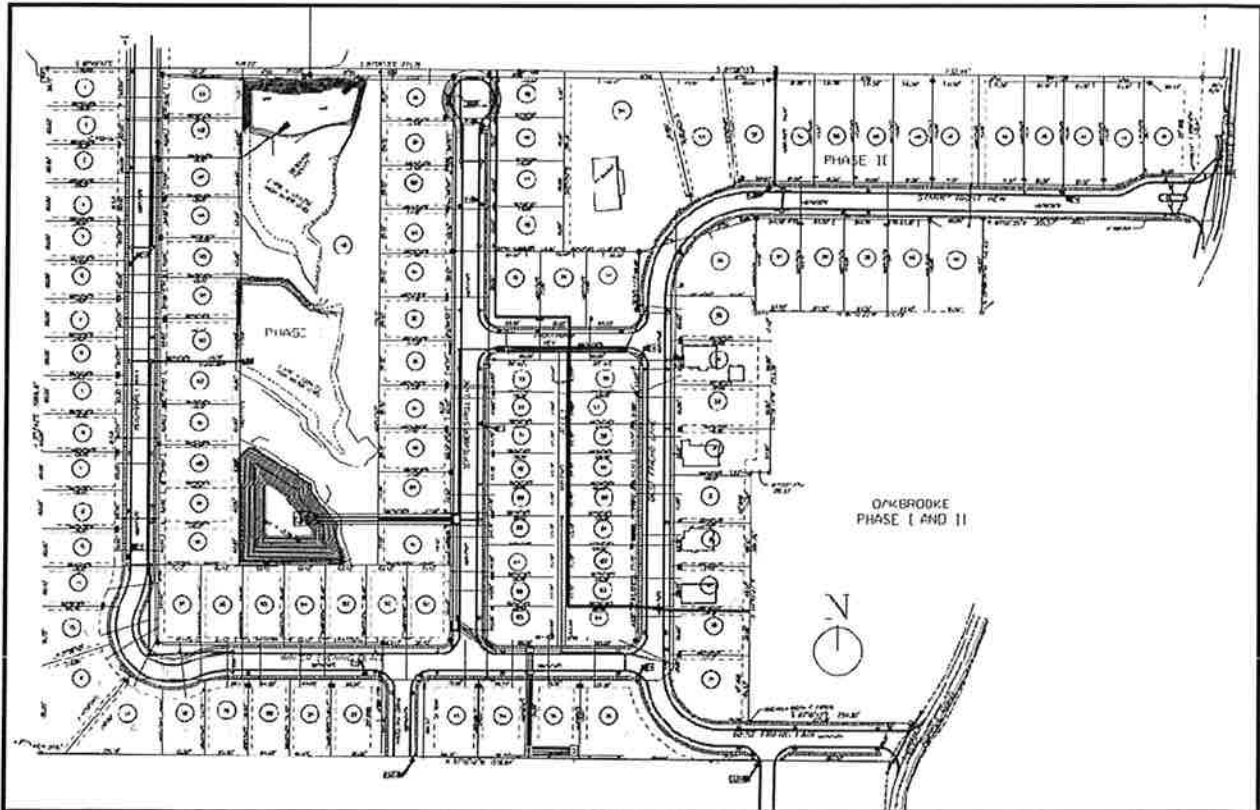
Vote: 5-0-1 (Hoskins recused)

Meeting Date: June 24, 2013

History –

The original Oakbrooke PZD – Oakbrooke was originally approved in 2006 and consisted of 109 Lots of various sizes over two Phases.

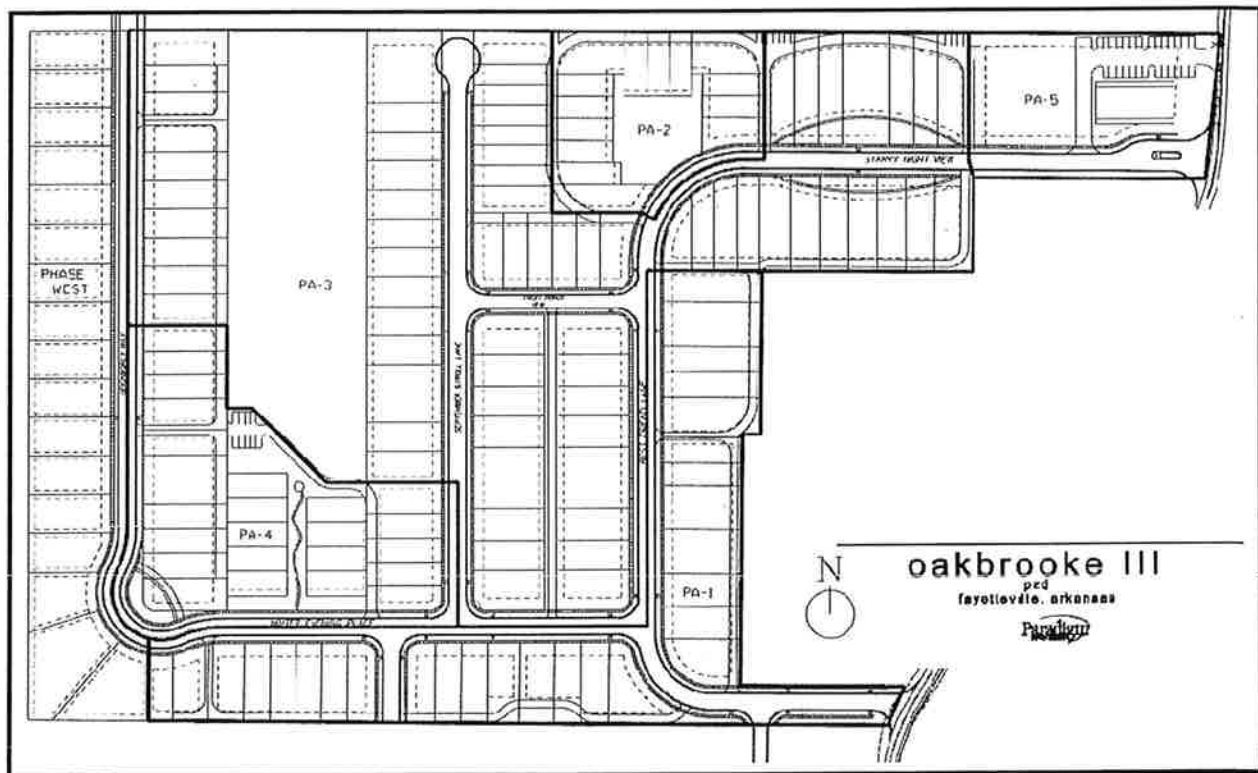
Oakbrooke Phase I -	68 Total Lots
Oakbrooke Phase II –	41 Total Lots
<hr/>	
Total Residential Lots - 109	



Oakbrooke RPZD III - In 2010, the original Oakbrooke Phases 1 and II were redeveloped to provide for higher density and a great number of lots. The revised plan, known as Oakbrooke RPZD III, consisted of 5 Planning Areas (PAs) –

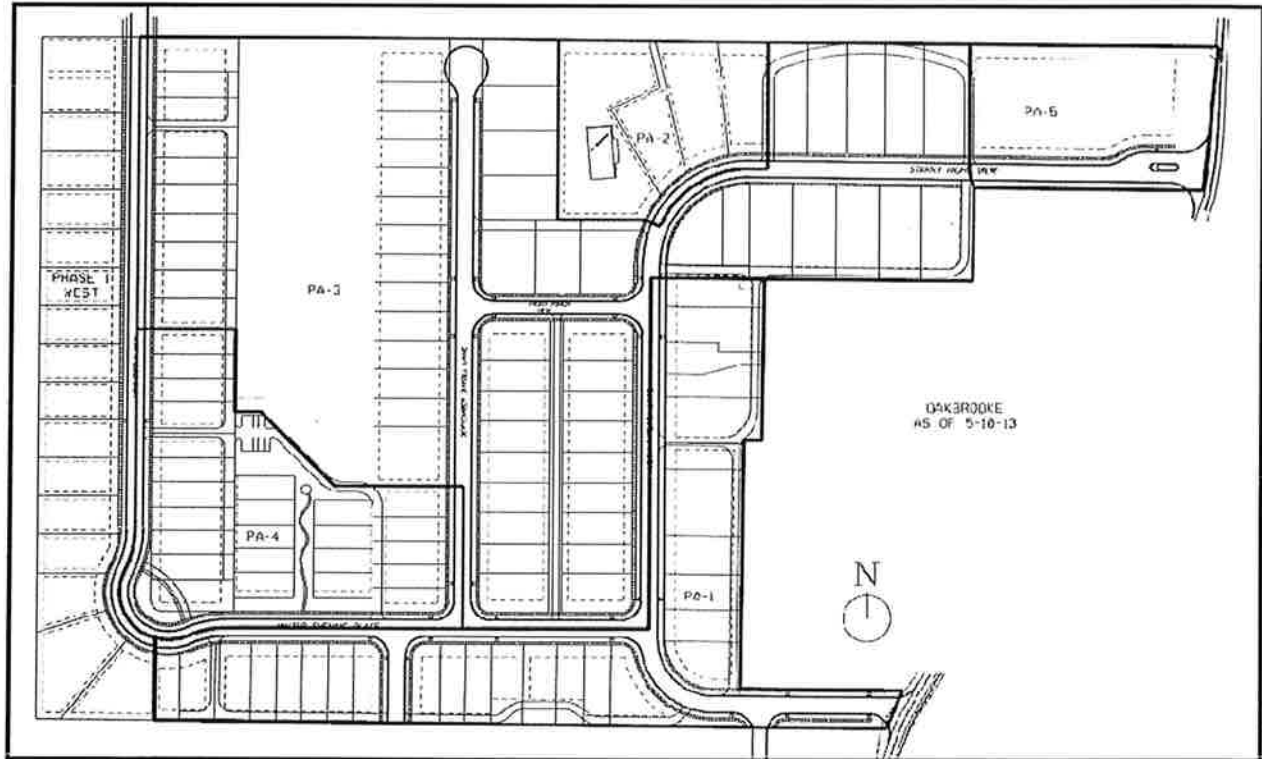
Oakbrooke PH 1 (West Portion) -	17 Total Lots (Area remained unchanged)
PA1 – Single Family Residential –	28 Total Lots
PA2 – Cottage Homes –	14 Total Lots
PA3 – Southern Vernacular –	76 Total Lots
PA4 – Park Court Homes –	25 Total Lots
<hr/>	
Total Residential Lots -	160

PA5 – Mixed Use – 1.92 Acres, 31 Dwelling Units (apartments), 12,000sf non-residential



Current Conditions - Since the 2010 approval of Oakbrooke III RPZD, construction of homes has continued and the Oakbrooke neighborhood has undergone an administratively-approved minor modification of density (illustratively located in the northern area of PA3), and a rezoning of PA2 from a Cottage Home area to lots similar to those in Planning Area 1.

The following illustration represents current approved and/or constructed conditions of the Oakbrooke project.



➔ **Proposed Density Modifications** – The proposed Major Modification for all intents and purposes is a minor change of density location.

Areas within the Oakbrooke III PZD to remain unchanged (shaded areas) -

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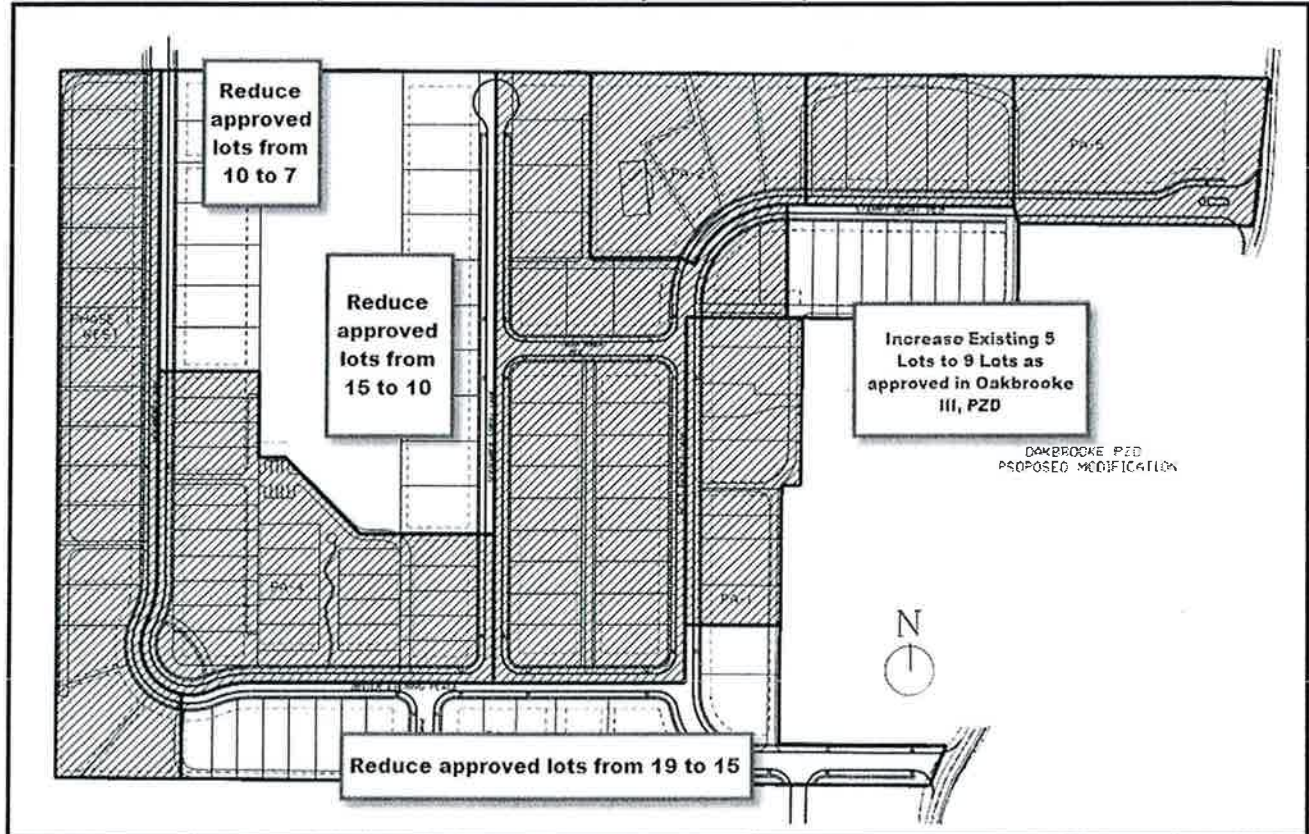
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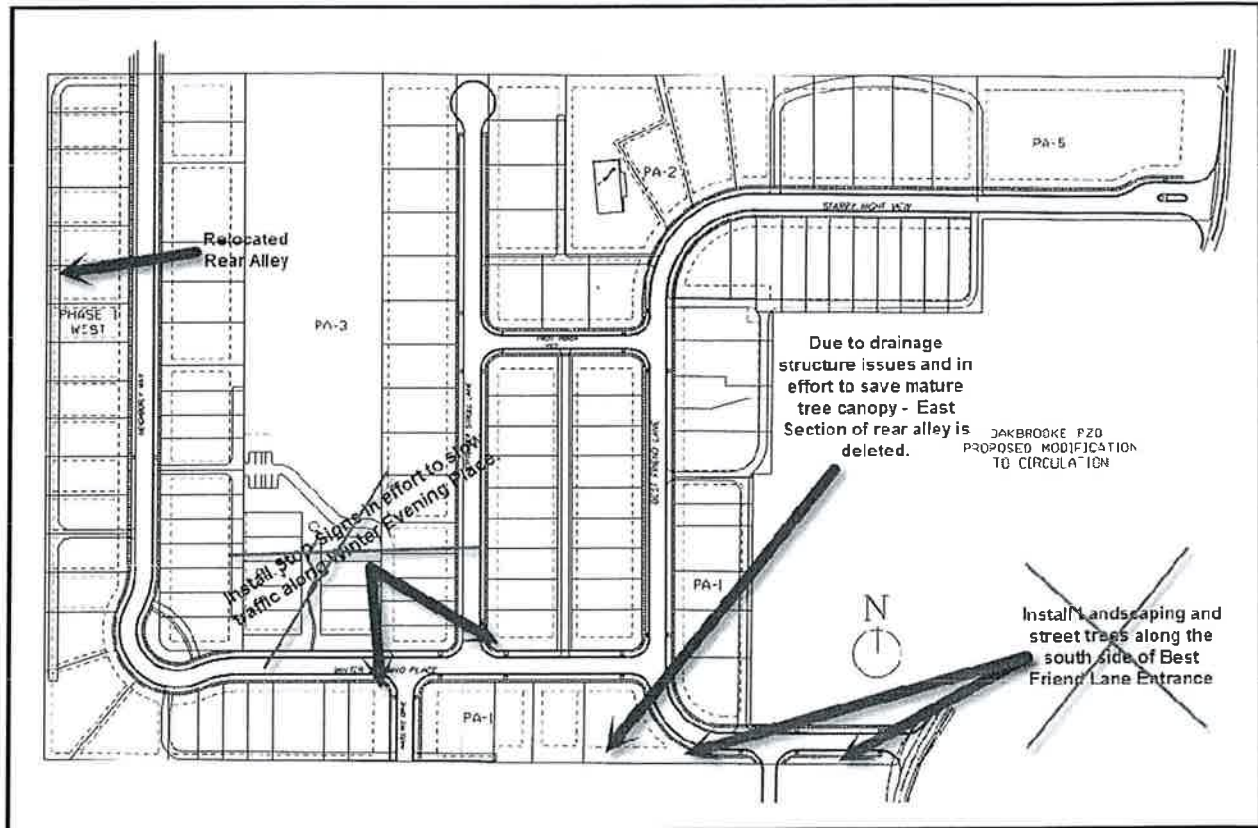
Areas within the Oakbrooke III PZD with proposed circulation changes -

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Proposed Change— Install landscaping and street trees within the extended right of way along the south side of Best Friend Lane. Installed landscaping and trees to be maintained by the Oakbrooke Property Owners Association.



Description of this request addressing the following items:

- a. Current ownership information and any proposed or pending property sales.

The Property to be modified is currently owned by Paradigm Development Enterprises, Inc, Family Jewels, LLC and by the Oakbrooke Municipal Property Owners Improvement District. No sales are pending.

- b. Reason (need) for requesting the modification.

Changes due to market conditions, the desire to shift higher density closer to east side of the neighborhood in spirit of the approved PZD, and lower density in the heart of and to the west side of the neighborhood (closer to adjacent neighborhoods).

- c. Statement of how the proposed modification will relate to surrounding properties in terms of land use, traffic, appearance, and signage.

The proposed Modification will have no impact on the existing property which will remain subject to the Oakbrooke III PZD zoning regulations, the rules and regulations of the Oakbrooke Subdivision Property Owners Association, and the rules and regulations of the Oakbrooke Architectural Control Committee in terms of architecture, uses, setbacks, etc.

Formerly, the concept PZD Plan included higher density throughout the entire neighborhood. Included in the PZD Plan was an area formerly designated as Planning Area 2 (PA2) along the north side of Oakbrooke. PA2 was intended for cottage style home development. In 2012, PA2 was rezoned and constructed as four lots fronting the public street.

With the approval of this modification, we will recapture the opportunity to build more affordable cottage-style homes within the same area of Oakbrooke as the former PA2, and continue to maintain the spirit of the approved Oakbrooke III RPZD. This area is along the south side of one of the primary entrances to Oakbrooke (Starry Night View) which currently consists of seven lots which will be redeveloped into a total of eleven lots as illustrated on the approved Oakbrooke III PZD Plan.

- d. Availability of water and sewer (state size of lines). This information is available from the City Engineering Division.

The entire property is currently served by installed 8" water mains and 8" sewer mains along the street frontages. We will have to install a limited number of single water and single sewer taps for only those lot lots being redeveloped along the South Side of Starry Night View. No other services are required.

- e. The degree to which the proposed modification is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

As the property is under the restrictions of the Oakbrooke Architectural Controls and the Restrictions of the Oakbrooke Covenants, the property will continue to be built out the same as other lots within Oakbrooke have. Oakbrooke is the quintessential model of the city's current land use and zoning policies.

- f. Whether the proposed modification is justified and/or needed at the time of the request.

Due to significant market changes and site conditions, the modification is justified and needed. Approval of the proposed modification will provide for wider lots in areas of heavy tree canopy. With the creation of Oakbrooke III PZD, the existing lots (formerly Oakbrooke Phase 1 and Oakbrooke Phase 2) within the heart of the neighborhood were adjusted, divided and narrowed to provide an increase in density. Due to the narrowing of lots, rear alleys were incorporated to provide access to garages which are required to be placed at the rear of the homes. Installation of these alleys will result in the significant loss of trees and canopy. By lowering the density in the heart of Oakbrooke, we can go back to wider lots (as constructed in Oakbrooke Phases I and II) which will accommodate not only the house structure, but a driveway alongside the structure for access to the garages at the rear of the home. This will alleviate the need for rear alleys in places and the significant removal of mature tree canopy.

- g. Whether the proposed modification will create or appreciably increase traffic danger and congestion.

No. We are actually lowering the total of homes which could be built within the Oakbrooke neighborhood. Traffic danger and associated congestion will not be exacerbated.

- h. Whether the proposed modification will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

No. We are actually lowering the total of homes which could be built within the Oakbrooke neighborhood. Infrastructure and schools will receive no negative impact.

Oakbrooke III - 2009 Approval

D) Proposed Development Phasing -

Oakbrooke 3 is planned in five phases to be constructed over a seven year period. All required permits necessary to complete the construction will be obtained within five years from City Council approval of the PZD. Anticipated timing for construction of public improvements for each phase is as follows...

- PA 1 - All permits necessary to complete construction will be obtained within one year from City Council approval. Final Plat approval shall be obtained within two years of Preliminary Plat approval.
- PA 2 - All permits necessary to complete construction will be obtained within two years from City Council approval. Final Plat approval shall be obtained within three years of Preliminary Plat approval.
- PA 3 - All permits necessary to complete construction will be obtained within three years from City Council approval. Final Plat approval shall be obtained within five years of Preliminary Plat approval.*
- PA 4 - All permits necessary to complete construction will be obtained within four years from City Council approval. Final Plat approval shall be obtained within five years of Preliminary Plat approval.
- PA 5 - All permits necessary to complete construction will be obtained within four years from City Council approval. Certificate of Occupancy shall be obtained within two years of the building permit approval**

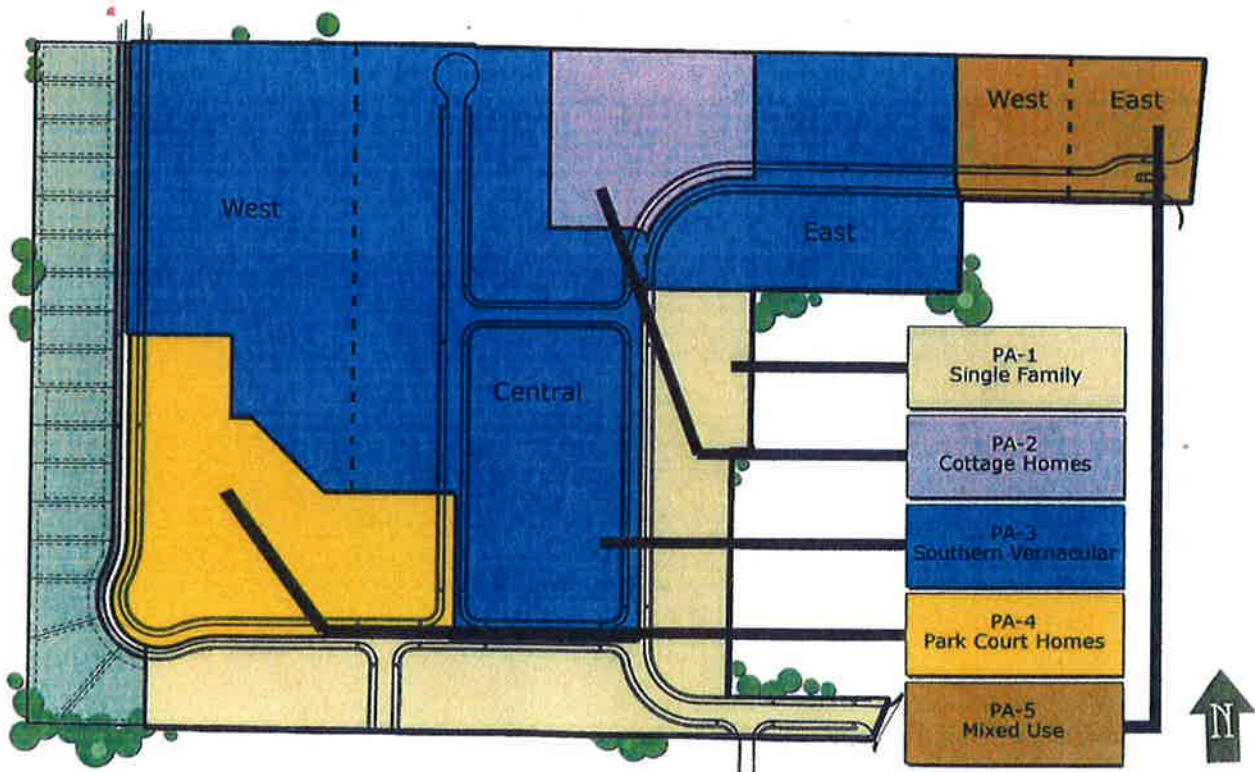
* PA3, which the largest of the PAs is divided into three areas; East, Central and West. Due to the size of PA3, in effort to minimize costs and condense construction areas, PA3 could be submitted in three individual Preliminary Plats.

** PA5 will likely be constructed as Large Scale Developments. As we do not expect construction of both areas to occur simultaneously, PA5 is made up of two areas which are designated Mixed Use East and Mixed Use West.

E) Proposed Planning Areas -

Oakbrooke 3 offers several types of residential living, home-based business, neighborhood shopping and eating places (though limited), and open/botanical areas, as depicted on sheet 2, the "Conceptual Site Plan". The community will offer Single Family Residential (attached and detached), Cottage Homes, and Southern Vernacular Homes, along with Neighborhood Mixed Use.

Proposed Planning Areas -



Oakbrooke III - 2009 Approval

Planning Area 1 (PA1) - Single Family Residential



The Single Family residential planning area of PA1 is designed to permit and encourage the developing of single family homes, in a traditional (as opposed to contemporary) Lot line environment. Each home will have a private Lot for personal exterior space. Front setbacks are delineated within a "build to zone" of 0 ft to 25 ft. However, for those Lots fronting a public street, it is the intent for the front of the structure to be set at 14 ft. from the front property line wherever it is practical to do so. The lower density of PA1 serves as a buffer between the somewhat higher density core of the Oakbrooke community and adjacent RSF4 developments.

Images Appropriate for PA1



Homes currently built within PA1 -

THE TAYLOR GROVE

4 Bedrooms 3 Baths 2000 SF +/-

Paradigm

THE VICTOR

4 Bedrooms 3 Baths 2500 SF +/-

Paradigm

THE MORGAN FIELDS

4 Bedrooms 3 Baths 2100 SF +/-

Paradigm

PA1 - Single Family Residential

(a) Permitted uses.
 Unit 1 City-wide uses by right
 Unit 8 Single-family dwelling
 Unit 41 Accessory Dwelling
In accordance with 16.4.19 of the UDC

(b) Conditional uses.
 Unit 2 City-wide uses by cond. use permit
 Unit 4 Cultural and recreational facilities
 Unit 24 Home occupations

(c) Density.
 Acreage - 5.41 Acres
 Number of dwelling units - 28 Units
 Density per acre - 5.2 Max.

Bulk and area regulations

(d) Lot width minimum per dwelling. (ft)
 Single family - 35 ft
 All Other Uses - None

(e) Lot area minimum per dwelling. (sq. ft.)
 Single-family - 3500 sf
 Other Uses - None

(f) Land area per dwelling unit. (sq. ft.)
 Single-family - 3500 sf
 Other Uses - None

(g) Setback requirements. (ft)

	Front	Side	Rear
	0 ft to 25 ft*	10 ft**	16 ft

*The principal facade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line

**Detached structures may be located at the side property line, or "Zero Lot Line" side setback. 10' minimum distance between detached homes. Does not apply to garages which are detached from the primary structure.

(h) Height regulations - - 45 ft

(i) Building area - - 60%

Site Planning

(j) Landscaping - Per Chapter 177 of the UDC

(k) Parking - Per Chapter 172 of the UDC

(l) Architectural Design Standards -
 Refer to section C (B) of this booklet.

(m) Signage -
 As may be allowed for home occupations or per Chapter 174 of the UDC

Planning Area 3 – Southern Vernacular Homes



The Southern Vernacular Home planning area is designed to permit and encourage the developing of single family detached and attached homes in a more regimented row house pattern. Each home will have a private Lot for personal exterior space and will front a public street. Front setbacks are delineated within a "build to zone" of 0 ft to 25 ft. However, for those Lots fronting a public street, it is the intent for the front of the structure to be set at 14 ft. from the front property line wherever it is practical to do so. Rear access is not provided to those Lots where significant tree removal would be necessary in order to provide a rear drive configuration.

Images Appropriate for PA3



PA3 - Southern Vernacular Homes

(a) Permitted uses.

- Unit 1 City-wide uses by right
- Unit 8 Single-family dwelling

Townhomes (no more than 3 units attached) -

- Unit 9 Two-family dwellings
Restricted to townhomes, no more than one unit per lot
- Unit 10 Three-family dwellings
Restricted to townhomes, no more than one unit per lot
- Unit 41 Accessory Dwelling
In accordance with 164.19 of the UDC

A minimum of forty-two (42) detached single-family dwellings and a maximum of thirty-four (34) two-family and three-family dwellings townhomes may be permitted in PA3. Twenty-one (21) attached units shall be permitted on Lots 53 - 60, 82 - 89, and 99 - 103. The remaining thirteen (13) attached units may be located throughout PA3 (with the exception of Lots 1 - 10, where no attached units shall be permitted), but an attached dwelling shall be separated from another attached dwelling by a minimum of two single-family detached dwellings.

(b) Conditional uses.

- Unit 2 City-wide uses by cond. use permit
- Unit 4 Cultural and recreational facilities
- Unit 24 Home occupations

(c) Density.

- Acreege - 15.63 Acres
- Number of dwelling units - 76 Units
- Density per acre - 4.86 Max.

Bulk and area regulations

(d) Lot width minimum per dwelling. (ft)

- Single family - 32 ft
- Townhomes - 24 ft
- All Other Uses - None

(e) Lot area minimum per dwelling. (sq. ft.)

- Single-family - 3700 sf
- Townhomes - 2700 sf
- Other Uses - None

(f) Land area per dwelling unit. (sq. ft.)

- Single-family - 3700 sf
- Townhomes - 2700 sf
- Other Uses - None

(g) Setback requirements. (ft)

	Front	Side	Rear
	0 ft to 25 ft*	10 ft**	10 ft

**The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 14 ft. from the front property line.*

***Detached structures may be located at the side property line, or "Zero Lot Line" side setback. 10' minimum distance between detached homes. Does not apply to garages which are detached from the primary structure.*

(h) Height regulations - - 45ft

(i) Building area - - 60%

Site Planning

(j) Landscaping - Per Chapter 177 of the UDC

(k) Parking - Per Chapter 172 of the UDC

(l) Architectural Design Standards -
Refer to section C (B) of this booklet.

(m) Signage -
As may be allowed for home occupations or per Chapter 174 of the UDC

