



## MEMORANDUM

**Date:** November 20, 2025

**To:** Luke Winchester, Chairman  
and Planning Commission

**From:** Jon Baughman, City Planner  
Jill Johnson, Planner I

**Re:** Zoning Ordinance Amendment  
5-104.3 Variable Lot Subdivisions

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**Request:** This request, initiated by City, seeks to remove, in its entirety, the variable lot subdivision regulations (Article V, Section 5-104.3) from the City's zoning ordinance.

**Overview:** The code defines variable lot subdivisions as an option *to provide a permissive voluntary alternative procedure to be utilized in placement of buildings and in location of open spaces associated therewith. These provisions are intended to provide for variations in lot size and open space requirements within the residential districts. The density standards established for individual districts are to be maintained on an overall basis and thereby provide desirable and proper open air space, tree cover, recreation areas or scenic vistas; all with the intent of preserving the natural beauty and environmental integrity of the area, while at the same time maintaining the necessary maximum population density limitations of the base zoning districts.*

The relevant section of the zoning ordinance, highlighted below, shall be removed entirely:

**5-104.3 Variable lot residential development.** The purpose of this section is to provide a permissive voluntary alternative procedure to be utilized in placement of buildings and in location of open spaces associated therewith. These provisions are intended to provide for variations in lot size and open space requirements within the residential districts. The density standards established for individual districts are to be maintained on an overall basis and thereby provide desirable and proper open air space, tree cover, recreation areas or scenic vistas; all with the intent of preserving the natural beauty and environmental integrity of the area, while at the same time maintaining the necessary maximum population density limitations of the base zoning districts.

1. **General provisions.** The provisions contained within this section are intended to provide a flexible procedure for locating dwellings upon sites. As such, the provisions do not constitute a use but an alternative procedure for the spacing of buildings and the use of open areas surrounding those buildings. It is necessary, however, that the purposes and intent of this ordinance be ensured and that proper light, air and privacy be made available for each dwelling unit. The master site development plan required in subpart 2 of this section, is intended to provide not only an accurate statement of the development scheme proposed for each such development but an enforceable legal instrument whereby the Planning Commission may be ensured that the general purposes, standards, etc., contained in this ordinance are being met.
2. **Master site development plan required.**

- a. *Contents.* A master site development plan containing the information required by the provisions of article XIV, subsection 14-103.2, shall be prepared and submitted to the Planning Commission for review and approval along with a sketch plat as required by the subdivision regulations. In addition to the information required to meet the provisions of subsection 14-103.2, the master development plan shall show:
    - i. Topographic features, both existing and proposed, with contours of not more than two-foot intervals where slopes average 12 percent or less and five-foot intervals in areas where slopes are greater than 12 percent.
    - ii. Location of any open space that is proposed to be held in common ownership.
    - iii. Proposed ground coverage, floor area and heights of all buildings.
    - iv. Where any lot or roadway is proposed for location upon any portion of the site where the natural topography exceeds 12 percent such alteration shall be evaluated by a licensed geotechnical engineer and a report of findings and recommendations submitted with the plan of development.
  - b. *Coordinated review.* Upon receipt of a master site development plan and sketch plat containing information as required above, the Planning Commission may:
    - i. Concurrently review the site development plan and sketch plat;
    - ii. Jointly approve, approve with modification, or disapprove these documents; and
    - iii. In the instance of approval, or approval with modification, transfer the site development plan to the Zoning Administrator for enforcement.
  - c. *Enforcement.* Upon approval of a master site development plan, the Zoning Administrator shall note the boundary and extent of such development upon the official zoning map and shall become responsible for enforcement of the plan. Only minimal adjustments involving the placement of any structure will be permitted once a site development plan has been approved. Any other change shall require submission of a proposed amendment to the approved plan.
3. *Development standards.* The following standards and requirements shall apply to all developments subject to the provisions of this section:
- a. *General standards for development.* In the interest of promoting the most appropriate and economical use of the land while assuring that the character of the residential district is maintained, the Planning Commission in its review of a proposed development shall consider the following:
    - i. Protection of the character, property values, privacy and other characteristics of the surrounding neighborhood;
    - ii. Provision for surface drainage control, sewage disposal and water supply, recreation and traffic control; and
    - iii. Preservation and protection of existing trees, ground cover, top soil, streams, rock outcroppings and scenic or historic sites from dangers and damage caused by excessive and poorly planned grading for streets and building sites.
  - b. *Availability of public utilities.* Generally all public utilities, specifically including water and a central sewage collection and treatment system shall be available at the site. Where public sewer is not available, no lot or housing site may be created which has less area than the greater of, 30,000 square feet or that required to meet standards of the County Department of Environment and Conservation. All septic fields for each dwelling unit shall be located within the area of fee simple ownership of said dwelling unit.
  - c. *Permitted density.* The density permitted is intended to be consistent with that allowed within conventional developments offering no common open space. The maximum number of dwelling units permitted shall be computed as follows:
    - i. From the gross acreage available within the development shall be subtracted: any portion of the site where the full use of the land is not available to the landowner because of restrictions thereon; specifically including any portion of the site which lies within a floodway district.

- ii. The area remaining after the above adjustments shall be divided by the minimum lot area per family for the applicable dwelling unit type and zone district in which the dwelling unit is located. For developments located in more than one zoning district, the density shall be computed separately for that portion of the development lying within each district. No developmental density may be transferred across zoning district boundaries.
- d. *Minimum lot area.* Within all developments approved under the provisions of this section the minimum area of lots designated as residential building sites shall be as follows:
  - i. *Lots served by public sewer.* The minimum size of lots served by public sewer shall be as indicated in table 5-104.3a.
  - ii. *Lots served by on-site sewage disposal systems.* The minimum size of lots served by on-site sewage disposal systems shall be the greater of, 30,000 square feet or the area required to meet standards of the County Department of Environment and Conservation.
- e. *Lot width and yard requirements.* Within any development approved under the provisions of this section the following yard requirements shall apply:
  - i. *Lots adjacent to conventional residential development.* All lots located along the periphery of a development site adjacent to or directly across a street from existing conventional residential lots shall have minimum width, measured at the setback line, equal to 90 percent of the width required by the basic provisions established for the district within which the development is located. Such lots shall contain at least 80 percent of the minimum lot area required by the basic provisions established for the district within which the development is located.
  - ii. *All other lots.* The provisions for spacing of buildings set forth in subpart f (below) shall apply to all buildings and structures approved under the provisions of this section.
- f. *Building spacing.* The minimum space between any two buildings shall be the greater of that required to meet the minimum distances established in table 5-104.3a, or the separation required by adopted building and fire codes.
- g. *Lot coverage.* Lot coverage shall not exceed the [following] maximum building envelope standards in table 5-104.3a:

**Table 5-104.3a. Density and Bulk Criteria for Standard Lots Within Variable Lot Residential Developments**

| Density and Bulk Criteria |                                        | Zone District |       |       |       |       |       |
|---------------------------|----------------------------------------|---------------|-------|-------|-------|-------|-------|
|                           |                                        | AR-40         | RS-40 | RS-30 | RS-20 | RS-15 | RS-10 |
| I.                        | Density (in dwelling units per acre)   | 1.1           | 1.1   | 1.5   | 2.2   | 2.9   | 4.3   |
| II.                       | Minimum lot size (in 000 sq. ft.)      |               |       |       |       |       |       |
|                           | Without public water or sewer          | N/A           | N/A   | N/A   | N/A   | N/A   | N/A   |
|                           | With public water but w/o public sewer | (1)           | (1)   | N/A   | N/A   | N/A   | N/A   |

**Table 5-104.3a. Density and Bulk Criteria for Standard Lots Within Variable Lot Residential Developments**

| Density and Bulk Criteria |                                                                    | Zone District |       |       |       |       |       |
|---------------------------|--------------------------------------------------------------------|---------------|-------|-------|-------|-------|-------|
|                           |                                                                    | AR-40         | RS-40 | RS-30 | RS-20 | RS-15 | RS-10 |
|                           | With both public water and sewer                                   | 30            | 30    |       | 15    | 11.25 | 7.5   |
| III.                      | Minimum lot frontage                                               |               |       |       |       |       |       |
|                           | On street                                                          | 50            | 50    | 50    | 50    | 50    | 50    |
|                           | On cul-de-sac                                                      | 35            | 35    | 35    | 35    | 35    | 35    |
| IV.                       | Maximum building envelope (as percentage of lot area)              | 40            | 40    | 40    | 45    | 50    | 55    |
| V.                        | Minimum building envelope spacing (in feet)                        |               |       |       |       |       |       |
|                           | Building envelope separation (measured between building envelopes) | 50            | 50    | 40    | 30    | 20    | 15    |
|                           | To on-site street                                                  | 25            | 25    | 20    | 20    | 20    | 15    |
|                           | To off-site street (2)                                             | 50            | 50    | 45    | 40    | 40    | 20    |
|                           | To tract boundary (2)                                              | 50            | 50    | 45    | 40    | 40    | 20    |
|                           | To any lot line                                                    | 25            | 25    | 20    | 20    | 15    | 5     |
|                           | To lake or stream (3)                                              | 100           | 100   | 100   | 100   | 100   | 100   |
| VI.                       | Maximum total lot disturbance                                      | (4)           | (4)   | (4)   | (4)   | (4)   | (4)   |

(1) See subpart 3.d, minimum lot area (above).

(2) Where the provisions of subsection 3.e(1), lots adjacent to conventional residential development apply, setbacks shall be as required for the base zone district.

(3) This provision shall apply to streams with established floodplains. Along other streams the minimum setback shall be four times the width of the stream.

**Table 5-104.3a. Density and Bulk Criteria for Standard Lots Within Variable Lot Residential Developments**

| Density and Bulk Criteria               | Zone District |       |       |       |       |       |
|-----------------------------------------|---------------|-------|-------|-------|-------|-------|
|                                         | AR-40         | RS-40 | RS-30 | RS-20 | RS-15 | RS-10 |
| (4) See subpart 4.a, tree preservation. |               |       |       |       |       |       |

- h. *Access to dwellings.* Access and circulation shall adequately provide for firefighting, other emergency equipment, service deliveries, furniture moving vans and refuse collection.
  - i. *Pedestrian circulation.* The pedestrian circulation system and its related walkways shall be insulated as completely as possible from the street system in order to provide separation of pedestrian underpasses or overpasses in the vicinity of schools, playgrounds, local shopping areas and other neighborhood uses which generate a considerable amount of pedestrian traffic.
- 4. *Environmental protection.* The following provisions shall apply within all developments approved under the authority of this section:
  - a. *Tree preservation.* All trees six inches or greater in caliper shall be inventoried and a plan for tree protection meeting the requirements of article X, established.
  - b. *Slope protection.* It shall be the general policy of the Planning Commission to discourage alteration of slopes where the natural topography exceeds 15 percent. In particular, toe cuts along the base of such slopes shall be avoided. In any instance where either roads or building sites are proposed upon slopes exceeding 15 percent, any and all alterations shall be evaluated by a licensed geotechnical engineer and the proposed construction activity certified as stable prior to any clearing or excavation.
  - c. *Siltation and erosion control.* A plan of siltation and erosion control shall be approved for all developments subject to the provisions of this section. Such plan shall be instituted at the time construction activity or land alteration is begun and shall remain in effective operation throughout the entire period when land development is taking place. No portion of any lot proposed as a building site may lie within any area subject to the floodplain protection provisions of this ordinance.
- 5. *Open space requirements.* Common open space provided within any development approved under authority of this section shall:
  - a. Meet the requirements for quality and improvement established in article VIII, subpart [subsection] 8-204.1.
  - b. Be protected by covenants as outlined in article VIII, subpart [subsection] 8-204.4, which will ensure the improvement and continued maintenance of all such properties.
  - c. Serve as recreational area and open space only.
  - d. Be transferred to a private maintenance trust at a time and in the manner specified by the Planning Commission as a condition of approval of the project.

Summary: Due to the infrequent use of the above provisions and overlap in intent with the City's planned unit development process, staff is of the opinion that this section of code is irrelevant and should be removed entirely from the zoning ordinance.

**Recommendation:** Staff recommends forwarding this zoning ordinance amendment to remove the variable lot regulations from Article V of the City's zoning ordinance with a positive recommendation.