

SUPPLEMENTAL STAFF RECOMMENDATION ON CONDITIONAL ZONING RESTRICTIONS

MAR 2012-17: URBAN COUNTY PLANNING COMMISSION

At the Zoning Committee meeting of the Planning Commission on November 1st, Committee members noted that a previous ND-1 Overlay zone request for the Montclair neighborhood had restricted front yard fencing, but encountered some later complications. In terms of restricting front yard fences, Committee members asked the neighborhood representatives present if they had considered the restriction of freestanding walls or retaining walls in the front yard, and whether they would be acceptable. The neighborhood representatives had not; but agreed to meet with the association's executive board to formulate an opinion prior to the Commission's public hearing.

The staff has received a letter from the neighborhood association president that requests some clarification be provided to the restriction of walls in the front yard, as shown below in **bold text**. The staff is in agreement with the neighborhood's request for modifications to Design Standard #2.

2. Under the provisions of Article 6-7 of the Zoning Ordinance, the following use restrictions are proposed for the subject property via conditional zoning:

Alternative Design Standards (Additions are identified by an underline, and deletions to the original proposal are identified by a ~~strikethrough~~.)

1. One new accessory structure, not exceeding a maximum of 180 sq. ft. with a 12 ft. maximum roof height limitation, shall be permitted to be located and constructed in the rear yard area of each home.

~~(Note: All existing accessory structures shall be deemed approved and permitted to remain. Said existing structures may be improved and/or replaced by new structures so long as the improvements do not exceed the existing footprint or alter the general character of the existing structures.)~~

2. No new front yard fencing **cesing or freestanding walls** shall be permitted, with the exception of those homes fronting on Versailles Road.

i. Retaining walls shall be permitted on all properties, subject to a maximum height of 18 inches above the unbalanced fill in the front yard.

~~(Note: "Front Yard" shall be deemed to mean all that yard area located between the nearest points of the front of the house to its frontage roadway's right-of-way line. New and existing side and rear fencing shall continue to be approved in accordance with existing zoning restrictions.)~~

3. ~~Floor area to lot size ratio~~ **Lot coverage** shall be limited to a maximum of 25% ~~maximum~~.

These restrictions are appropriate, given the study undertaken to identify the existing neighborhood character by The Colony Neighborhood Association (Residents, Inc.), and are necessary to maintain that existing character of the neighborhood in the future.