

PROJECT SUMMARY
RESIDENTIAL – SELVA MARINA
ZONING DISTRICT

BACKGROUND: The City is proposing to create a new zoning district called Residential, Selva Marina (R-SM) and rezone approximately 57 acres of existing Planned Unit Development (PUD) to the new zoning district. The area proposed for rezoning consists of 11 individual Planned Unit Developments and a total of 224 lots. PUDs were established in 1972 as a tool for the City to guide increasing development. Between 1976 and 1982, the 11 individual PUDs in this area were approved and accepted by the City. As a requirement of the PUD process at the time, each PUD had an associated “Official Plan” (covenants and restrictions) that was approved by and enforced by the City, as expressed in Ordinance 52-72-1.

The “Official Plan”, or covenants and restrictions, of each PUD established development regulations including, but not limited to, setbacks, accessory structures, and fences. While the regulations for several of the PUDs vary, all are more restrictive than those of the city’s non-PUD residential zoning districts. For example, 10 of the 11 PUDs limit maximum fence heights to 4 feet and maximum dimensions for accessory structures to 6 feet by 8 feet.

Additionally, each PUD requires all new structures to be approved by a “Developer” or by Special Boards that no longer exist, leaving enforcement duties solely to the City. However, since covenants and restrictions are usually private agreements that are not enforced by municipalities, the City has not always enforced these restrictions resulting in a mixture of development and various nonconforming structures within this area. In fact, records show over 90 permits in violation of the respective PUD restrictions that were approved by the City from as early as 1982. An analysis of these permits reveal at least 75 properties with permitted improvements that do not meet the PUD restrictions. Further, several meeting minutes and letters show that on various occasions the City applied RS-1 zoning regulations to development within these PUDs. Recently, as a result of enforcing the PUD restrictions, the Community Development Board has heard 7 variance requests relating to these PUDs in their 8 meetings this year.

In an effort to promote compatible development as well as clear and consistent regulations, staff originally proposed to rezone this area from PUD to RS-1. However, feedback from residents following an open house on August 7, 2018 raised concerns about impact of the RS-1 design standards on the unique neighborhood character of the PUDs. Specifically, concerns were raised about the following:

- Building Setbacks
- Minimum House Size
- Fences Allowed in Front Yards
- Size of Accessory Structures

In order to accommodate the variety of design PUD design standards, it was necessary to create the new R-SM zoning district with its own unique design standards. The R-SM zoning district maintains many of the original design standards of the PUDs such as building seatbacks for each separate PUD. However, the R-SM zoning district eliminates outdated standards such as the four foot height restrictions on fences for every PUD.