



M E M O R A N D U M

To: City Planning Commission Ordinance Revisions Committee

FROM: Hank Kelley, Deputy Planning Manager
Alexis DiLeo, City Planner

DATE: April 25, 2023

SUBJECT: Proposed Amendment to Unified Development Code (UDC) –
Conflicting Land Use Buffers

Planning staff are preparing proposed amendments to UDC Section 5.20 to refine the requirements for Conflicting Land Use Buffers and reorganize for consistency. In this memo, the proposed amendment concepts are presented for review. Staff also suggest and ask for comment on ideas to introduce context to the landscaping, screening and buffer requirements.

Introduction

The Unified Development Code (UDC) requires conflicting land use buffers for particular site improvements (vehicular use areas, refuse/recycling containers) or when certain zoning districts (O, RE, ORL, C, M, TC, R3, R4) are adjacent to a public park, residential uses, or residential zoning districts.

Per Section 5.20.4, conflicting land use buffers are required for:

1. A Vehicular Use Area adjacent to a public park or land principally used or zoned for residential purposes.
2. A refuse/recycling container adjacent to a public park or land principally used or zoned for residential purposes.
3. The portion of a parcel zoned O, RE, ORL, C, or M abutting a public park or parcel principally used or zoned for residential purposes.
4. The portion of a parcel zoned R3 or R4 adjacent to a parcel principally used or zoned for residential purposes.
5. The portion of a parcel zoned TC abutting a Residential Zoning District or the PL district.

Issues and Proposed Amendments

The applicability of conflicting land use buffers has two significant concerns.

- First, applicability depends on the adjacent land use which can change over time, quickly, and sometimes without planning approvals (recall that developing a single-family or two-family dwelling does not require a site plan). Applicability of a conflicting land use buffer can be outside of the subject site's control.

- Second, a conflicting land use buffer is required to buffer the same uses from each other. Specifically, residential parcels in the R3 and R4 district must provide a conflicting land use buffer from their immediate neighbors in the same district.
 - ⇒ In paragraph 4, staff propose to remove the requirement for a conflicting land use buffer when adjacent to land “principally used” for residential purposes. Buffers will only be required when adjacent to park or land zoned for residential uses.

Amendment Example:

3. The portion of a parcel zoned O, RE, ORL, C, or M abutting a public park or parcel ~~principally used or~~ zoned for residential purposes.

- ⇒ In paragraph 5, staff propose to amend the requirement so that parcels zoned R3 or R4 need only to provide a buffer when adjacent to a R1 zoning district. Buffers will not be required between parcels both zoned R3 or R4.

Amendment Example:

4. The portion of a parcel zoned R3 or R4 adjacent to a parcel ~~principally used or~~ zoned ~~for residential purposes~~R1.

In addition, the conflicting land use buffer requirements do not consider scale, context, or even acknowledge neighborhood character. The width of the buffer, for example, does not relate to the site size, character of buildings, or neighborhood context. The same buffer is required in all situations, regardless of the situation or surroundings. In some cases, the minimum buffer width is more than the minimum required side setback.

- The most glaring example of how conflicting land use buffers are overly broad and do not account for context is in the R4C district.
- Lots in the R4C district are often about 8,500 square feet and have a lot width around 60 feet.
- Redevelopment in the R4C district typically means construction of a four-unit apartment building with a driveway and paved area in the rear for six to eight cars.
- Staff think the intended neighborhood character is for buildings spaced 24 feet apart (from a 12-foot minimum side setback on each side) with a driveway along one side of the lot.

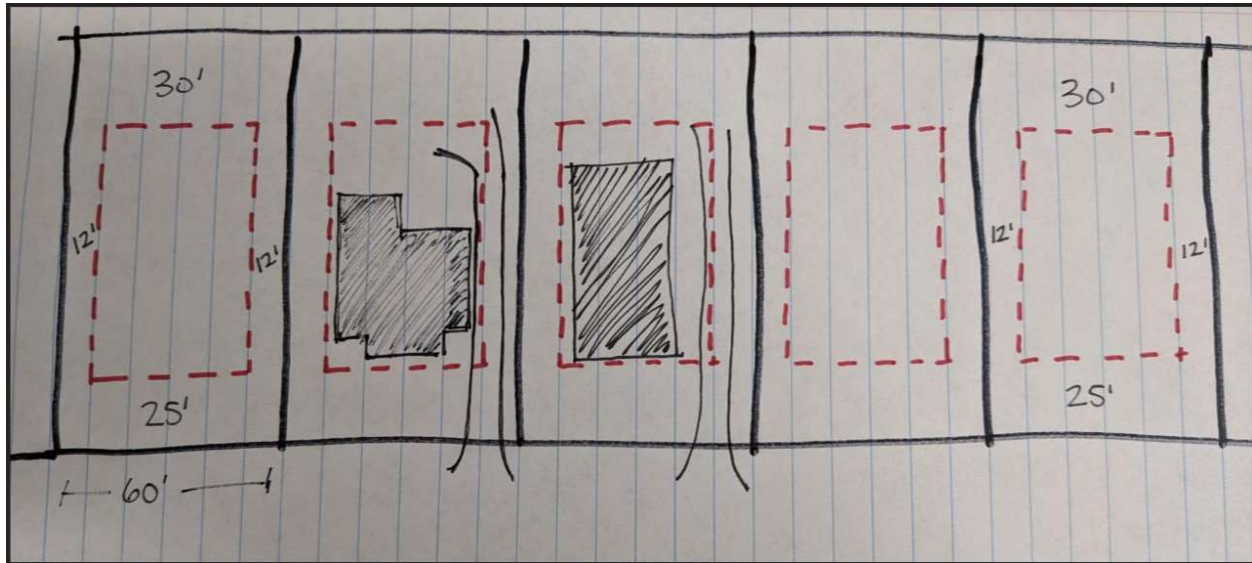


Figure 1-Assumed intent of R4C character

- However, as currently required, redevelopment in the R4C district requires a 15-foot wide conflicting land use buffer on all interior lot lines. (Note that this requirement is proposed to be eliminated by the amendments proposed above.)
- Buildings need to be spaced 30 feet apart at least to provide a 15-foot wide conflicting land use buffer on each of each parcel. Then, ten feet or more of buildable area also needs to be sacrificed for a driveway because unlike a side yard, no improvements at all are permitted in a conflicting land use buffer.
- Planting requirements for trees every 30 feet and continuous, solid, screening mean a traditional side or rear grass lawn is prohibited.

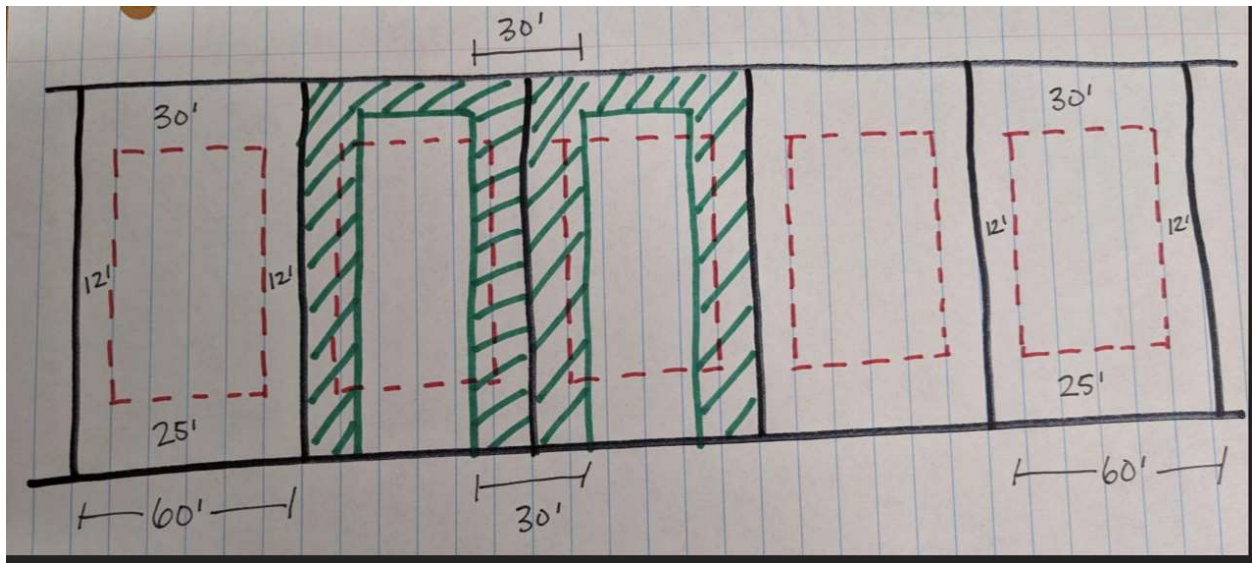


Figure 2-R4C lots with current CLUB illustrated



Figure 3-New development in R4C with CLUB installed

- This is arguably not consistent with the desired character for urban residential neighborhoods of compact development with closely spaced buildings.
- As mentioned, spacing between these buildings will be restored to the minimum side setback, a driveway could be provided without sacrificing buildable area, and side yards could be traditional grass if desired, with the amendment to eliminate buffers between the same zoning districts.
- But, in rear yards with vehicular use area, a conflicting land use buffer will still be required.

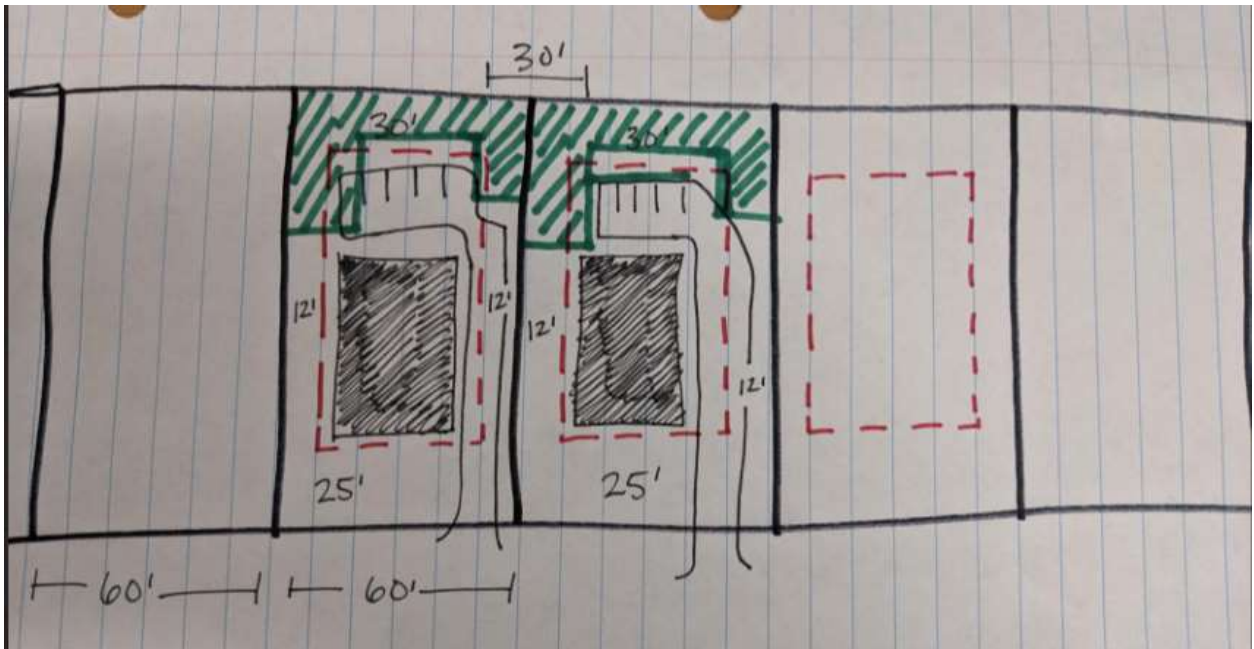


Figure 4-Vehicular Use Area Conflicting Land Use Buffer in R4C

- Question: Must small parking lots always be buffered from adjacent residential parcels? Is there any size parking lot that does not need a conflicting land use buffer?
- Question: If a buffer is necessary, must it be 15 feet wide and, therefore, must small parking lots be 30 feet apart? Would a 7 ½ -foot buffer be acceptable for a small parking lot in an urban residential neighborhood?
- Question: Is a continuous screen always necessary between small parking lots? (Continuous screen means a dense hedge or shrubs, or a solid wall or fence, at least 4 feet high.) Would a buffer without a continuous screen be acceptable for a small parking lot in an urban residential neighborhood?
- Question: Is it more important to have a treed and screened buffer than some area of private lawn available to residents in a back yard with a small parking lot?
- Question: Would a buffer only on two sides of a small parking lot in an urban residential neighborhood be acceptable?
- Question: Are there any other situations besides urban residential neighborhoods that should be considered for alternative buffer standards?
- Question: Should the requirements for vehicular use area conflicting land use buffers be amended to provide alternative standards depending on context and/or lot size?

Attached – Conceptual Amendments to Section 5.20 Landscaping, Screening, and Buffering
(April 19, 2023 Draft)