

April 28, 2020

Ordinance Revisions Committee meeting



Planned Project Site Plan Modifications

Section 5.30.1

Standards for Approval

New Standard

The development is entirely electrified, solar panels cover at least 30% of roof surface area, or uses geothermal energy.

Goals

- Introduce a new general standard applicable for all planned project applications
- Multiple options allows any type of development to further sustainability goals when asking for planned project modifications

Standards for Approval

New Standard

Preservation of Natural Features.

Modifications to preserve natural features must include preservation of all natural features on the site without any disturbance whatsoever, and

Must have no net reduction in the required setback area in total on the site. Areas of decreased setback must be balanced by areas of increased setback.

Goals

- Update the “preservation of natural features” justification
- Be clear what “exceeds the requirements of this chapter
- Asks for balance of setbacks (or open space)

Standards for Approval

New Standard

Pedestrian-friendly, pedestrian-first design.

Modifications to enable pedestrian-friendly, pedestrian-first design are those that enable an arrangement of buildings for optimal pedestrian access, to create pedestrian and amenity plazas, that provide comfortable sidewalk widths and amenity zones that cannot be accommodated within the adjacent right-of-way, so the development aligns with adjacent walkways or plazas, or that provide facilities to support nonmotorized transportation and alternative transit.

Additional bicycle parking, car share, ride hailing services, bike and scooter share, courier and deliveries?

Goals

- Update the “arrangement of buildings that provides a public benefit”
- Incorporates the “required setbacks” justification
- Be clear about what pedestrian-friendly, pedestrian-first design means

Standards for Approval

New Standard

Sustainability.

Modifications to enable sustainability practices are those that use pervious or porous hardscape materials, capture and reuse stormwater on the site, have at least 50% of roof area covered by solar panels, or have at least 50% of roof area covered by vegetative material. *All wood frame construction?*

Goals

- Update the “solar orientation and energy conserving design” justification
- Be clear about what sustainability means in development context

Standards for Approval

New Standard

Preservation and Adaptive Reuse.

Modifications to preserve existing historical and architectural features, or adaptively reuse existing buildings, are those that do not demolish any existing building, incorporate all existing buildings into a redevelopment program, or design buildings to adapt to future uses without reconstruction or demolition.

Goals

- Update the “preservation of historical and architectural features” justification
- Incorporates the “required setbacks” justification
- Be clear about what preservation means in context of flexibility for design and justifying modifications

Standards for Approval

New Standard

Affordable Housing or Mixed Uses.

Modifications to support the development of affordable housing and mixed use development.

Provided that all units in the development are affordable.

Provided that mixed uses are at least 1/3 residential and 1/3 nonresidential, with the remaining 1/3 either.

Goals

- Update the “affordable housing” justification
- Set clear expectations for affordable housing when modifications are requested to provide it

Standards of Approval

Current Standards, Unchanged

- Downtown Design Guidelines
- Permanent Open Space Development



Corrections and Minor Amendments

Chapter 55 Unified Development Code

1. Amendment

Add ADU to R2A district

Table 5.15-2 and Section 5.16.6.D.1

TABLE 5.15-2: PERMITTED ACCESSORY USE TABLE																																	
P= Permitted E = Special Exception A= Permitted Accessory Use Blank Cell = Prohibited																																	
NOTE: All properties are subject to the additional standards indicated for that use in the right column																																	
NOTE: All properties in overlay districts are subject to the additional use regulations in Sec. 5.13																																	
NOTE: Specific uses in the C1A/R, RE, and ORL districts are subject to additional standards found in Sections 5.12.5, 5.13.4, and 5.13.5 respectively																																	
USE CATEGORY AND TYPE	RESIDENTIAL														MIXED USE					NONRESIDENTIAL AND SPECIAL PURPOSE				USE-SPECIFIC STANDARDS									
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16
Bed and Breakfast, Accessory		A	A	A	A	A	A	A	A	A	A	A	A	A																			5.16.6A
Community Recreation									A	A	A	A	A																			5.16.6A;	
Dish Antenna		A	A	A	A	A	A	A	A	A	A	A	A	A																			5.16.6A; 5.16.6A.5; 5.16.6B
Drive-Through Facility																E				E	E	E	E										5.16.6A; 5.16.6A.5; 5.16.6C
Dwelling Unit, Accessory		A	A	A	A	A	A																										5.16.6A; 5.16.6D
Dwelling Unit, Manager's																														A	A	A	5.16.6A; 5.16.6E

D. Accessory Dwelling Unit (ADU)

1. An ADU is permitted on ~~a parcels with that has~~ one Single-Family Dwelling ~~as the permitted principal use~~ in accordance with Table 5.17-2.
2. The owner shall occupy either the ADU or the Single-Family Dwelling on the property, except for temporary absences not to exceed a combined total of six months in a calendar year.

2. Correction

*Uncapitalize
"Signed"*

Variance – Public Hearing and Decision Section 5.29.12.B.4

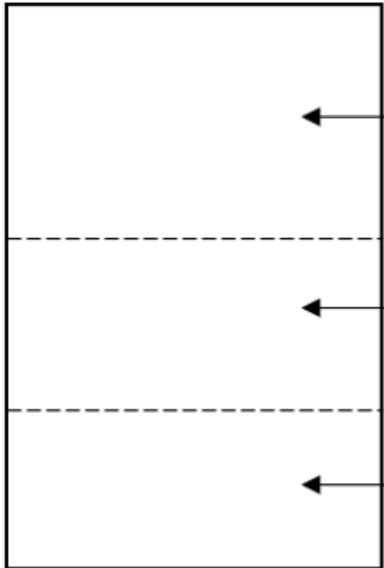
4. The requisite written findings of fact, the conditions attached and the decisions and orders by the ZBA in granting or denying the variance shall be entered into the official record after they have been ~~Signed~~signed by the Chair of the ZBA and after written notice of the disposition of the variance has been served, either in Person or by mail, upon the parties to the appeal, the Planning Manager, and the City Clerk. The record of the proceedings shall be filed in the office of the City Clerk. The Chair shall, within ten days after the date the ZBA has reached its final decision on a variance, Sign the necessary orders to effectuate the decision of the ZBA.

Fences – Standards (Graphic) Section 5.26.2.A

3. Shall not exceed eight feet in height in the Rear Yard.

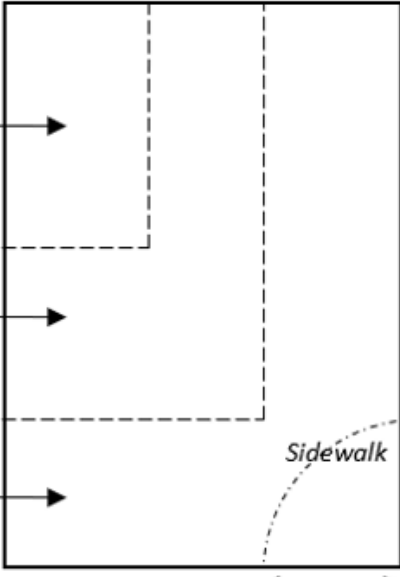
Residential Zoning Districts: Height and Opacity Standard

Typical Residential Lot



Rear Yard
Side Yard
Middle 25'
Front Open Space

Corner Residential Lot



Sidewalk

25'

Sidewalk

25'

3.
Correction

Fix fence
graphic labels

4. Amendment

Security for Completion of Improvements

Section 5.28.

5.28.8 Security for Completion of Improvements

- A. For developments with a single Structure, where it would be impractical to delay occupancy prior to the completion of **certain site improvements due to cold weather or lack of availability of paving or plant materials, or any improvement shown on an approved site plan [or similar wording]**, a temporary certificate of occupancy for a Building may be issued upon the approval of the Planning Manager for a period of up to six months provided (1) all public utilities necessary to serve the Building have been constructed, passed initial acceptance testing and been maintained in a clean, operable condition and (2) Security is presented to the City for the remaining site improvements. Issuance of a temporary certificate of occupancy does not alter, reduce or change any other requirement necessary for a certificate of occupancy.

Also 5.28.8.B for multiple-structure developments

Table 5.17-4: Mixed Use Zoning District Dimensions

5.17.4 Mixed Use Zoning Districts^{27 28}

Dimensional standards for mixed use zoning districts are provided in Table 5.17-4.

TABLE 5.17-4: MIXED USE ZONING DISTRICT DIMENSIONS											
NOTE: THE REQUIREMENTS IN THIS TABLE MAY BE SUPERSEDED BY THE STANDARDS IN SECTION 5.18 .											
DISTRICT	MAXIMUM FAR		MAXIMUM FLOOR AREA PER NON RESIDENTIAL USE (SQ. FT.)	REQUIRED SETBACK (FT.)				HEIGHT		MINIMUM GROSS LOT DIMENSIONS	
	NORMAL	WITH PREMIUMS		MINIMUM FRONT	MAXIMUM FRONT	MINIMUM SIDE	MINIMUM REAR	MINIMUM	MAXIMUM	AREA (SQ. FT.)	WIDTH (FEET)
O	75	N/A	None	15	40 [A]	[B][C][D]		None		6,000	50
C1	100	N/A	8,000 [E]	10	25 [A]	[B][C]		None	35 ft./3 stories	2,000	20
C1B	150	N/A	None	10	25 [A]	[B][C]		None	50 ft./4 stories	3,000	20
C1A	200	Up to 400, see Section 5.18.6	None	None	None	[F]		None	None	None	None
		Up to 600									

[A] Applies only to new detached Buildings constructed or for which a site plan was approved after January 16, 2011, otherwise none. For Lots with more than one Front Lot Line, Required Setbacks shall only apply to one Front Lot Line.
 [B] 30 ft. where abutting residentially zoned land, otherwise none.
 [C] Plus one foot of additional setback for each foot of Building Height above 30 feet when abutting residentially zoned land.
 [D] No maximum except in any area on a parcel extending 300 feet from an abutting residentially zoned land, the maximum height limits shall be 55 feet and 4 stories.
 [E] Maximum Floor Area for each nonresidential use in a Principal or Accessory Building.
 [F] Maximum Floor Area for each nonresidential use in a Principal or Accessory Building.

5.
Correction
Fix O district side/rear setback footnote

Table 5.15-1: Permitted Primary Use Table

6.
Correction
Fix districts
allowing
Marijuana
Processors

P= PERMITTED E = SPECIAL EXCEPTION A= PERMITTED ACCESSORY USE BLANK CELL = PROHIBITED

NOTE: ALL PROPERTIES ARE SUBJECT TO THE ADDITIONAL STANDARDS INDICATED FOR THAT USE IN THE RIGHT COLUMN
 NOTE: ALL PROPERTIES IN OVERLAY DISTRICTS ARE SUBJECT TO THE ADDITIONAL USE REGULATIONS IN SEC. 5.13
 NOTE: SPECIFIC USES IN THE C1A/R, RE, AND ORL DISTRICTS ARE SUBJECT TO ADDITIONAL STANDARDS FOUND IN SECTIONS 5.12.5, 5.13.4, AND 5.13.5 RESPECTIVELY

USE CATEGORY AND TYPE	RESIDENTIAL																MIXED USE								NONRESIDENTIAL AND SPECIAL PURPOSE						USE-SPECIFIC STANDARDS				
	AG	R1A	R1B	R1C	R1D	R1E	R2A	R2B	R3	R4A	R4B	R4C	R4D	R4E	R6	O	C1	C1A	C1B	C1A/R	D1	D2	C2B	C3	R5	P	PL	RE	ORL	M1	M1A	M2	5.16		
Manufacturing, Processing, Assembly, and Fabrication																																			
Asphalt, Concrete Mixing Plant, Sand and Gravel Pit																																		E	
Coal and Coke Dealer																																		P	
Food and Beverages																															P	P	P		
Heavy Manufacturing																																	P	5.16.5A	
Laundry and Dry Cleaning Plant																															P	P	P		
Light Manufacturing																													P	P	P			5.16.5B	
Marijuana Processor ¹⁵																												E	E	P	P			5.16.5G	
Marijuana-Infused ¹⁶ Product Processor																							E	E				E	E	P	E			5.16.5G	
Oil and Gas Wells																																			5.16.5C
Pilot Manufacturing																												P	P	P	P	P			
Scrap and Waste Material																																		E	

7. Correction

Fix
heading/numbered list
formatting

Section 5.29.12.C

C. General Criteria

~~1.~~ A variance may be allowed by the ZBA only in cases involving practical difficulties after the ZBA makes an affirmative finding that each of these criteria are met:

- ~~2.~~1. That the alleged practical difficulties are exceptional and peculiar to the property of the Person requesting the variance, and result from conditions that do not exist generally throughout the City.
- ~~3.~~2. That the alleged practical difficulties that will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.
- ~~4.~~3. That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the practical difficulties that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.
- ~~5.~~4. That the conditions and circumstances on which the variance request is based are not a self-imposed practical difficulty.
- ~~6.~~5. The variance to be approved is the minimum variance that will make possible a reasonable use of the land or Structure.

8. Amendment

Allow land to
be counted in
FAR before
sidewalk
dedication

Section 5.17.4 Mixed Use Zoning Districts

5.17.4 Mixed Use Zoning Districts^{27 28}

A. Determination of FAR

The determination of FAR in the Mixed Use zoning districts shall be made as follows: The Lot Area of the parcel in question is divided by the Floor Area of the existing and proposed structures expressed as a percentage. Lot Area includes land donated to be donated, or otherwise dedicated to the City for public sidewalk purposes, which is acceptable to the City.

B. Dimensional standards for mixed use zoning districts are provided in Table 5.17-4.

TABLE 5.17-4: MIXED USE ZONING DISTRICT DIMENSIONS					
NOTE: THE REQUIREMENTS IN THIS TABLE MAY BE SUPERSEDED BY THE STANDARDS IN SECTION 5.18 .					
	MAXIMUM FAR	MAXIMUM FLOOR AREA PER NON	REQUIRED SETBACK (FT.)	HEIGHT	MINIMUM GROSS

9. Correction

Nope, false
alarm!

Table 5.17-2 ...



10.
Amendment
Add a building
material
regulation

Section 5.17.6. Downtown Character Overlay Districts

C. **Building Design Requirements on Primary and Secondary Streets**

1. **Materials**

Buildings and additions constructed after October 25, 2017, on Lots zoned D1 or D2 that have primary or secondary Street Frontages shall comply with the following building design requirements:

a. The following materials are permitted on facades visible from primary or secondary streets: glass, brick, cut stone, cast stone, or high quality, finished metal, such as architectural grade cast or machined steel.

~~b.~~ The following materials are prohibited on facades visible from primary and secondary streets: aluminum or vinyl siding, or an exterior insulation finishing system, except for minor design accents eight feet above the level of the adjacent Sidewalk.

~~b.c.~~ The following materials are permitted only as trim or accents: fiber cement.

~~e.d.~~ Other materials may be permitted if recommended by the Design Review Board and approved by the Planning Commission for inclusion in a site plan.