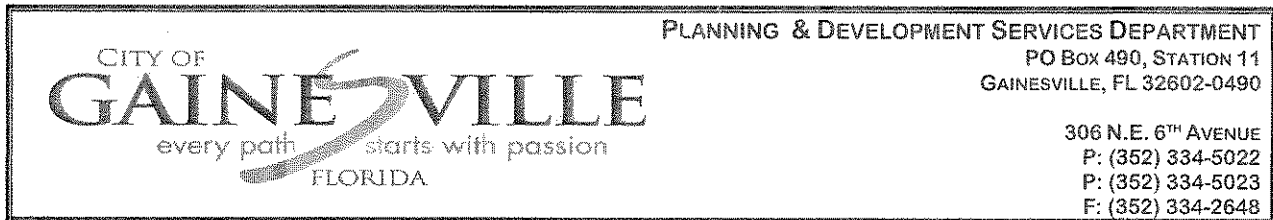


LEGISLATIVE #

110865B



TO: City Plan Board **Item Number:** 3

FROM: Planning & Development Services Department **DATE:** March 22, 2012
Staff

SUBJECT: Petition PB-12-17 TCH. City Plan Board. Amend the Land Development Code: (1) Section 30-64 Mixed use low intensity (MU-1) zoning district and Section 30-65 Mixed use medium intensity district (MU-2) zoning district to add an exemption to the minimum density requirements and (2) Section 30-46 to add additional zoning districts to the “Correspondence of Zoning Districts with Future Land Use Categories” table.

Recommendation

Staff recommends approval of Petition PB-12-17 TCH.

Discussion

This petition proposes to amend Land Development Code Sec. 30-64(g), mixed-use low intensity (MU-1) zoning district and Sec. 30-65(e), mixed-use medium intensity district (MU-2) zoning district to add an exemption to the minimum density requirement for lots in existence on November 13, 1991 as recorded by the Planning and Development Services Department and less than or equal to 0.5-acres in size. The proposed text change is for consistency with Comprehensive Plan amendments to the Mixed-Use Low-Intensity (MUL) and Mixed-Use Medium-Intensity (MUM) future land use categories that were adopted by Ordinance No. 100684 on July 21, 2011. Due to size and layout constraints, these parcels have difficulty meeting the minimum density requirements when providing parking and stormwater facilities on site. This results in limited development/redevelopment opportunities for these small parcels. See Exhibit A-1 for the updated MUL and MUM future land use categories.

This petition also proposes to amend the “Correspondence of Zoning Districts with Future Land Use Categories” table listed in Sec. 30-46 by adding additional compatible zoning districts to several of the land use categories. These changes are consistent with the Land Development Code and are recommended to add flexibility to the impacted land use categories.

Recommended Changes: Sec. 30-64(g) Mixed use low intensity district (MU-1)

The recommended changes are shown below in underline and ~~strike-through~~.

Sec. 30-64. Mixed use low intensity district (MU-1).(g) *Permitted uses.*

| SIC | Uses | Conditions |
|-----|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | USES BY RIGHT: | |
| | Any accessory uses customarily and clearly incidental to any permitted principal use | |
| | Bed and breakfast establishments | In accordance with article VI |
| | Community residential homes with 14 or fewer residents | When part of a permitted single-family or multifamily residential component and in accordance with article VI |
| | Community residential homes with more than 14 residents | In accordance with article VI |
| | Compound uses | |
| | Eating places | |
| | Family child care homes | When part of a permitted single-family or multifamily residential component and in accordance with state law |
| | Large family child care homes | In accordance with article VI |
| | Itinerant food vendor | In accordance with chapter 19, article IV |
| | Outdoor cafes | As defined in article II and in accordance with article VI |
| | Personal fitting and sales of prosthetic or orthopedic appliances | |
| | Places of religious assembly | In accordance with article VI |
| | Public service vehicles | As defined and in accordance with article VI |
| | Repair services for household needs | As defined in article II |
| | Residential (8 to 30 dwelling units per acre) | In accordance with the requirements of the RMF-6, RMF-7 or RMF-8 zoning districts and the additional requirements of this section, and the requirements of section 30-56. <u>Lots that existed on November 13, 1991 as recorded in the Planning and Development Services Department and that are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements</u> |

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| | Residential use buffer | |
| | Neighborhood convenience center | |
| | Neighborhood shopping center | |
| | Specialty T-shirt production | |
| GN-074 | Veterinary services | Only within enclosed buildings and in accordance with article VI |
| IN-0752 | Animal specialty services, except veterinary | Only within enclosed buildings |
| GN-078 | Landscape and horticultural services | |
| MG-15 | Building construction - General contractors and operative builders | |
| GN-171 | Plumbing, heating and air conditioning | |
| GN-172 | Painting and paper hangers | |
| GN-173 | Electrical work | |
| MG-27 | Printing, publishing and allied industries | |
| MG-43 | U.S. Postal Service | |
| GN-472 | Arrangement of passenger transportation | Offices only, with no operation of passenger tours from the site |
| GN-481 | Telephone communications | Accessory transmission, retransmission and microwave towers up to and including 100 feet in height in accordance with article VI, excluding cellular telephone services |
| GN-482 | Telegraph and other message communications | Accessory transmission, retransmission and microwave towers up to and including 100 feet in height in accordance with article VI |
| GN-483 | Radio and television broadcasting stations | Accessory transmission, retransmission and microwave towers up to and including 100 feet in height in accordance with article VI |
| GN-523 | Paint, glass and wallpaper stores | |
| GN-525 | Hardware stores | |
| GN-526 | Retail nurseries, lawn and garden supply stores | |
| MG-53 | General merchandise stores | |
| MG-54 | Food stores | Accessory gasoline and alternative fuel pumps in accordance with article VI, and by special use permit in neighborhood convenience and shopping centers |

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| GN-553 | Auto and home supply stores | Excluding garage and installation facilities |
| GN-554 | Gasoline service stations including the sale of alternative fuels for automobiles | In accordance with article VI and by special use permit in neighborhood convenience and shopping centers |
| MG-56 | Apparel and accessory stores | |
| MG-57 | Home furniture, furnishings and equipment stores | |
| MG-59 | Miscellaneous retail | Excluding direct selling establishments (IN-5963); fuel dealers (IN-5983); including liquor stores (IN-5921) limited to 2,000 square feet and excluding on-site consumption when located in neighborhood convenience and shopping centers, inside storage, display and sales only for all uses |
| Div. H | Finance, insurance and real estate | Excluding cemetery subdividers and developers (IN-6553) |
| MG-72 | Personal services | Including funeral services and crematories in accordance with article VI and excluding linen supply (IN-7213), industrial laundries (IN-7218), and diaper services in neighborhood convenience and shopping centers |
| MG-73 | Business services | Excluding outdoor advertising services (IN-7312), disinfecting and pest control services (IN-7342), heavy construction equipment rental and leasing (IN-7353), and equipment rental and leasing, not elsewhere classified (IN-7359) |
| GN-752 | Automobile parking | |
| MG-76 | Miscellaneous repair services | Excluding miscellaneous repair shops and related services (GN-769) and including repair services for household needs as defined in this chapter |
| MG-78 | Motion pictures | Excluding drive-in theaters (IN-7833) and outdoor filming facilities |

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| MG-79 | Amusement and recreation services | Only within enclosed structures, and excluding go-cart rental and raceway operations and also raceway operations and also excluding commercial sports (GN-794) |
| MG-80 | Health services | Including nursing and intermediate care facilities in accordance with article VI when applicable, and excluding rehabilitation centers and hospitals (GN-806) |
| MG-81 | Legal services | |
| MG-82 | Educational services | Including private schools, in accordance with article VI |
| MG-83 | Social services | Including day care centers as defined in this chapter and in accordance with article VI, excluding residential care (GN-836), rehabilitation centers, halfway houses, social service homes, and residences for destitute people as defined in this chapter |
| GN-841 | Museums and art galleries | |
| MG-86 | Membership organizations | |
| MG-87 | Engineering, accounting, research management and related services | Excluding testing laboratories (IN-8734) and facilities support management services (IN-8744) |
| MG-89 | Services, not elsewhere classified | |
| Div. J | Public administration | |
| | USES BY SPECIAL USE PERMIT | |
| | Accessory gasoline and alternative fuel pumps | In accordance with article VI in neighborhood convenience and shopping centers |
| | Accessory transmission, retransmission and microwave towers over 100 feet in height | In accordance with article VI |
| | Alcoholic beverage establishments | In accordance with article VI |
| | Limited automotive services | In accordance with article VI |

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| | Other uses (including light assembly or packaging) | Within completely enclosed structures; no outdoor storage, truck traffic limited to that normal to commercial activities such as grocery stores, loading docks and mechanical equipment must be screened, and sound attenuation shall be provided to any adjacent residential area or area in actual residential use; no access to any residential street; must meet industrial buffers. Storage of hazardous materials in accordance with the county hazardous materials management code |
| | Rehabilitation centers | In accordance with article VI |
| | Residences for destitute people | In accordance with article VI |
| | Social service homes | In accordance with article VI |
| GN-598 | Fuel dealers | |
| GN-701 | Hotels and motels | Except in neighborhood convenience and shopping centers |
| GN-702 | Roominghouses and boardinghouses | In accordance with article VI |

Recommended Changes: Sec. 30-65(e) Mixed use medium intensity district (MU-2)

The recommended changes are shown below in underline and ~~strike-through~~.

Sec. 30-65. Mixed use medium intensity district (MU-2).

(e) *Permitted uses.*

| SIC | Uses | Conditions |
|-----|--------------------------------------------------------------------------------------|-------------------------------------------|
| | USES BY RIGHT: | |
| | Any accessory uses customarily and clearly incidental to any permitted principal use | |
| | Bed and breakfast establishments | In accordance with article VI |
| | Community residential homes with 14 or fewer residents | In accordance with article VI |
| | Compound uses | |
| | Eating places | |
| | Itinerant food vendor | In accordance with Chapter 19, article IV |

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| | Outdoor cafes | As defined in article II and in accordance with article VI |
| | Personal fitting and sales of prosthetic or orthopedic appliances | |
| | Places of religious assembly | In accordance with article VI |
| | Public service vehicles | As defined and in accordance with article VI |
| | Repair services for household needs | As defined in article II |
| | Residential uses (12 to 30 dwelling units per acre) | Residential development shall conform to the requirements of the RMF-7 or RMF-8 zoning districts, the requirements of section 30-56, and the additional requirements of this section. <u>Lots that existed on November 13, 1991 as recorded in the Planning and Development Services Department and that are less than or equal to 0.5 acres in size shall be exempt from minimum density requirements</u> |
| | Specialty T-shirt production | |
| GN-074 | Veterinary services | Only within enclosed buildings and in accordance with article VI |
| IN-0752 | Animal specialty services, except veterinary | Only within enclosed buildings |
| GN-078 | Landscape and horticultural services | |
| MG-15 | Building construction - General contractors and operative builders | |
| GN-171 | Plumbing, heating and air conditioning | |
| GN-172 | Painting and paper hangers | |
| GN-173 | Electrical work | |
| MG-27 | Printing, publishing and allied industries | |
| MG-43 | U.S. Postal Service | |
| GN-472 | Arrangement of passenger transportation | Offices only, with no operation of passenger tours from the site |
| GN-481 | Telephone communications | Accessory transmission, retransmission and microwave towers up to and including 100 feet in height in accordance with article VI, excluding cellular telephone services |

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| GN-482 | Telegraph and other message communications | Accessory transmission, retransmission and microwave towers up to and including 100 feet in height in accordance with article VI |
| GN-483 | Radio and television broadcasting stations | Accessory transmission, retransmission and microwave towers up to and including 100 feet in height in accordance with article VI |
| GN-484 | Cable and other pay television services | Accessory transmission, retransmission and microwave towers up to and including 100 feet in height in accordance with article VI |
| GN-523 | Paint, glass and wallpaper stores | |
| GN-525 | Hardware stores | |
| GN-526 | Retail nurseries, lawn and garden supply stores | |
| MG-53 | General merchandise stores | |
| MG-54 | Food stores | Accessory gasoline and alternative fuel pumps in accordance with article VI |
| GN-553 | Auto and home supply stores | Garage and installation facilities, in accordance with the provisions for limited automotive services in article VI |
| GN-554 | Gasoline service stations including the sales of alternative fuels for automobiles | In accordance with article VI |
| MG-56 | Apparel and accessory stores | |
| MG-57 | Home furniture, furnishings and equipment stores | |
| MG-59 | Miscellaneous retail | Excluding fuel dealers (IN-5983) |
| Div. H | Finance, insurance and real estate | Excluding cemetery subdivisions and developers (IN-6553) |
| MG-72 | Personal services | Including funeral services and crematories, in accordance with article VI |
| MG-73 | Business services | Excluding outdoor advertising services (IN-7312), disinfecting and pest control services (IN-7342), heavy construction equipment rental and leasing (IN-7353), and equipment rental and leasing, not elsewhere classified (IN-7359) |
| GN-752 | Automobile parking | |

| | | |
|--------|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| MG-76 | Miscellaneous repair services | Excluding miscellaneous repair shops and related services (GN-769) and including repair services for household needs as defined in this chapter |
| MG-78 | Motion pictures | Excluding drive-in theaters (IN-7833) and outdoor filming facilities |
| MG-79 | Amusement and recreation services | Only within enclosed structures, and excluding go-cart rental and raceway operations and excluding commercial sports (GN-794) |
| MG-80 | Health services | Excluding hospitals (GN-806) and including nursing and personal care facilities (GN-805) in accordance with article VI, and excluding rehabilitation centers |
| MG-81 | Legal services | |
| MG-82 | Educational services | Including private schools, in accordance with article VI |
| MG-83 | Social services | Including day care centers as defined in this chapter and in accordance with article VI, excluding rehabilitation centers, halfway houses, social service homes, and residences for destitute people as defined in this chapter |
| GN-841 | Museums and art galleries | |
| MG-86 | Membership organizations | |
| MG-87 | Engineering, accounting, research management and related services | Excluding testing laboratories (IN-8734) and facilities support management services (IN-8744) |
| MG-89 | Services, not elsewhere classified | |
| Div. J | Public administration | |
| | USES BY SPECIAL USE PERMIT | |
| | Accessory transmission, retransmission and microwave towers over 100 feet in height | In accordance with article VI |
| | Alcoholic beverage establishments | In accordance with article VI |
| | Limited automotive services | In accordance with article VI |

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|--------|--------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Other uses (including light assembly or packaging) | Within completely enclosed structures; no outdoor storage, truck traffic limited to that normal to commercial activities such as grocery stores, loading docks and mechanical equipment must be screened, and sound attenuation shall be provided to any adjacent residential area or area in actual residential use; no access to any residential street; must meet industrial buffers. Storage of hazardous materials in accordance with the county hazardous materials management code |
| | Recycling centers | In accordance with article VI |
| | Rehabilitation centers | In accordance with article VI |
| | Residences for destitute people | In accordance with article VI |
| | Social service homes | In accordance with article VI |
| GN-598 | Fuel dealers | |
| GN-701 | Hotels and motels | |
| GN-702 | Roominghouses and boardinghouses | In accordance with article VI |
| MG-79 | Amusement and recreation services when outside enclosed structures | In compliance with noise ordinance |

Recommended Changes: Sec. 30-46. Correspondence of zoning districts with future land use categories.

The recommended changes are shown below in underline and ~~strike-through~~.

Sec. 30-46. Correspondence of zoning districts with future land use categories.

The following table establishes the zoning districts allowable within the future land use categories from the comprehensive plan. Zoning district changes to a new district which fall into a different future land use category shall require a change in the future land use category also.

CORRESPONDENCE OF ZONING DISTRICTS WITH FUTURE LAND USE CATEGORIES

| Zoning Districts | Future Land Use Category |
|------------------------------------------------|--------------------------|
| RSF-1, RSF-2, RSF-3, RSF-4, RSF-R, CON, PD, PS | Single-family (SF) |
| RSF-4, RMF-5, MH, RC, PD, CON, PS | Residential--Low (RL) |
| RMF-6, RMF-7, RMF-8, PD, CON, PS | Residential--Medium (RM) |
| RH-1, RH-2, PD, TND, CON, PS | Residential--High (RH) |

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| | |
|-----------------------------------------------------------------------------|------------------------------|
| RMU, PD, CON, PS | Mixed use--Residential (MUR) |
| MU-1, PD, TND, CON, PS | Mixed use--Low (MUL) |
| MU-2, CP, PD, TND, CON, PS | Mixed use-- Medium (MUM) |
| CCD, PD, TND, CON, PS | Mixed use-- High (MUH) |
| UMU-1, CON, PS, PD | Urban Mixed-Use 1 (UMU-1) |
| UMU-1, UMU-2, CON, PS, PD | Urban Mixed-Use 2 (UMU-2) |
| OR, OF, MD, PD, CON, PS | Office (O) |
| BA, BT, BUS, W, PD, CON, PS | Commercial (C) |
| BI, PD, CON, PS | Business industrial (BI) |
| I-1, I-2, W, PD, BI, CON, PS | Industrial (IND) |
| ED, PD, CON, PS | Education (E) |
| PS, PD, CON | Recreation (REC) |
| CON, PD, PS | Conservation (CON) |
| AGR, CON, PS | Agriculture (AGR) |
| AF, PS, PD, CON | Public facilities (PF) |
| PD, TND, PS or rezoning consistent with the underlying land use designation | Planned Use District (PUD) |

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 070769, § 2, 1-28-08; Ord. No. 080435, § 2, 3-19-09)

Impact on Affordable Housing

There are no specific impacts to affordable housing from this petition.

Respectfully submitted,


Onelia Lazzari, AICP
Principal Planner

Prepared by 
Andrew Persons

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List of Appendices

Appendix A Comprehensive Plan GOPs

Exhibit A-1 Future Land Use Element - Mixed-Use Low-Intensity (MUL) and Mixed-Use Medium-Intensity (MUM) future land use categories

Appendix B Application

Exhibit B-1 Application