

Zoning Overview & CCB #21-0113 Zoning Modifications

ECD COMMITTEE HEARING- MARCH 1, 2022



Zoning Overview

Bill Summary

Planning Commission Amendments

Questions/Discussion



Zoning Overview



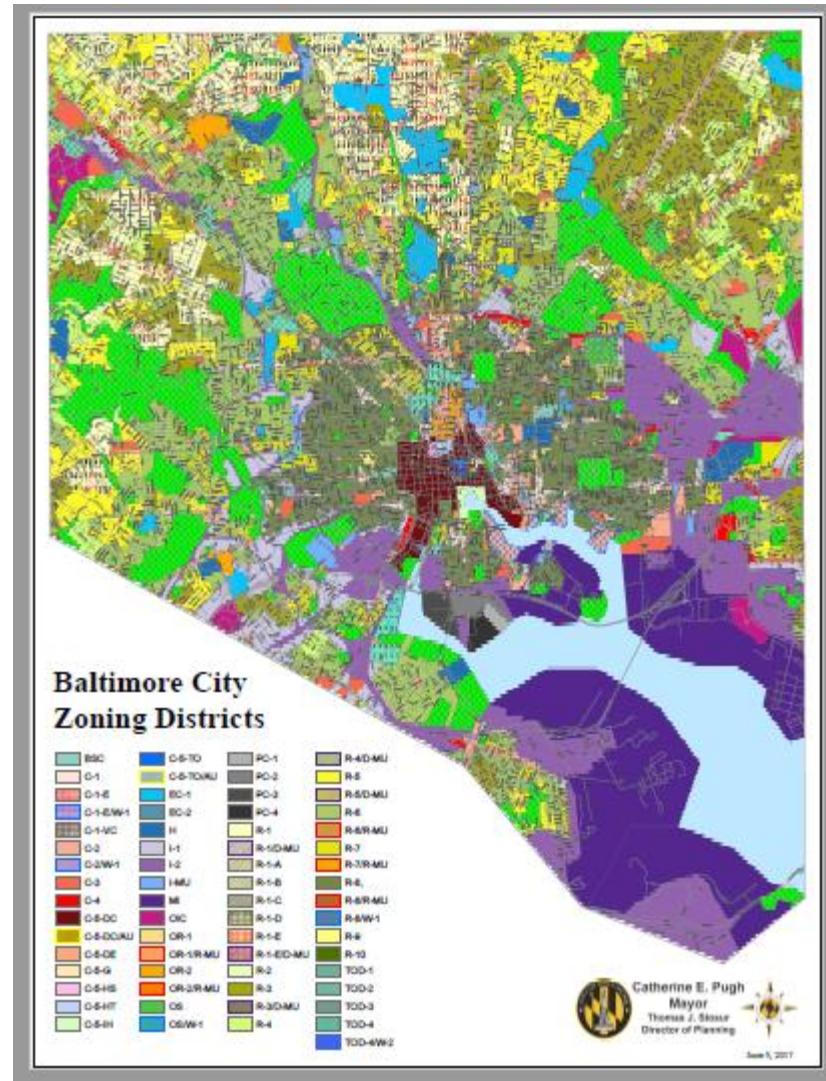
Zoning Overview: What is zoning and what is its purpose?

- **Zoning** is a tool local governments use to regulate the use of land and buildings.
- A **Zoning Code** is a law passed by a local government regulating the size, type, structure, nature and use of land or buildings.
- Zoning also regulates such things as off-street parking, and signage.
- Zoning's purpose, as stated in the Zoning Code, includes: protect public health, welfare, and quality of life (see 2-101).



Zoning 101: How does Zoning Affect Me?

- The Zoning Code is Article 32 of the City Code. It was created by ordinance.
- Article 32 includes a zoning map and text.
- The zoning map designates which areas of the city relate to a zoning district that is defined and regulated in the text.



Zoning Overview: How does Zoning affect Me?

- Applying zoning regulations is the first step in determining what is allowed to be built on a property, or how its use could be changed.
- Zoning determines what uses are permitted within your (or any) area by zoning districts, and the process by which they are allowed, as well as the size and types of buildings, or building additions, that could be built in the future.
- Zoning controls “the use, not the user” ... zoning “runs with the land”.



Code Structure (Title Summary)

- Title 1. General Provisions (Rules of Interpretation, Definitions)
- Title 2. Purpose; Applicability; Short Title
- Title 3. Outline of Code Administration
- Title 4. Development Reviews (SPRC, Design Review, Environmental/Landscape)
- Title 5. Applications and Authorizations (Variances, Conditional Uses, Legislative Authorities, Notices, Use Permits)
- Title 6. Zoning Districts; Maps and Profiles
- Title 7. Open-Space and Environmental Districts (OS, Floodplain, Critical Area)



Code Structure cont'd.

- Title 8. Detached and Semi-Detached Residential Districts (R-1A through R-4)
- Title 9. Rowhouse and Multi-Family Residential Districts (R-5 through R-10)
- Title 10. Commercial Districts (C-1 through C-5s)
- Title 11. Industrial Districts (Industrial, IMUs, Maritime, Office Industrial, Bio-science))
- Title 12. Special Purpose Districts (R, TOD, Educational, Hospital, Transportation Districts, Waterfront Overlay, R-MU, D-MU, Adult Use Overlay and Port Covington Districts)



Code Structure cont'd.

- Title 14. Use Standards
- Title 15. Site Development Standards (Measurement Methodology, Exceptions, Accessory Structures and Uses, Permitted Encroachments, Performance Standards)
- Title 16. Off-Street Parking and Loading
- Title 17. Signs
- Title 18. Nonconformities (Nonconforming Uses, Structures, Lots & Signs, Mandatory Termination of Certain Uses)
- Title 19. Prohibited Conduct; Enforcement
- Tables



Zoning District Details Fit their Character and Purpose

- **Zoning** is intended to create stability within zoning districts by allowing a reasonable range of compatible uses and building types.
- A **Zoning Code** is intended to define size, type, structure, nature and use of land or buildings so as to prevent or minimize negative effects of one building or land use on other lots, buildings, or uses, especially those nearest to the new building or land use.
- Zoning Districts are usually mapped with their boundaries being streets or alleys.



Zoning Overview: Reading & Interpreting the Zoning Code

- The Zoning Code lists allowable uses for land in zoning districts in use tables.

- Uses may be:
 - permitted,
 - conditional or
 - not allowed.

TABLE 9-301: ROWHOUSE AND MULTI-FAMILY RESIDENTIAL DISTRICTS – PERMITTED AND CONDITIONAL USES

USES	DISTRICTS						USE STANDARDS
	R-5	R-6	R-7	R-8	R-9	R-10	
RESIDENTIAL							
Day-Care Home: Adult or Child	P	P	P	P	P	P	Per § 14-310
Dwelling: Detached or Semi-Detached	P	P	P	P	P	CB	
Dwelling: Multi-Family	P	P	P	P	P	P	Per § 14-327
Dwelling: Rowhouse	P	P	P	P	P	P	
Fraternity or Sorority House					CO	CO	Per § 14-313
Home Occupation	P	P	P	P	P	P	Per § 15-507
Residential-Care Facility (16 or Fewer Residents)	P	P	P	P	P	P	Per § 14-334
Residential-Care Facility (17 or More Residents)	CB	CB	CB	CB	CB	CB	Per § 14-334
Rooming House (10 or Fewer Units)				CB	CB	CB	
Rooming House (11 or More Units)					CB	CB	
INSTITUTIONAL							
Community Center	CB	CB	CB	CB	CB	CB	
Cultural Facility	CB	CB	CB	CB	CB	CB	Per § 14-308
Educational Facility: Post-Secondary	CB	CB	CB	CB	CB	CB	
Educational Facility: Primary and Secondary	P	P	P	P	P	P	
Government Facility	CB	CB	CB	CB	CB	CB	
Hospital	CB	CB	CB	CB	CB	CB	
Place of Worship	P	P	P	P	P	P	Per § 14-332



Zoning Overview: Reading & Interpreting the Zoning Code

- The Zoning Code lists allowable uses for land in zoning districts in use tables.
 - Uses may be:
 - permitted,
 - conditional or
 - not allowed.

ZONING

ART. 32, TBL 10-301

TABLE 10-301: COMMERCIAL DISTRICTS – PERMITTED AND CONDITIONAL USES

USES	DISTRICTS							USE STANDARDS
	C-1	C-1YC	C-1F	C-2	C-3	C-4	C-5	
RESIDENTIAL								
Day-Care Home: Adult or Child	P	P	P	P	P		P	Per § 14-310
Dwelling (Above Non-Residential Ground Floor)	P	P	P	P	P	CB	P	
Dwelling: Live-Work	P	P	P	P	P	CB	P	
Dwelling: Multi-Family	P	CB	P	P	P		P	
Dwelling: Rowhouse	P	P	P	CB	CB		P	
Dormitory							P	
Fraternity or Sorority House	CO	CO	CO	CO	CO	CO	CO	Per § 14-313
Residential-Care Facility (16 or Fewer Residents)	P	P	P	P	P		P	Per § 14-334
Residential-Care Facility (17 or More Residents)	CO	CO	CO	CO	CB		CB	Per § 14-334
Rooming House	CB	CB	CB	CB	CB		CB	
INSTITUTIONAL								
Community Center	CB	CB	CB	CB	P		P	
Cultural Facility	CB	CB	CB	CB	P		P	Per § 14-308
Educational Facility: Commercial-Vocational				CB	P	P	P	
Educational Facility: Post-Secondary	CB	CB	CB	P	P	P	P	
Educational Facility: Primary and Secondary	CB	CB	CB	CB	CB		P	
Government Facility	CB	CB	CB	CB	CB	CB	CB	
Homeless Shelter					CB	CB	CB	
Hospital				CB	CB	CB	P	
Place of Worship	P	P	P	P	P	P	P	Per § 14-332



Zoning Overview: Reading & Interpreting the Zoning Code

- The Zoning Code controls placement and **size** of a building though what are called **bulk regulations**.
- Bulk regulations govern:
 - maximum height,
 - maximum lot coverage
 - minimum lot area,
 - minimum size of yards, and
 - maximum floor area ratios.
 - Different zoning districts can have different bulk limits.

TABLE 9-401: ROWHOUSE AND MULTI-FAMILY RESIDENTIAL DISTRICTS – BULK AND YARD REGULATIONS

CATEGORIES	SPECIFICATIONS (PER DISTRICT)					
	R-5	R-6	R-7	R-8	R-9	R-10
MINIMUM LOT AREA						
Community ... Open-Space Garden or Farm	None	None	None	None	None	None
Dwelling: Detached	3,000 sq.ft.	3,000 sq.ft.	3,000 sq.ft.	3,000 sq.ft.	3,000 sq.ft.	3,000 sq.ft.
Dwelling: Semi-Detached	2,500 sq.ft.	2,000 sq.ft.	2,000 sq.ft.	2,000 sq.ft.	2,500 sq.ft.	2,000 sq.ft.
Dwelling: Rowhouse	2,500 sq.ft.	1,500 sq.ft.	1,100 sq.ft.	750 sq.ft.	750 sq.ft.	500 sq.ft.
Dwelling: Multi-Family	2,500 sq.ft./du	1,500 sq.ft./du	1,100 sq.ft./du	750 sq.ft./du	550 sq.ft./du	200 sq.ft./du
Dwelling: Multi-Family (Age-Restricted)	1,875 sq.ft./du	1,125 sq.ft./du	825 sq.ft./du	575 sq.ft./du	550 sq.ft./du	200 sq.ft./du
Park or Playground	None	None	None	None	None	None
Residential-Care Facility	Lot area to be comparable to that for a like-sized M-FD	Lot area to be comparable to that for a like-sized M-FD	Lot area to be comparable to that for a like-sized M-FD	Lot area to be comparable to that for a like-sized M-FD	Lot area to be comparable to that for a like-sized M-FD	Lot area to be comparable to that for a like-sized M-FD
Residential-Care Facility (Age-Restricted)	Lot area to be comparable to that for a like-sized M-FD (Age-Restrctd)	Lot area to be comparable to that for a like-sized M-FD (Age-Restrctd)	Lot area to be comparable to that for a like-sized M-FD (Age-Restrctd)	Lot area to be comparable to that for a like-sized M-FD (Age-Restrctd)	Lot area to be comparable to that for a like-sized M-FD (Age-Restrctd)	Lot area to be comparable to that for a like-sized M-FD (Age-Restrctd)
Rooming House	N/A	N/A	N/A	375 sq.ft./ru	275 sq.ft./ru	100 sq.ft./ru
Urban Agriculture	None	None	None	None	None	None
All Other Uses	3,000 sq. ft.	3,000 sq. ft.	3,000 sq. ft.	3,000 sq. ft.	3,000 sq. ft.	3,000 sq. ft.
MAXIMUM BLDG HEIGHT						
Dwelling: Detached or Semi-Detached	35 feet	35 feet	35 feet	35 feet	35 feet	35 feet
Dwelling: Rowhouse	35 feet	35 feet	35 feet	35 or 45 feet ¹	35 or 45 feet ¹	35 or 45 feet ¹
Dwelling: Multi-Family	35 or 45 feet ²	35 or 45 feet ²	35 or 45 feet ²	45 or 60 feet ³	3.0 FAR	6.0 FAR
All Other Uses	35 or 45 feet ²	35 or 45 feet ²	35 or 45 feet ²	45 or 60 feet ³	45 feet	45 feet



Zoning Overview: Reading & Interpreting the Zoning Code

- The Zoning Code controls placement and **size** of a building though what are called **bulk regulations**.
- Bulk regulations govern:
 - maximum height,
 - maximum lot coverage,
 - minimum lot area,
 - minimum size of yards, and
 - maximum floor area ratios.
 - Different zoning districts can have different bulk limits.

ZONING

ART. 32, TBL 10-401(C-1 TO C-4)

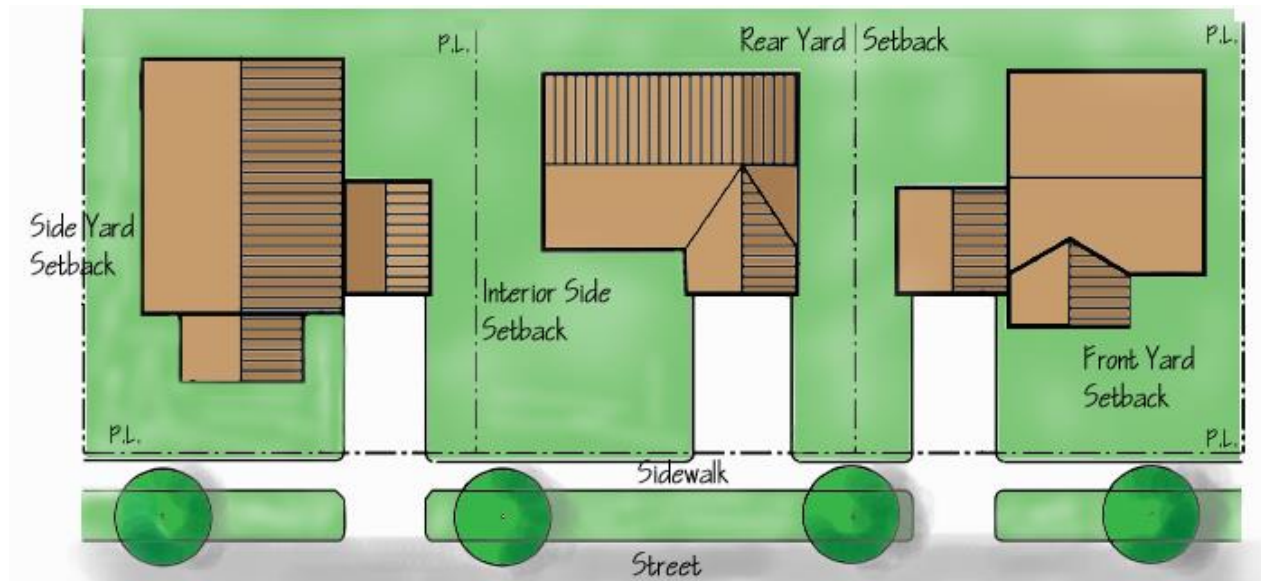
TABLE 10-401: COMMERCIAL DISTRICTS (C-1 TO C-4) – BULK AND YARD REGULATIONS

CATEGORIES	SPECIFICATIONS (PER DISTRICT)					
	C-1	C-1-VC ¹	C-1-E	C-2	C-3	C-4
MINIMUM LOT AREA						
Dwelling: Live-Work, Multi-Family, or Rowhouse	300 sq.ft	5,000 sq.ft	550 sq.ft	225 sq.ft	300 sq.ft	300 sq.ft
Residential-Care Facility (Age-Restricted)	200 sq.ft/du	200 sq.ft/du	200 sq.ft/du	120 sq.ft/du	120 sq.ft/du	120 sq.ft/du
Rooming House	None	2,500 sq.ft/ru	None	None	None	N/A
All Other Uses	None	None	None	None	None	None
MAXIMUM LOT AREA						
Restaurant	None	4,000 sq. ft.	None	None	None	None
Retail Goods Establishment (Food Store)	20,000 sq. ft.	15,000 sq. ft.	20,000 sq. ft.	None	None	None
All Other Uses	10,000 sq. ft.	2,000 sq. ft.	10,000 sq. ft.	None	None	None
MAXIMUM BLDG HEIGHT						
Dwelling: Multi-Family	60 feet	40 feet	60 feet	60 or 100 feet ²	60 or 100 feet ²	60 feet
Mixed-Use w/ Dwelling Above the Ground Floor	60 feet	40 feet	60 feet	60 or 100 feet ²	60 or 100 feet ²	60 feet
Residential Care Facility (Elderly)	60 feet	40 feet	60 feet	60 or 100 feet ²	60 or 100 feet ²	60 feet
All Other Uses	40 feet	40 feet	40 feet	60 feet	60 feet	60 feet
MINIMUM BLDG HEIGHT						
All Uses	20 feet	None	20 feet	20 feet	20 feet	None
MAXIMUM FLOOR AREA RATIO						
All Uses	None	0.8	None	None	None	None

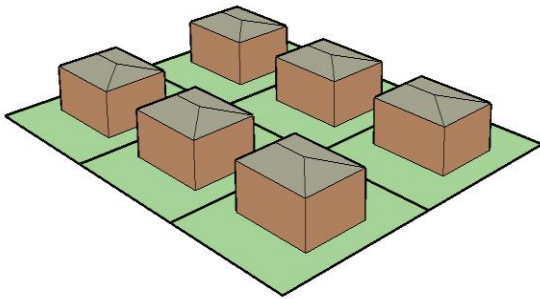


Zoning Overview: Reading & Interpreting the Zoning Code

- Each zoning district may have minimum front, side, and rear yard **setbacks**.
- Yard setbacks provide for the circulation of light and air, permit access around buildings for emergency personnel, and provide a fire break between structures.

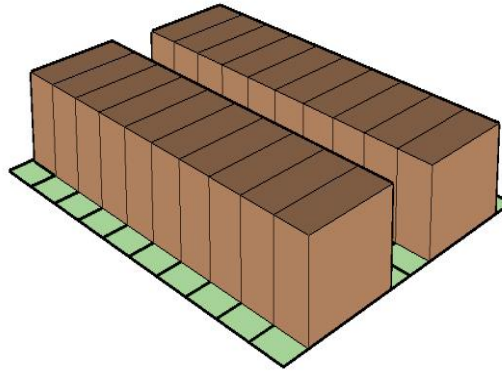


Density: How big can my building be?



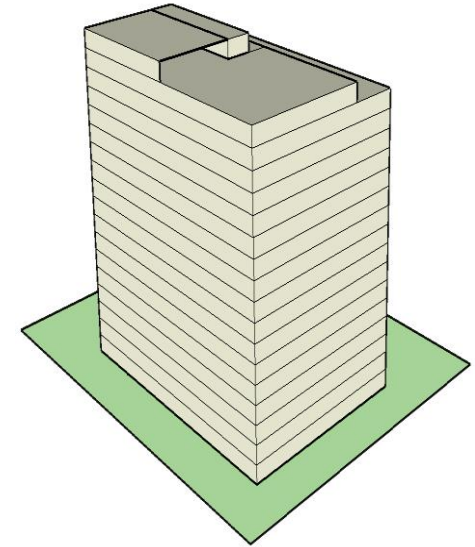
Low Density →

This example of low density housing shows a single family home community. Zoning for this type of community would range from R-1A to R-4. You may find duplexes in low density areas also.



← Medium Density

This example of medium density housing shows a rowhome community where the number dwelling units are more. A community similar to this would fit in a zoning category of R-5 to R-8. Such developments may consist of detached, semi-attached and attached (or multi-unit) housing.



High Density →

This example of high density housing shows an apartment, condominium, or terrace community where the number of units is high which makes the community's population denser. Developments to this magnitude would fit in the higher zoning category such as R-9 to R-10. Higher density zoning categories are most common seen in downtown areas of cities or major corridors.



Bill Summary



Bill Summary

- Adding the ability to have small size digital signs in residential districts, conditionally to the BMZA. This includes:
 - Adding CB as a process to the code for signs the table
 - Changes to Title 4 for design review
 - Changes to Title 5 to align conditional use language to condition signs, such as findings of fact and enforcement, revocation, etc.
- Clarifying the definition of a block face to mean the full block between two streets excluding alleys and sidewalks.
- Adding definition of Frontage, as one has never existed. (Not to be confused with Tenant Frontage for Title 17 sign purposes.)



Bill Summary

- Adding Farmers' Markets as a use, rather than just an event, and permitting them in most zones, but conditional in residential zones. (Table edit)
- Changing the title of Gas stations to Fueling stations, and expressly permitting charging stations.
- Expressly adding recreation centers to the list of inclusions in Government facility.
- Clarifying the definition of Kennels to include nonprofit shelters as opposed to just business entities.
- Add micro-blading to the inclusions in Personal services establishment along with beauty shops.



CCB #21-0113/ Zoning Code Modifications (Bill Summary)

Continued

§ 2-203. Transition rules.

(c) *Preexisting permitted use reclassified as conditional.*

(j) *Previously granted variances and conditional uses.*

(d) *Preexisting nonconforming use reclassified as permitted or conditional.*

(1) If a preexisting nonconforming use is reclassified by this Code or an amendment to it as a permitted or conditional use for the zoning district in which it is located, that use may be continued as a lawful permitted or conditional use, as the case may be.

(2) Any subsequent change to that use[, including any addition, expansion, relocation, or structural alteration, is] **MUST BE APPROVED BY THE BOARD OF MUNICIPAL AND ZONING APPEALS**, subject to this Code and, if a conditional use, to the procedural and substantive requirements imposed by this Code on conditional uses.

This amendment is intended to make clear that for uses that were previously granted as Conditional or reclassified to conditional, that the BMZA is the body to approve an addition, expansion etc.

The last sentence remains which makes clear that it is still subject to requirements such as specific conditions that may have been established. In the event that a change proposed was specifically controlled in the establishing bill, then it would need to go back to the City Council (i.e. it takes a bill to modify a bill). Otherwise, the BMZA provided a public review for changes to the use.

However, there was never an intent that minor changes unrelated to the use need to go back through a public hearing (legislative or otherwise), but the wording in our current code implies that's the requirement.



CCB #21-0113/ Zoning Code Modifications (Bill Summary)

Continued

- To give the BMZA the authority to approve new accessory uses that are not otherwise listed as long as they meet the standard of accessory, which is incidental and subordinate to primary use.
- To give the BMZA the authority to deny applications for properties with outstanding violations or unpaid fees or fines.
- To add outdoor dining as a use to NCEs & clarify that outdoor seating for a Neighborhood commercial establishment must be on the street side of the property and not in the rear yard or on a roof deck.
- Delete “(principal use)” from Parking garages (principal use), so standards apply to all garages.



CCB #21-0113/ Zoning Code Modifications (Bill Summary)

Continued

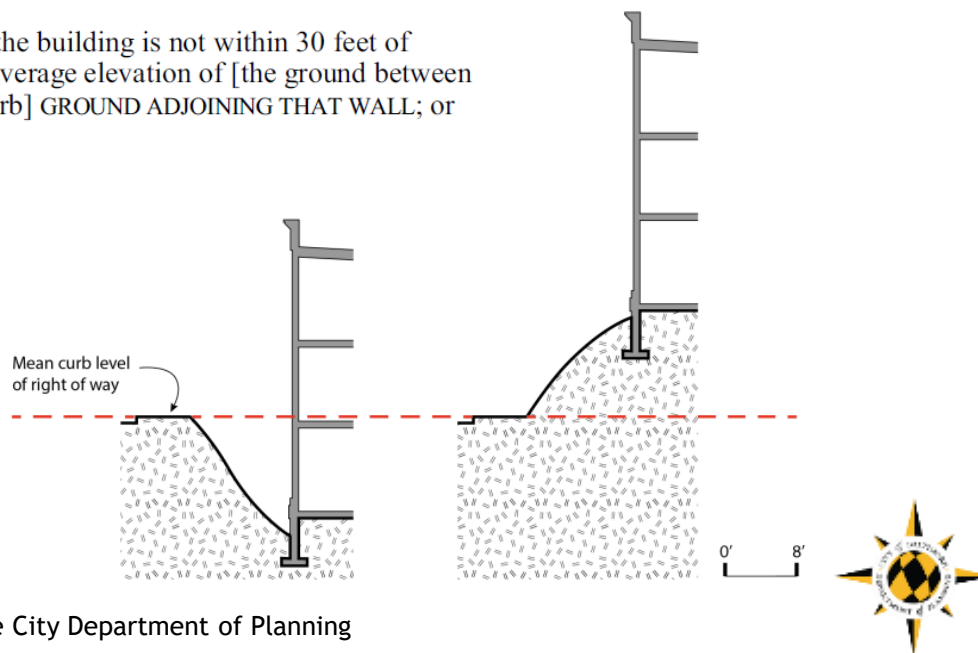
- To add a clarification on measuring heights of buildings when they are set back from the street more than 30 feet. This becomes an issue when the site has significant topography. The amendment provides for measuring from the ground adjoining the wall as opposed to from the average between curb and wall of building, when a building is set back more than 30 feet. (2) For purposes of determining compliance with height limitations, the height of a building is determined by measuring the vertical distance:

(i) from the following, as applicable:

(A) from the mean curb level of the right-of-way on which the property fronts;

(B) if the front wall of the building is not within 30 feet of the curb, from the average elevation of [the ground between that wall and the curb] GROUND ADJOINING THAT WALL; or

...



CCB #21-0113/ Zoning Code Modifications (Bill Summary)

Continued

- Provide for Carriage houses without requiring them to be subdivided from main property. Must contain at least 750sf instead of 1750 sf.
- Provide for expansion of non-conforming structures if they don't increase the degree of existing non-conformity. In other words, If a building exists as 38 feet high in a zone that is limited to 35 feet but they have a large rear yard, they wouldn't be prohibited from adding a rear addition
- Remove exception from IMU districts that allow for buildings within 300 feet of a residential zone to not have to comply with the floor area requirement of 60% of the total ground-floor area must be a use other than residential and parking.



CCB #21-0113/ Zoning Code Modifications (Bill Summary)

Parking

- Making clear that one-way parking must follow 16-402 or reviewed and approved by SPRC and the Director of Planning
- Provide for a 3,000 sf parking exemption for gross floor area for commercial uses in C-2; multi-tenant buildings are not eligible.
- Parking exemptions on historic structures don't apply if you need other variances or the premise is part of an application for conversion.
- Changes to bicycle parking size to align with current DOT standard of 1.5 x 6 ft. and bike lockers can be shorter than dimensions outlined.
- Where more than 9 long term bike spaces- 10% to cargo, family or adaptive bikes.
- Affordable Housing parking reduction (rewrite of existing section)
 - no more than .5 parking spaces needed for DUs 500 sf or smaller
 - 1 space for every 4 units for housing for the elderly in public housing or government assisted DUs.



CCB #21-0113/ Zoning Code Modifications (Bill Summary)

Continued

Table edits include the following;

- Provide for Farmer’s markets (CB in residential) ;
- Permit accessory parking in Open Space zones (will be amended out);
- Provide for Commercial or vocational educational programs in C-1 districts, CB - This is to assist with driving schools and similar training;
- Make Arts Studio: Industrial, and Food Processing: Light permitted in all commercial zones;
- Correct a missing phrase, that is “per dwelling unit” in Table 10-401; and
- Permit gazebos in side and rear yards.



Signage



Why did we rewrite so soon after new code?

- Conform the Zoning Code to a 2015 Supreme Court case, known as Reed v. Town of Gilbert.
- Jurisdictions may not use content as a factor in their code or have temporary signs.
 - Proposed title governs signs by form, size and placement.
 - In other words, signs can be described by district and type but not by what is on them.

Practical Effect

- First and only jurisdiction, that we know of, to completely rewrite.
- Every sign **MUST** be permitted as a permanent sign.
- Had to figure out a new way to regulate. New approach: Our zoning districts are a combination of use and form, so our sign title ties to the use tables to regulate.

Example: Old code allowed content signage (i.e. Business Identification signs). To comply with Reed we cannot have content based sign types, but can have based on form. The challenge... the City's zoning code uses overlap with building forms. (i.e. our C-2 zoning district allows both private homes and business in the same building form, rowhouse building). Regulating signage based on use and not building form allows us to permit (and enforce) signage for commercial uses or large multi-family only, without the worry that a person has the right to hang the same signs on their personal single family homes in that zoning district.



CCB #21-0113/ Zoning Code Modifications (Bill Summary)

Signage Amendments Specific Areas of Focus

- Conditional Signs to BMZA
- Electronic Signs for institutions and historic structures
- In local Historic Districts or on Local Historic Landmarks, to allow canopies with or without electronic signs if they had historically existed.
- Measurement Methodology for Quantity
- 2 square feet area exemption for signs required for life safety
- Special Rules for certain size uses and properties with more than one principal building and in-line retail, including max area bonuses.
- Signage and PUDs
- Painted Signs
- Definition Clarification for Ground Floor/ Above Ground Floor and Roof Signs/Wall Signs
- Table edits including increases in some Max Areas on Tables 17-201 and 17-306, inclusion of Conditional to the Board signs, new painted signs.



New and Changes To Definitions:

1. Above Ground Floor & Above Ground Floor

• Above Ground Floor - the occupiable space in a building above the ground floor.

- Does not include any exterior or interior spaces created from or defined by the structural or architectural items outlined in 15-301(b);
- Does not include interior loft space or mezzanine spaces within the volume of the ground floor.

• Ground Floor - does not include basements

2. Clarifying Roof and Wall Signs- if 30% or more of a sign extends above the roofline or parapet it is considered a roof sign.

3. Painted and Mural Sign (New Sign Type)

A sign applied directly to the wall of a building or other permanent structure element on a lot through paint, other medium or glue application without the use of fasteners, frames, or other support structures.



Painted & Mural Signs

- Placement Restrictions-** if seeks to cover any window, door, or prominent architectural feature, must have design review approval and if covering a window must follow transparency requirements for Window Signs.
- Measurement Methodology-** does not include what is determined to be art; if incorporated with non-signage on the same elevation, the area is calculated as the combined portions considered to be signage.



Conditional Signs to Board of Municipal and Zoning Appeals

- Not a new concept, but was removed.
- These amendments would reintroduce the concept to the signage regulations and modify several Titles to define, place in the text for findings of fact and evaluation procedures.
- Would also allow for the introduction of “CB” into Table 17-201 to denote a sign type is conditional to the Board.



Electronic Signs

- Allow Category I (max 15 sqft) electronic signs to institutional uses in the residential zoning districts.
- Allow electronic signs on canopies for historic theater buildings that have had historic/existing canopy structures.
 - Modifications will be made to the Awning/Canopy Signs and Electronic Signs in Subtitle 4.



Sign Dimension Measurement Methodology

Clarifies:

- The maximum quantity is the total number of a signs per type in Table 17-201.
- The Maximum Area Per Sign, is the maximum area allowed for each sign in the table.
- Adds 2 sqft measurement “exemption” from maximum area for signs required by the Building Code and for life safety.
- Defines how to measure building and tenant frontage. Crucial for use with “Above Ground” Wall Signage.



Special Rules Section

- If more than 1 principal building on a lot, each building may have signage according to the Table 17-201 and aggregate signage may be combined and split.
- Freestanding signs and wall sign allotments may be aggregated and split in certain zones and with certain size lots 10,000 sf with more than 1 building and approved drive thru uses. (In C-2 thru C-5, ECs, PCs, OS.)
- If aggregating cannot go to BMZA for more area, then split.
- In these special conditions an automatic 15% max area bonus is given before splitting.
- In C-2 thru C-5 and PCs Ground Floor Tenants 15,000 sf or greater can use the above ground floor wall sign allotment. (For larger big box retailers in single story or multi-tenant or multi-story.)



Special Rules Section cont'd

- Freestanding Monument signs may be installed on lots adjacent and contiguous with residential developments of 20 units or more if the units are in a singular building, part of a major subdivision or redevelopment of contiguous and adjoining lots.



Signage in Planned Unit Development:

- Clarifies rules for creating Signs in PUD:
 - If no signage plan will follow the rules in current code per underlying zoning.
 - “Business PUDs” established prior to 2017 with residential zoning follow C-2 signage rules unless specified in the PUD.
 - An ASSC legislation may be incorporated into new PUD legislation (new or repeal/replace) and must follow the rules of the ASSC and have a designated ASSC section.
 - If not in ASSC, may use combine the freestanding signage and spread across the property.
 - Can have the 15% sign area bonus.



Related Signage Table Amendments:

- Add in Conditional to BMZA (CB) signs (electronic).
- Increase some wall size maximum area (based on feedback).
- Increase some maximum Cumulative Area amounts (based on feedback). Goal is to reduce need from some BMZA applications based on size within reason.
- Add Painted/Mural Signage to table since this is a new sign type.



Planning Commission Proposed Amendments



CCB #21-0113/ Zoning Code Modifications (PC Amendments)

Proposed Amendments

	A	B	C	D	E	F
	Topic	Bill Page #	Bill Line #	Amendment Code Reference	Proposed Amendment	Rationale
1	Discretion to Deny BMZA Variance Applications	14	Lines 22-26	5-310	Remove the bill language in lines 22-26 and replace with new language: 5-310 CODE COMPLIANCE DENIAL. THE ZONING ADMINISTRATOR OR THE EXECUTIVE DIRECTOR OF THE BOARD OF MUNICIPAL AND ZONING APPEALS SHALL NOT PROCESS ANY APPLICATION FOR A VARIANCE IF THE SUBJECT PROPERTY HAS ANY OUTSTANDING NOTICE OF VIOLATION, FINE OR FEE THAT IS UNRESOLVED OR UNPAID UNTIL THE VIOLATION IS ABATED. EXCEPTION: THE ZONING ADMINISTRATOR OR THE EXECUTIVE DIRECTOR OF THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY PROCESS THE APPLICATION FOR VARIANCE IF THE VARIANCE IS NEEDED TO RESOLVE THE OUTSTANDING NOTICE OF VIOLATION, OR ANY OTHER UNRESOLVED OR UNPAID FEE, OR FINE.	This amendment seeks to make the process clear by outlining certain situations that would trigger the inability to process a BMZA application due to outstanding violations, but outlines the exception that allows for abatement of a violation, fee or fine. This amendment allows the City to take a firmer stance on those that have done illegal work, but yet seek additional approvals without abating the other violations.
2	Conditional Use application referrals	15	Lines 13-18	5-403 (b)	Do not remove the existing (b) as noted in the bill, but instead modify the existing code language to remove deletion brackets on entirety and to replace "Zoning Administrator" in lines 14, 15 and 16 with "EXECUTIVE DIRECTOR OF THE BOARD OF MUNICIPAL AND ZONING APPEALS" and the existing (c) will remain as (c).	Rather than do a wholesale deletion of this section, it should be just clarified that the ED of BMZA determines if the conditional use and sign application is complete.
3	Conditional Use Approval Standards	17	Lines 12 -14	5-406(a)	Reword the lead in paragraph of (a) Limited Criteria for Denying as follows: (a)Limited criteria for denying. [Neither] The Board of Municipal and Zoning Appeals [nor] OR the City Council, as the case may be, may NOT approve a conditional use unless, after public notice and hearing and on consideration of the standards required by this subtitle, it finds that:	This change is part of a second change that would make clear that the Board has evaluated the "evaluation criterial" and found that based on that evidence the application cannot be approved because the 4 four criteria for denial are found to be met.
4						



CCB #21-0113/ Zoning Code Modifications (PC Amendments)

Proposed Amendments

NOVEMBER 18, 2021

	A	B	C	D	E	F
5	Conditional Use Approval Standards	17 and 18	pg 17- lines 10 -33 pg 18- lines 1 -11	5-406	On Line 23 Change the title of "(b) Required Considerations" to be titled "Evaluation Criteria" and delete the word "further" from line 24 Swap sections (a) and (b) so that the "Evaluation Criteria" becomes the new (a) and "Limited Criteria for Denying" becomes the new (b).	This swap is more consistent with the actual review process by which BMZA must evaluate conditional use applications before determining if the case should be denied based on inadequate meeting of the criteria for denial. The name change of Required Considerations acknowledges what are in practical reality evaluation criteria and not further considerations.
6	Discretion to Deny BMZA Conditional Use or Sign Applications	20	Lines 1 -5	5-410	Remove the bill language in lines 1 -5 and replace with new language: 5-410 CODE COMPLIANCE DENIAL. THE EXECUTIVE DIRECTOR OF THE BOARD OF MUNICIPAL AND ZONING APPEALS SHALL NOT PROCESS ANY APPLICATION FOR A CONDITIONAL USE OR SIGN IF THE SUBJECT PROPERTY HAS ANY OUTSTANDING NOTICE OF VIOLATION, FINE OR FEE THAT IS UNRESOLVED OR UNPAID UNTIL THE VIOLATION HAS BEEN ABATED. EXCEPTION: THE EXECUTIVE DIRECTOR OF THE BOARD OF MUNICIPAL AND ZONING APPEALS MAY PROCESS THE APPLICATION FOR CONDITIONAL USE OR SIGN IF THE APPROVAL IS NEEDED TO RESOLVE THE OUTSTANDING NOTICE OF VIOLATION, OR ANY OTHER UNRESOLVED OR UNPAID FEE, OR FINE.	This amendment seeks to make the process clear by outlining certain situations that would trigger the inability to process a BMZA application due to outstanding violations, but outlines the exception that allows for abatement of a violation, fee or fine. This amendment allows the City to take a firmer stance on those that have done illegal work, but yet seek additional approvals without abating the other violations.
7	Outdoor Dining	22	Lines 2 -24	14-329	see attached page; proposed amendments to the bill language are in red.	These amendments seek to clarify conditions under which outdoor dining would be allowed, including reallocation of parking spaces to outdoor dining, use in required yard setbacks and outdoor dining.
8	Parking Exemption for Historic Structures	27	Lines 20-25	16-601(f)	Delete the proposed amendment (2) Exceptions lines 20- 25 and replace with new (2) as follows: (2) Permitting . (I) IF AN EXEMPTION IS GRANTED BY THE DIRECTOR OF PLANNING A PARKING VARIANCE IS NOT REQUIRED AND EVIDENCE OF AN APPROVED EXEMPTION SUBMITTED WITH THE PERMIT APPLICATION. (II) IF THE EXEMPTION IS DENIED BY THE DIRECTOR OF PLANNING, A VARIANCE MAY BE REQUESTED AND APPROVED BY THE BOARD OF MUNICIPAL AND ZONING APPEALS.	This modification makes it clear that the current exemption can apply to structures 50 years or older, including conversion applications. In addition, it provides clarity in the process of denial of exemption and permitting.



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Proposed Amendments

November 18, 2021

	A	B	C	D	E	F
9	Bike Parking space size	29	Lines 12- 13	16-701(2)(1)	Delete the proposed 16-710(2)(1) language exception for ground mounted bike spaces.	The attempt was to align to a DOT ROW standard, but the interior bike room conditions are such that the smaller space size may not be practical and cannot account for proper alternate direction bike installation in the racks that could make the smaller size feasible.
10	Bike Parking Floor Racks	29	Lines 23-25	16-701(i)(2)	Delete the proposed amendment, "HOWEVER IN NO CASE MAY MORE THAN...WALL OR CEILING RACKS." Replace with: "... of site plan review AS FOLLOWS: (i)IN NO CASE OF NEW CONSTRUCTION OF A BUILDING MAY MORE THAN 50% OF THE REQUIRED BICYCLE PARKING SPACES BE PROVIDED AS WALL OR CEILING RACKS; AND (ii) IN NO CASE OF BUILDING REHABILITATION OR ADAPTIVE REUSE OF A BUILDING MAY MORE THAN 75% OF THE REQUIRED BICYCLE PARKING SPACES BE PROVIDED AS WALL OR CEILING RACKS.	This modification makes it clear that some proportion of ground mounted bike racks must be provided and distinguishes the percentage of wall and ceiling rack designs based on new construction or building retrofit.
11	Long-term bikeparking standards	30	Lines 24-26	16-704(A)(4)(iii through v)	Move the current (4)(iii through v) to become the new (5)(i through iii). The new 5 would read: (5) Provided as outlined in (4) of this subsection, except in certain conditions of public assembly, such as for stadiums and arenas, the Director of Planning and Site Plan Review may approve in at least one of the following: (i) within view of an attendant or security guard; (ii) in an area that is monitored by a security camera; or (iii) in an area that is visible from employee work areas.	This provision and separation from (4) makes it clear that the first preference for long-term bike parking is in a locked room or enclosed space. But under certain conditions where the requirement or the crowds might be large that it might be suitable to provide that parking in an open area.
12	Cargo Bike Spaces	31	Line 9	16-705(B)(2)(III)	Change "2 Feet wide by 8 feet wide" to read "4 feet wide by 9 feet wide".	Cargo bikes tend to be longer and the cargo carriers are wider thus requiring more maneuvering space inside of the bike room.
13	Determination of Nonconformity	51	Lines 7-10	18-206	Delete the new (c) in its entirety.	This new section is not needed or has any value added.
14	Permitted Parking In Open Space	52	Line 17, 22 and 23	Table 7-202: Open Space Districts Permitted and Conditional Uses	Delete proposed amendment "P" and leave as "CO" and delete the footnote note 1 associated. The "second" footnote for Wireless Communications Services will remain as footnote 1.	There was substantial Opposition to Parking Lot (Accessory Use) in open space zones becoming permitted and preference to stay as it is in the code, which is Conditional by Ordinance.
15	Additions to the Bill					



CCB #21-0113/ Zoning Code Modifications (PC Amendments)

Proposed Amendments

Proposed Planning Commission Amendments
November 18, 2021

	A	B	C	D	E	F
16	Light Industrial Bike Parking	61	above line 4	Table 16-705	Add in bike parking requirements for Industrial: Light. The requirements should mimic those for Industrial Warehouse (Long-Term 1 per 5,000 sq. ft. of GFA and short-term 1 per 5,000 sq. ft of GFA	The requirement needs to be added to the table.
17	Bicycle Parking Space Design Standard	Completely new table referenced on page 30	Line 6	16-704(m)	The table referenced does not exist and needs to be added. See attached new Table 16-701: Bicycle Parking Dimensions	The reference to the table was added to the bill on page 30, but the table was never created and left out of the bill.
18	Fuel/Gas Stations			14-314, use tables and code	In the Use Standards section 14-314 change the title and gas station references to Fuel Station. Where gas station appears as a use in the Use Tables in the Zoning Code, change the use name to Fuel Station. Change all other references to gas station in the code to fuel Renumber or letter accordingly.	Amendment on page 4 of the bill references the change from gas station to fuel station. The bill did not include the companion amendments to references throughout the code.

- Added by Planning Commission November 2021: On Page 22 Line 29 of the bill change 50% to 25%



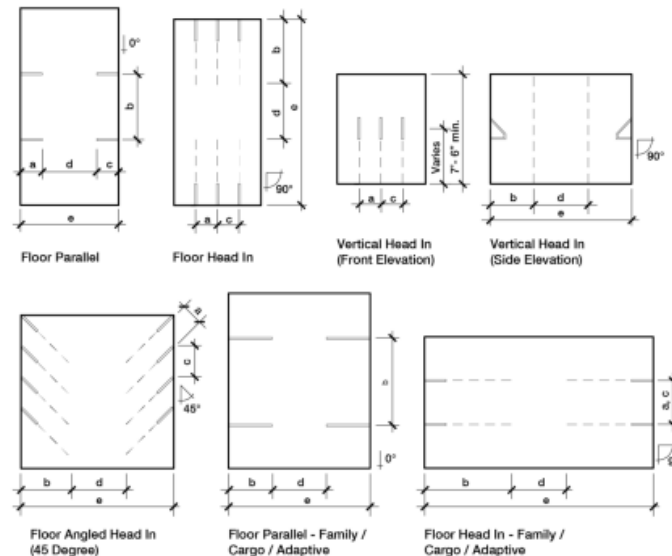
Proposed Amendments

New Table 16-701: Bicycle Parking Dimensions

CCB #21-0113 Planning Commission Amendments

TABLE 16-701: BICYCLE PARKING DIMENSIONS

Parking Angle X°	Minimum Dimensions				
	Stall Width (a)	Stall Length (b)	Skew Width (c)	Aisle Width (d)	Overall Module (e)
0° (Floor Parallel)	2 feet	6 feet	2 feet	5 feet	9 feet
90° (Floor Head In)	2 feet	6 feet	2 feet	5 feet	17 feet
90° (Vertical Head In)	2 feet	4 feet	2 feet	5 feet	13 feet
45° (Floor Angled)	2 feet	4.3 feet	2.8 feet	5 feet	13.6 feet
0° (Floor Parallel – Family / Cargo / Adaptive)	4 feet	8 feet	4 feet	5 feet	13 feet
90° (Floor Head In – Family / Cargo / Adaptive)	4 feet	8 feet	4 feet	5 feet	21 feet



Proposed Amendments

Proposed Planning Commission Amendment to CCB #21-0113

§ 14-329. Outdoor dining.

(a) Nature of use.

(1) Outdoor dining is considered an accessory use to a principal use AND MAY BE LOCATED ON EITHER THE PROPERTY FOR WHICH THE PERMIT IS APPROVED OR EXTEND INTO THE PUBLIC RIGHTS-OF-WAY IMMEDIATELY ADJOINING THE BUILDING FRONTAGE OR STREET CORNER SIDE OF THE PROPERTY.

(2) ROOFTOP DINING IS ALLOWED IN ALL NON-RESIDENTIAL ZONING DISTRICTS ONLY. IT IS A PERMITTED USE, EXCEPT IN THE C-1, C-1-VC, C-2 ZONING DISTRICTS, WHICH WILL REQUIRE APPROVAL AS A CONDITIONAL USE BY THE BOARD OF MUNICIPAL AND ZONING APPEALS.

(3) PARAGRAPHS (1) AND (2) OF THIS SUBSECTION IS SUBJECT TO THE REQUIREMENTS SET FORTH IN THIS SECTION, AS APPLICABLE.

(b) Pedestrian and parking access.

(1) Outdoor dining may not interfere with the pedestrian access [or], parking AND SAFE VEHICLE MANUEVERABILITY.

(2) All outdoor dining areas located IN A PUBLIC RIGHT-OF-WAY must maintain a 5-foot sidewalk clearance at all times.

(3) IF REALLOCATING PARKING SPACES FOR OUTDOOR DINING THEN THE FOLLOWING APPLY:

(i) IF OFF STREET PARKING SPACES ARE BEING REALLOCATING AND RESULT IN THE LOSS OF REQUIRED PARKING, THEN A PARKING VARIANCE MUST BE OBTAINED FROM THE BOARD OF MUNICIPAL AND ZONING APPEALS.

(ii). IF ON-STREET PARKING SPACES ARE BEING REALLOCATED THEN THE APPLICANT MUST FOLLOW THE PROCESS AND GUIDELINES SET FORTH BY THE DEPARTMENT OF TRANSPORTATION.

(c) Minor privilege permit.

Any outdoor dining located in the public right-of-way requires a minor privilege permit.



Proposed Amendments

(d) Required yard AND ROOFTOP DINING.

(1) Outdoor dining IN A NON-RESIDENTIAL ZONING DISTRICT may not be located in any required yard OR ROOFTOP that adjoins a residential ZONING district, unless an alley OR A STREET OF AT LEAST 20 FEET IN WIDTH ON THE SIDE IN WHICH THE OUTDOOR DINING IS PROPOSED is located between the use and the residential district.

(2) IF NO YARD IS REQUIRED OR IF NO ALLEY OR STREET IS PRESENT AS OUTLINED IN PARAGRAPH (1) OF THIS SUBSECTION, THE USE MUST MAINTAIN AT LEAST A 30-FOOT DISTANCE FROM THE PROPERTY LINE OF ANY ADJACENT NON-MIXED-USE RESIDENTIAL PROPERTY.

(e) Compactness.

An outdoor dining area LOCATED ON A PUBLIC SIDEWALK ADJOINING THE BUILDING STREET FRONTAGE SEEKING THE USE SHOULD BE AS COMPACT AS POSSIBLE AGAINST THE BUILDING WALL TO ALLOW FOR EASY CONNECTIVITY TO THE SIDEWALK ON THE REMAINDER OF THE BLOCK. [for an establishment must be as compact as possible by locating the outdoor dining area in a single portion of an establishment's frontage.]

(F) CONDITIONAL USE APPLICATIONS AND PERMITTING.

WHEN APPLYING FOR THE OUTDOOR DINING USE, CONDITIONAL USE APPLICATION, IF REQUIRED, AND USE PERMIT MUST BE ACCOMPANIED BY A SITE PLAN THAT SHOWS THE EXTENT AND LOCATION OF THE PROPOSED OUTDOOR DINING, INCLUDING ANY REQUIRED PEDESTRIAN ACCESS, CLEARANCE AND LOCATION REALLOCATED PARKING SPACES.



Thank You!!!

Questions/Discussion

