

6th General Text Amendment

Background

- Most Zoning Ordinance text amendments are limited in scope, dealing with one use or subject
- Since the last major rewrite of the Zoning Ordinance in 2005, there have been five broad-scope text amendments
- These “general” amendments help the Zoning Ordinance catch up with development trends or fix shortcomings
- The 5th General Text Amendment was codified in early 2018

Background continued

- Staff keeps an ongoing list of potential changes such as specific proposed developments, inconsistencies requiring correction, and requests from other city departments
- This amendment represents a selection from that list; generally non-controversial changes and too minor for their own amendment
- Two categories of change in this proposed amendment:
 - Substantive – policy change such as the allowability of a use or change to regulation
 - Non-substantive – no policy change, generally correcting inconsistencies

Proposed Substantive Changes – 13 total

- Planned Developments lapse of approval
- Lofts in R1 and R2
- Lofts and Mixed-Use Development in B2, B3, B4
- Body Art Facilities
- Brewpubs, Microbreweries, Small Distilleries, Small Wineries
- Miniature Golf
- Gateway Radial Thoroughfare Overlay areas
- Research and Testing Laboratories in B5
- Accommodation of overnight guests as home occupation
- Height bonus
- Loading space in alley
- Architectural and Site Design Standards
- Truck Stop Definition



Planned Development (PD) Approval Lapse

- Planned Development districts currently lapse three years after approval if the development is not completed
- Three years is generally not long enough to finish a large or complicated development
- Proposed amendment increases the time period from three years to five years
- Also make the lapse optional instead of mandatory
- When PD's have lapsed, there has not been a desire to revoke the approval. While the lapse would not be automatic, the option would be available if needed.

Allow Lofts conditionally in R1 and R2 Districts

- Lofts are defined as a dwelling unit in a building originally constructed for other than residential use
- Lofts are currently prohibited in R1 and R2 districts
- When non-residential buildings are located in R1 and R2 districts, they are difficult to repurpose and often require rezoning
- Allowing Lofts conditionally would encourage the reuse of existing buildings without expanding non-residential uses in residential areas

Allow Lofts and Mixed-Use developments by-right in B2, B3, B4 Districts

- Lofts and mixed-use developments are currently a conditional use in B2, B3, and B4 districts unless they are located in a Traditional Main Street Overlay (TMSO) area where they are by-right
- The Buildings, Safety Engineering, and Environmental Department (BSEED) rarely (if ever) denies these uses as a result of the conditional use process
- This change could encourage residential development on commercial corridors that may not be suitable for modern commercial developments
- Also propose to allow Lofts by-right in TMSO even when not combined with a commercial use

Allow Body Art Facilities conditionally in B2 and B3 Districts

- Body art facilities were formerly known as Tattoo Parlors and are currently prohibited in B2 and B3 districts
- In the past, these businesses have been considered an undesirable use which often contributes to a blighting effect, but tattoos have become more popular and socially acceptable in recent years
- Ordinance 37-17 eliminated the prohibition of this use on Gateway Radial Thoroughfares reflecting greater acceptance of this use
- This specific change was requested by City Council President Pro Tem James Tate to facilitate a proposal in District 1

Permissibility of Brewpubs, Microbreweries, Small Distilleries, and Small Wineries

- Allow conditionally in B2 districts where currently prohibited
- Allow by-right in B3 districts where currently prohibited (except allowed conditionally in Traditional Main Street Overlay areas)
- Allow by-right in B4, B5, and B6 districts where currently conditional (except for within the Central Business District where they are by-right)
- Allow by-right in M1, M2, M3, M4 districts where they are currently conditional (except for when they are not considered a regulated or controlled use when they are by-right)
- These uses do not have the same negative effects as other alcohol-related uses

Allow Miniature Golf Courses conditionally in SD1 and SD2 Districts

- Currently prohibited in SD1 and SD2 districts (allowed conditionally in B4; by-right in M1, M2, M3, M4 and TM)
- Outdoor recreation and entertainment uses were originally seen as too low density for mixed-use districts
- As SD1 and SD2 districts are used in more areas, it's apparent that they can be appropriate in certain areas and support neighborhood activity
- This proposed change is the result of a specific request near the intersection of Rosa Parks Blvd. and Atkinson St. (zoned SD1)
- Otherwise, it would require rezoning from SD1 or SD2 to B4 or M-district which may be counterproductive

Miniature Golf Courses

additional changes to provisions

- Miniature golf courses are strictly regulated
- Not allowed within 500 feet of residentially-zoned land unless a neighborhood petition is completed (similar to pawnshops, liquor stores, motorcycle clubs); propose to eliminate this restriction
- Two off-street parking spaces are required per hole; propose to require one off-street parking space per hole to better align with similar recreation uses (golf driving range requires one space per tee)

Gateway Radial Thoroughfare Overlay Areas

- Update definition to include B2 districts; originally the overlay only applied to B4 districts
- The Gateway Radial Thoroughfare Overlay (GRT) areas have prohibitions on certain uses that may be detrimental
- These prohibitions were not meant to be appealable to the Board of Zoning Appeals but because they appear in Article XII, they become eligible for appeals unless stated otherwise
- Propose to add prohibition on appeal to BZA for thirteen uses

Research and Testing Laboratories

- This use is allowed in B4 districts but is not allowed to utilize large animals
- Propose to expand this regulation to B5 districts
- Large animals would continue to be allowed in B6, M1, M2, M3, M4, M5, and TM districts

Accommodation of Overnight Guests as Home Occupation

- Currently prohibited as attempt to ban short term rentals in R1 and R2 districts
- Was determined to be too vague for enforcement by the Law Department
- A separate ordinance is under development to regulate short term rentals
- Propose to eliminate this prohibition from the zoning ordinance

Clarify Height Bonus

- Buildings in B3 and B4 districts which are located on streets wider than 80 feet are allowed extra height
- Currently stated as width of “street” which leads to confusion about whether the distance to be measured is the entire right-of-way or just the curb-to-curb street width
- Propose to replace “street” with “right-of-way” to eliminate confusion

Permissibility of Loading Space located in alley

- Currently, a required off-street loading space for a retail, service, or commercial use can be located in an open, adjacent alley
- Propose to expand this provision to residential uses

Architectural and Site Design Standards

- Clarify that all roof-mounted equipment on residential buildings must be screened
- Add a minimum thickness for the metal panels to be used on residential buildings
- Allow the Planning and Development Department to permit certain architectural metal panels on a case-by-case basis
- Add that the Design Review Committee can approve fiber cement and architectural metal panels in TMSO areas

Truck Stop Definition

- Current definition specifies that diesel fuel must be sold
- An existing business is receiving violations because they are providing truck stop services such as truck parking and overnight accommodations but does not sell fuel
- Propose to expand Truck Stop definition to include any combination of dispensing of fuel, minor repair facilities, convenience store, motor vehicle wash, restaurants, overnight parking, overnight accommodations, commercial showers



Non-Substantive Changes – 11 total

Non-Substantive Changes

- Sec. 50-4-131 – a list is referenced as seven items although there are only five; propose to strike “seven” to eliminate the issue entirely
- Sec. 50-8-142 – eliminate “business college and commercial trade school” from uses that are allowed conditionally in R5 as they are by-right
- Sec. 50-12-62, 50-12-63, 50-12-69, 50-12-70 – add uses that are currently permitted in R5 and R6 to the use table
- Sec. 50-12-81 – add “crematory or pet crematory” as allowed in PD Districts with legislative approval
- Sec. 50-12-226, 50-12-227, 50-12-307 – strike provision requiring accessory parking for certain uses as all uses are required to provide accessory parking

Non-Substantive Changes continued

- Sec. 50-12-336 – clarify requirements for food catering establishments in SD2 districts (by-right, no larger than 5,000 square feet, have at least 10% of the floor area as a retail store)
- Sec. 50-12-348 – eliminate the use regulation regarding research and testing laboratories in SD1 and SD2 districts as the use is not allowed in those districts
- Sec. 50-14-49 – correct and simplify the title of a section about parking requirements
- Sec. 50-14-58, 50-14-60 – move the parking requirement for auto sales from one category to another
- Sec. 50-16-402 – correct the year in the definition of “tobacco retail store” from 2099 to 2009
- Appendix Letters “G” and “S” – correct “victims” to “survivors” for shelters for survivors of domestic violence use to be consistent with the rest of the zoning ordinance

The End