



Legislation Details (With Text)

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On agenda: 2/16/2016 **Final action:** 2/16/2016
Title: Ordinance Amending Section 30-8-10.1(H), Multifamily Dwellings and 30-11-4, Exemptions and Reductions, of the Land Development Ordinance (LDO) to Allow Expanded Multifamily Options in the C-M, C-H and BP Zoning Districts

Sponsors:

Indexes:

Code sections:

Attachments: 1. LDO references for higher density mf in commercial districts.pdf, 2. presentation for City Council (2-2-16).pdf, 3. 10-21-15 PB minutes (MF in commercial districts text amendment).pdf, 4. 15-0916 ORD residential in CM, C-H & BP zoning districts changes TA.pdf

Date	Ver.	Action By	Action	Result
2/16/2016	1	City Council	adopt	Pass
2/2/2016	1	City Council	postponed	Pass
1/13/2016	1	Infrastructure Committee	refer	
12/8/2015	1	Infrastructure Committee	postponed	
11/17/2015	1	City Council	postponed	
11/12/2015	1	Infrastructure Committee	refer	

Ordinance Amending Section 30-8-10.1(H), Multifamily Dwellings and 30-11-4, Exemptions and Reductions, of the Land Development Ordinance (LDO) to Allow Expanded Multifamily Options in the C-M, C-H and BP Zoning Districts

Department: Planning
Council District: All Districts

Public Hearing: Yes
Advertising Date/By: November 5 and 12, 2015/City Clerk

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PURPOSE:

The purpose of the text amendment is to amend the Land Development Ordinance (LDO) to add an additional option for multifamily development, by right, in the Commercial-Medium (C-M), Commercial High (C-H) and Business Park (BP) zoning districts. The City Council is required to hold a public hearing on this amendment before considering its approval.

BACKGROUND:

Currently the Land Development Ordinance provides a number of options for multifamily development:

Residential Multifamily (RM-) zoning districts

- Allows multifamily dwellings, with densities ranging from 5 to 40 units/acre.
- May require rezoning from other districts and does not allow commercial uses

Planned Unit Development (PUD) zoning district:

- Allows multifamily dwellings with no maximum density
- Also allows commercial uses through integrated development
- Requires rezoning that includes a PUD Zoning Concept Plan
- Also requires a Unified Development Plan (approved by Planning Board) after rezoning approval.

Mixed Use (MU-, AO, UMU, NS) zoning districts:

- Allows multifamily dwellings with no maximum density.
- Project must include a minimum of 30% square footage for both residential and nonresidential components. Requires rezoning.

Multifamily in Commercial (C-M, C-H and BP) Zoning Districts:

- Allows multifamily development but limited to no more than 33% of the total gross floor area for the site, at all points of development.
- This 33% cap is waived for multiple use buildings where non-residential uses occupy the first floor and residential is limited to upper stories.
- Multifamily only buildings are also allowed in the C-M zoning district on lots less than 1 acre in size if supportive commercial services are located within 1/8 of a mile and directly accessible via pedestrian and vehicular connections.

The proposed text amendment below is a result of staff conversations with multiple commercial and residential developers that began in Spring 2015 looking at means to better use older commercial sites, particularly along key commercial corridors and areas of the city where increased density and mixed development can easily be accommodated with existing public infrastructure.

This proposed text amendment also waives the 33% cap on gross square footage for multifamily development, allowing multifamily only buildings by right, with no restriction on lots size and based on the following framework:

- The residential component is integrated into an existing commercial development and includes interconnectivity (vehicular and pedestrian) between the residential and non-residential components;
- The residential component has an architectural design that is integrated with the existing commercial building(s);
- The development is organized as an integrated multiple use development (IMUD) (See Sec. 30-9-2) if involving more than one lot;
- The development is directly accessible from a thoroughfare and is either:
 - Located within an activity center or reinvestment corridor as defined by the Comprehensive Plan; or
 - Directly accessible to an existing or planned greenway shown on the adopted BiPed Plan;or
 - Is located within 1,320 feet of a usable portion of a public park as measured along a system of public sidewalks and crosswalks.

If a site desired for expanded multifamily development does not meet the predetermined location framework noted above this text amendment also allows the option to request a Special Use Permit. Special Use Permits are designed for uses that may make sense within a particular zoning district but only with additional evaluation through a public hearing process. As example the LDO currently requires a Special Use Permit for Tourist Homes/Bed and Breakfasts in single family zoning districts and for the storage of chemicals or petroleum products in industrial zoning districts.

Approval of a Special Use Permit requires a quasijudicial public hearing with decision based on specific findings of fact:

- That the proposed use will not be detrimental to the health or safety of persons residing or working in the vicinity or injurious to property or improvements in the vicinity;
- That the proposed use at the particular location provides a service or facility that will contribute to the general well-being of the neighborhood or the community; and
- That the location and character of the proposed use will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan.

This text amendment was originally reviewed by the Planning Board at its September 16, 2015 meeting. Based on discussion and questions raised during the hearing the Board elected to continue the hearing to allow staff time to evaluate a proposed change to the text presented at the meeting and to address questions related to recreation and the structure of developments under these provisions. Staff ultimately concluded the proposed change from the speaker would not meet the intent of the ordinance and could be problematic when applied on a citywide basis. Staff did add clarifying language on when an Integrated Multiple Use Development was required and which standards would be used for determining minimum open space requirements for new multifamily development.

The Planning Board completed the public hearing on this text amendment (with staff changes) at its October 21, 2015 meeting. Following the public hearing the Planning Board voted unanimously (7-0) to recommend approval of this text amendment as presented at the October meeting.

BUDGET IMPACT: There will be no impact on the current or future budgets.

RECOMMENDATION / ACTION REQUESTED:

The Planning Board recommends **approval** of this text amendment.

Staff **recommends** approval of this text amendment.

COMMITTEE ACTION: This item was referred for postponement to the December 8, 2015 meeting of the Infrastructure Committee for review and for postponement at the November 17, 2015 City Council meeting without further advertising.

This item was referred to Council by the Infrastructure Committee on January 12, 2016.