

DATE: Prepared April 13 for April 21, 2011 meeting

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department

FROM: Greg Smith, Director, Current Planning Division

ITEM AND ISSUES

Chapter 14 Rewrite Amendments. Consideration of amendments to three sections of Chapter 14 SFCC 1987 Land Development as recommended by the Planning Commission Chapter 14 Rewrite Subcommittee and by staff: 1) 14-6 Permitted uses and Use Regulations; 2) 14-3.6 Special Exceptions; and 3) 14-3.8 Development Plans (Greg Smith, case manager)

RECOMMENDATION

After conducting a public hearing, the Commission should recommend that the governing body adopt proposed amendments to sections 14-6 and 14-3.8 of Chapter 14 SFCC 1987 as recommended by the Planning Commission Chapter 14 Rewrite Subcommittee and by staff. No further amendments section 14-3.6 are recommended.

SUMMARY ANALYSIS

Section 14-6 lists the types of uses allowed in the various districts, and includes specific use regulations for certain type of uses, including mobile home parks, home occupations, accessory dwelling units and other accessory uses. Use regulations for telecommunication facilities are also included in 14-6, but those regulations are being amended separately from this rewrite project. Recommended amendments include consolidating some categories of uses; adding requirements for review by the Board of Adjustment for most types of nonresidential uses located in residential districts, and adding new subcategories to the “eating and drinking establishments” category.

Section 14-3.8 currently includes procedures for approval of development plans, which involves the Governing Body, the Planning Commission, the Business Capitol District Design Review Board, the Board of Adjustment and staff. Recommendations include several simplifications, including eliminating requirements for projects to be reviewed by both the Planning Commission and the

Board of Adjustment; eliminating some development plan review requirements in master-planned districts; and making the preliminary development plan step optional.

As noted at the previous staff reports, this hearing is the last of a series of hearings that are part of the project to extensively reorganize and rewrite the land development regulations, Chapter 14 of the municipal code. After this hearing, the Commission and staff recommendations will be presented to the Governing Body for adoption. Staff will finish compiling the Commission recommendations and do technical editing for consistency before the Governing Body considers the amendments.

SUMMARY OF PROPOSED AMENDMENTS

Proposed amendments are shown in the attached public hearing draft of the new regulations. In all cases, the proposed version of the regulations is shown in the body of the text. In most cases, the current (old) text is shown in “~~strikeout~~” type. Due to the number of formatting changes, however, it is not possible to show all changes in that format. Marginal comments in text balloons also help to explain changes.

Changes to clarify language, to make it simpler to find the type of regulation the user is looking for, and to eliminate repetition, are made throughout the revised text. The most important changes are summarized below.

14-6 Permitted uses and Use Regulations

14-6.1 Table of Permitted Uses. Various mostly minor changes, several categories relocated/consolidated.

The most significant change is the addition of a symbol (P*) that designates uses that are permitted in most locations within a zoning district, but that would require approval of a special use permit by the Board of Adjustment if the use is located within 200 feet of a residential district (drive-through restaurants, for example).

Also, nearly all non-residential uses that are allowed in residential districts have been placed in categories that require special use permit reviews. Previously, many of those uses did not require a public hearing as long as the new construction involved less than 10,000 square feet of floor area.

Staff is continuing to work on refinements to the various residential care/extended care/continuing care community use categories, and to eliminate conflicts in the listings of mini-storage units. These will be handled as part of the technical editing by staff.

The current category of “eating and drinking establishments” has been broken down into six new categories, distinguishing between uses that have drive-through facilities, bars, and outdoor entertainment.

Distinctions between public and private schools have been eliminated.

The listing of districts where sexually oriented businesses are permitted is being adjusted. The basic provision for those uses prohibits them in any district where residential uses are a permitted use. By adding residential uses as allowed uses in the SC districts, those districts are removed from the possible locations for adult businesses. Also, the I-1 district is added back to the list of districts where adult businesses are permitted; that district was apparently removed as a codification error.

14-6.2 (A) Use Specific Standards - Residential. Few significant changes are proposed. Note that development standards for mobile home parks have been relocated to 14-7, and obsolete provisions regarding nonconforming mobile home parks have been eliminated.

14-6.2 (B) Use Specific Standards – Public, Institutional and Civic Uses. Obsolete provisions have been eliminated regarding hospital master plans, reserving lots in subdivisions for day care operations and public/private school minimum lot sizes.

14-6.2 (C) Use Specific Standards – Commercial Uses. Special provisions for expansion of hotels and motels located in RM districts are eliminated. Those uses have been prohibited in RM districts for over 20 years, and staff is unaware of any requests for expansion requests from the few nonconforming businesses in that category.

14-6.2 (D) Use Specific Standards – Industrial Uses. No significant changes are proposed.

14-6.2 (E) Use Specific Standards – Telecommunication Facilities. As noted above, amendments to this subsection are under consideration separately from the rewrite process.

14-6.2 (F) Use Specific Standards – Electrical Facilities; (G) Underground Electric, Telecommunications and Cable Utility Lines. No significant changes to these relatively new sections of the code.

14-6.2 (H) Use Specific Standards – Agricultural Uses. No changes to these regulations, which were amended on 2009.

14-6.2 (I) Use Specific Standards – General Provisions. General language concerning master plans and development plans is relocated to this new subsection.

14-6.3 Accessory Uses or Structures.

- Clarification that multiple principal uses are allowed (as opposed to only one principal use and all other uses treated as accessory uses).
- Change to square footage limits for accessory dwelling units, to be based on lot coverage rather than on “footprint.” Allows more flexibility for porches, etc.

14-6.4 Temporary Uses or Structures. One significant change is recommended: structures that remain in place for thirty days (ninety days in residential districts) will be treated as permanent structures, whether or not they are attached permanently to the ground or constructed of lightweight or non-durable materials. This change addresses problems with regulating

“temporary” structures such as storage sheds and carports in residential districts, “tent” structures in commercial districts, that often remain in place indefinitely.

The subcommittee considered, but did not agree to adopt, various other regulations for temporary and intermittent uses such as food carts and holiday sales. These will be the topic of a future, separate amendment process.

14-8.6 Parking Ratios. Amendments to the table of parking ratios were studied by staff, and were to come back to the Commission with the revisions to allowed uses. However, staff was unable to locate any reliable recent studies by other jurisdictions, and current staffing resources do not allow an extensive local study by city staff. Technical amendments will be made to the table, but parking rates will otherwise not be revised.

14-3.8 Development Plans

Several changes are proposed, most of which were identified in the staff report to the Commission regarding other portions of 14-3.

- Most application requirements are deleted, and will be included in administrative checklists and/or an appendix to Chapter 14.
- Multiple hearings at the Board of Adjustment and Planning Commission for the same project are eliminated. Any special use permit application that is reviewed concurrently with a development plan application will be acted on the Planning Commission.
- Preliminary development plans will be made optional; the applicant may request approval of a final development plan to remove the extra hearing, and the Commission and Governing Body will decide whether to approve or deny the project based on the level of plan submitted. This potentially eliminates one development plan hearing for projects in the PUD, PRC, BIP, MU, PRRC and SC districts.
- Similarly, the applicant may submit a development plan instead of a master plan for rezoning hearings. This potentially eliminates one hearing when small tracts of land in the BIP, MU, PRC, and PRRC districts are rezoned and developed.
- Findings for approval of development plans and master plans are added, and the scope of review and scope of conditions of approval are spelled out.

Attachments

Hearing Drafts 14-6 Permitted Uses and Use Specific Regulations; 14-3.8 Development Plans