

DATE: April 28, 2021
TO: Mayor & City Council
FROM: Planning Director *LA*
SUBJECT: Zoning Ordinance Amendment
Retired Zoning Districts



SUGGESTED ACTION

Recommend approval of the amendments as discussed.

Planning Commission conducted a public hearing on 4/19/2021 and recommended approval (5-0) of the amendments as presented.

DISCUSSION

- The Residential Multi-Family (RM) Zoning District was retired in 2020.
- No new zoning applications will be accepted for a retired zoning district but there are currently a number of parcels in the city with the RM zoning classification.
- Rather than force them to rezone their property for future development, this amendment which includes a new appendix D for retired zoning districts provides a framework to regulate properties which were zoned RM prior to the ordinance change.
- Other amendments are proposed where the RM district was referred to in various sections of the zoning ordinance:

Amendment 1

Article 10, Section 1000, Shall read as follows:

Location. An SRD shall be located within a RS100 or ~~RM~~ R36 Zoning District.

Amendment 2

Article 10, Section 1003. MIXED USE DEVELOPMENTS, Shall read as follows:

E. TYPES OF MIXED USE DEVELOPMENT

Commercial Office Residential District (COR)

4. Uses allowed inherently. Two or more of the following uses shall be present and allowed inherently within the development:

- a. All uses inherently allowed in the following districts: RS200, RS 175, RS150, RS 100, ~~RM~~ R36, OI, HSB, and BG provided that the following uses shall not be allowed: auto repair shops or tire stores including lubrication or tune-up centers (full service and self service); convenience stores; gasoline stations, service stations, and carwashes; group and congregate personal care homes; mobile building; automotive sales lots and associated service facilities (new or used); boarding and rooming houses; equipment rental; mini warehouse/personal storage facilities; moving van or truck rental facilities; taxi/limousine service; transportation terminals for passengers; facilities engaging in the business trade or profession of psychic reading, fortune telling, astrology,

phrenology, palmistry, clairvoyance, or other related practices, mortuaries, cemeteries and mausoleums.

5. Restrictions of the allowable uses: The following is a set of restrictions placed on the above listed inherently allowed uses:

a. A minimum of 20% of the land area shall be dedicated or set aside as common open space. Amenity packages for the residential portions of the development may be included within the 20% open space requirements.

b. Uses inherently permitted in the ~~RM~~ R36 district may not exceed 20% of the land area.

Amendment 3

Appendix D attached.

Amendment 4

Delete footnote #6 from Table 9.1.

Table 9.1 – Lot and Building Dimensional Standards

DSt.	Mn. Lot Area (Sq. Ft.)	Max. Density ⁽⁵⁾ (Units / Acre)	Mn Dwelling Unit Size (Sq. Ft.) Single Story / Two Story or more	Mn. Lot Width (FL)	Setback from				Max. Height (FL)	% of Lot Coverage ⁽¹⁾
					Right-of-way (FL) Major Street	Collector Street	Mn. ⁽⁵⁾ Side Yard (FL)	Mn. ⁽⁵⁾ Rear Yard (FL)		
AF	40,000 ⁽²⁾	1.5	2,000 / 2,400	100	60	50	20	35	35	30
RS-200	20,000 ^(2,3)	1.8	2,000 / 2,400	100	45	35	10	35	35	40
RS-175	17,500 ^(2,3)	2.1	1,900 / 2,200	100	45	35	10	35	35	40
RS-150	15,000 ^(2,3)	2.5	1,700 / 2,000	100	45	35	10	35	35	40
RS-100	10,000 ^(2,3)	3.7	1,600 / 1,800	70	45	35	10	30	35	40
RS-72	7,200 ^(2,3)	6	1,600 / 1,800	55	45	35	10 ⁽²⁾	30	35	80 ⁽¹⁰⁾
R36	Varies, Refer to Appendix C.	8 ⁽⁴⁾	Varies, Refer to Appendix C.	Varies, Refer to Appendix C.						80 ⁽¹⁰⁾
MH	20 Acres	-	600	40	30	20	10	5	35	35
OI	10,000 ⁽²⁾	-	-	50	50	40	10	30	35	N/A
HSB	10,000 ⁽²⁾	-	-	70	50	40	10	30	45	N/A
BG	NONE	-	-	60	40	30	10 ⁽⁷⁾	30 ⁽⁷⁾	45	N/A
LM	NONE	-	-	100	50	50	20	20	50	N/A
HM-1	NONE	-	-	100	50	40	20	20	70	N/A
HM-2	43,560 ⁽²⁾	-	-	100	50	50	20	20	50	N/A

- 1 Includes principal and accessory buildings but not pavement areas. Not applicable (NA) to non-residential zoning categories. Maximum % lot coverage shall be controlled by engineering and site design requirements found in the city's Subdivision Regulations and other applicable land use policies.
- 2 No portion of any lot which is flooded by a 100-year recurrence interval storm event may be counted as part of the required minimum lot area.
- 3 No subdivision lot which contains less than fifty percent (50%) of the minimum lot area required by the applicable Zoning District or eight thousand (8,000) square feet, whichever is greater, located above the base flood elevations shall be approved. All area above the flood elevation used to satisfy this requirement shall be contiguous and shall not be separated by any flood area.
- 4 Maximum density may be increased to twelve (12) units per acre if the project includes driveways and garages with alley access only and at least one on-street parking for 30% of the total number of units.
- 5 Buffer zones are required in addition to side and rear yard where an office-institutional, business, manufacturing or industrial use abuts a residential District and where a multi-family or mobile home use abuts a single-family residential District.
- 6 Density calculations shall exclude 50% of the land that is within a flood hazard area or within an electrical transmission, natural gas or petroleum pipeline easement.
- 7 Side yard required only if a butting District requiring side yards.
- 8 The minimum setback adjoining a residential Zoning District is one hundred twenty (120) feet.
- 9 Side yard only required between dwellings which do not share a common wall.
- 10 For fee simple lots surrounded by common property outside of the building footprint the maximum lot coverage applies to the gross land area of the project or subdivision.

ATTACHMENTS

Appendix D

Additions have been shown in double underline text.

~~Deletions have been shown in stricken text.~~

Appendix D. Inactive Zoning Districts

Section D-10: This appendix is provided as reference for projects in zoning districts that have been retired with adoption of an amendment to the zoning ordinance. No new zoning application, or variance applications, will be accepted for a retired zoning district, however, properties governed by these pre-existing zoning classifications may continue to be developed in accordance with the use provisions and dimensional standards outlined in this appendix.

Residential Multi-Family (RM) – Retired 10/22/2020

Section D-20

Residential Multi-Family District provides for multi-unit structures which are attached housing at a net density not to exceed eight (8) units per acre, and high-density single family residential, providing eight thousand (8,000) square foot minimum lot sizes. Includes areas where higher density and/or multifamily development is appropriate. The regulations for this district are designed to provide an area where individuals and families may establish homes in an environment which satisfies their needs for convenience and economy.

This zoning district is to be located where public water supply and waste water treatment facilities are available or can be obtained and where there is convenient access to collector streets, major thoroughfares or state or interstate highways. The purpose of this district is to promote better utilization of land and freedom of architectural and engineering design without maximizing density.

Section D-21 Principal and Accessory Uses

This section identifies the specific uses to which land and structures may be put in the RM zoning district, including uses allowed by right (A), uses allowed by right subject to certain restrictions (A-R), and uses for which special use approval is required (SU).

Principal Uses

RM

Barber and beauty shops.	A
Boarding and rooming houses.	SU
Child care facility.	A-R
Church, temple and synagogue, restricted.	A-R
Church, temple and synagogue, unrestricted.	SU
Dwelling, Attached (townhouse).	A-R
Dwelling, Multiple (apartment house and condominium).	A-R
Dwelling, Single-Family.	A-R
Dwelling, Two-Family (Duplex).	A-R
Foster home.	A
Half-way house.	A
Institutional house for the handicapped.	A
Lodge, dormitory, fraternal and social organization with housing.	A-R
Orphanage.	A
Park and other similar public and semi-public building and land use.	A

Retirement community (To include nursing home, cafeteria, care facilities and accessory uses).	A
Shelter, residential and community.	SU
Utility structure.	A-R

Restrictions on principal uses.

Childcare Facility.	Must comply with all state day care and health department requirements. At least one hundred (100) square feet of outdoor play area shall be available for each child occupying the play area at any one time. Groups of children may be rotated if necessary so that one hundred (100) square feet per child is provided at all times. Play area shall be surrounded by a permanent wall or fence having a height of at least four (4) feet. Includes daycare, nursery school and kindergarten facilities.
Church, temple and synagogue, restricted.	<ol style="list-style-type: none"> 1. Shall be located on a site of not less than five (5) acres with 250 feet of road frontage. 2. The buildings shall be located not less than 50 feet from any street and not less than 30 feet from any side or rear property line. 3. If adjacent to residentially-zoned property, a buffer of at least 50 feet wide shall be provided along the property lines adjacent to said zoning, provided, however, that this buffer may be reduced to no less than 20 feet in width adjacent to the sanctuary building or "Sunday School" educational building and parking related to these buildings. 4. A church, temple or synagogue located in a manufactured building may be erected on the property for a period not to exceed three (3) years.
Dwelling, Attached; Dwelling, Multiple; Dwelling, Single Family; and Dwelling, Two-Family.	<ol style="list-style-type: none"> 1. Simple massing is preferred and should be used with stoops, porches, galleries, arcades, roof eaves, and balconies to provide expressive character over excessive articulation of building massing and shape. Roof lines shall not be overly complex and should typically not overlap be simple proportions 1:1, 2:1, 3:2 or 4:3. 2. Windows and façade articulations should be placed in a regular pattern and relate to doors, columns, and other façade articulations.

	<p>3. If used, shutters shall be sized exactly half the size of the window. Curved shutters must match the curve of the window. Shutters must be mounted directly to the casing with proper shutter hardware.</p> <p>4. The following architectural design conditions are prohibited: Material changes on outside corners. Recessed front porches. More than two principal building materials. Chimneys on outside walls that do not extend completely to the ground.</p> <p>5. Attached front entry garage doors shall be recessed from the building line a distance of at least 1/4 the depth of the principal building and shall be no more than 9' in width.</p>
<p>Lodge, dormitory, fraternal and social organization with housing.</p>	<p>1. Shall be located on a major or collector street;</p> <p>2. Buildings shall be located not less than fifty (50) feet from any property line.</p> <p>3. A buffer strip at least ten (10) feet wide shall be provided along the side and rear property lines, planted with evergreen trees and shrubs that provide an effective visual screen.</p>
<p>Utility structure.</p>	<p>1. Such as electric transformer stations, telephone exchanges, gas regulator stations, water and wastewater pumping stations, and water tanks may be located in any zone as necessary to serve the public interest.</p> <p>2. Any building or structure, except a surrounding fence, shall be set back at least thirty (30) feet from any property line.</p> <p>3. The facility shall be completely surrounded by a woven wire fence at least eight (8) feet high.</p> <p>4. When located in any residential zoning, the facility shall be furnished with a planted buffer not less than ten (10) feet wide to create an effective visual screen on all sides bordering residential or office-institutional property</p> <p>5. The facility may not be used for office space, storage space, or for the storage of vehicles or equipment.</p>

Accessory Uses

RM

Accessory building / use, customary residential.	A-R ⁽¹⁾
Beauty parlor or barber shop.	SU
Child care facility located in a church.	SU-R
Child care facility.	A-R
Compressed natural gas refueling appliance.	A-R
Dwelling Unit, Accessory.	A-R
Dwelling Unit, Efficiency.	A-R
Home occupations, customary.	A-R ⁽²⁾
Household pets, raising and keeping.	A
Parking lot.	A
Parking structure.	A
Recreational facility, residential neighborhood.	A-R
Residential or community shelter associated with a church.	SU

Restrictions on accessory uses.

<p>Accessory building, minor.</p>	<p>Shall be less than 240 square feet of floor area and shall be finished to match the exterior of the principal building(s). Buildings larger than 120 square feet shall be constructed of wood, fiber-cement, brick or stone siding. Buildings allowed within the front or side yard by special use approval shall be constructed of wood, fiber-cement, brick or stone siding; finished to match the exterior of the principal building(s); shall meet the minimum setback from right-of-way and side yard requirements for the underlying zoning district; and shall be maintained in accordance with all other applicable city ordinances and regulations.</p>
<p>Accessory building, major.</p>	<p>All accessory buildings 240 square feet of floor area or more shall be constructed of wood, fiber-cement, brick or stone siding; finished to match the principal building's exterior; shall meet the minimum setback from right-of-way and side yard requirements for the underlying zoning district; shall be setback at least ten (10) feet from the rear property line; and shall be maintained in accordance with all other applicable city ordinances and regulations.</p>
<p>Child care facility, located within a church.</p>	<p>Must comply with all state day care and health department requirements. At least one hundred (100) square feet of outdoor play area shall be available for each child occupying the play area at any one time. Groups of children may be rotated if</p>

	necessary so that one hundred (100) square feet per child is provided at all times. Play area shall be surrounded by a permanent wall or fence having a height of at least four (4) feet.
Child care facility.	Must comply with all state day care and health department requirements. At least one hundred (100) square feet of outdoor play area shall be available for each child occupying the play area at any one time. Groups of children may be rotated if necessary so that one hundred (100) square feet per child is provided at all times. Play area shall be surrounded by a permanent wall or fence having a height of at least four (4) feet.
Compressed Natural Gas Refueling Appliance	Slow fill type only. Use shall be limited to the principal residence or business. No retail sales or distribution allowed. Dispenser and appurtenances shall be screened from view with fencing or landscaping to be approved by the City Manager. Installation shall be permitted and constructed in accordance with all other applicable regulatory requirements.
Home occupation, customary.	Refer to Section 607.
Recreational facility, residential neighborhood.	<ol style="list-style-type: none"> 1. Public and semipublic playgrounds, parks, lakes, and buildings, operated on a non-profit basis for recreational and public community purposes only. 2. Special use permit shall not be required for such facilities if they are to be located on an area reserved or dedicated for such use on a final recorded subdivision plat.

Section D22 – Lot and Building Dimensional Standards

Dist.	Min. Lot Area (Sq. Ft.)	Density ⁽⁶⁾ (Units / Acre)	Min Dwelling Unit Size (Sq. Ft.) Single Story / Two Story or more	Min. Lot Width (Ft.)	Setback from					Max. Height (Ft.)	Max. % of Lot Coverage ⁽¹⁾
					Right-of-way (Ft.)		Min. ⁽⁵⁾ Side Yard (Ft.)	Min. ⁽⁵⁾ Rear Yard (Ft.)	Max. Height (Ft.)		
					Major Street	Collector Street					
RM	N/A	8	1,000 / 1,400	N/A	45	35	10	20	35 ⁽⁴⁾	50	

- 1 Includes principal and accessory buildings but not pavement areas.
- 2 No portion of any lot which is flooded by a 100-year recurrence interval storm event may be counted as part of the required minimum lot area.
- 3 No subdivision lot which contains less than fifty percent (50%) of the minimum lot area required by the applicable Zoning District or eight thousand (8,000) square feet, whichever is greater, located above the base flood elevation shall be approved. All area above the flood elevation used to satisfy this requirement shall be contiguous and shall not be separated by any flood area.
- 4 The maximum number of stories is two for any multi-family bldg.
- 5 Buffer zones are required in addition to side and rear yard where an office-institutional, business, manufacturing or industrial use abuts a residential District and where a multi-family or mobile home use abuts a single-family residential District.
- 6 ~~Density calculations shall exclude 50% of the land that is within a flood hazard area or within an electrical transmission, natural gas or petroleum pipeline easement.~~
- 7 Side yard required only if abutting a District requiring side yards.
- 8 The minimum setback adjoining a residential Zoning District is one hundred twenty (120) feet.