



SUMMARY SHEET

Presenter/Submitted By: Planning Chair Ellsworth

Subject:

1. Presentation of the "Town Center Zone" Ordinance by the Planning Commission and schedule a public hearing for said ordinance

Work Session?

Yes

No

Meeting Date:

7/16/19

Fiscal Impact:

n/a

Funding Source:

n/a

Background:

A developer has asked for an ordinance like this to rezone an area to so he can develop it. The Planning Commission will hold a Public Hearing for this ordinance on August 14, 2019. After which the Council must hold a public hearing. I suggest August 20, 2019 so there only has to be one notice for both hearings.

I have made some comments on the Town Center Zone ordinance drafted by the Planning Commissioners. There are some things I question and I have highlighted the Zoning General Provisions Chapter because Section 6 requires the set backs to conform with the Visual Traffic Clearance Triangle and the TC draft ordinance has a corner set back of zero feet.

Section 9 of Chapter 3 is in regards to parking. I believe, if the TC ordinance is adopted section 9 will need to be amended.

Attachment(s):

Draft Town Center Zone ordinance and Title 10, Chapter 3 – General Provisions

Recommendations from staff, attorney, etc:

To make amendments to the draft ordinance as you see fit (no motion required yet) and to schedule the Council Public Hearing for 8/20/19.

Recommended Motion: To schedule a public hearing on the Town Center Zone ordinance for August 20, 2019 at 6:30 p.m.

TOWN CENTER ZONE (TC)

Sections:

1) Purpose.

The Town Center Zone (TC) is designed to encourage infill and redevelopment opportunities while creating a mix of retail, office, and residential uses. Commercial uses are limited to convenience retail, service, and professional offices. The TC zone is intended to provide a focal point for neighborhoods that accommodates neighborhoods ^{with} serving retail, service, and residential uses in compact, walkable urban form.

according to
5/11/19 minutes



cafe or
restaurant

The following are generally appropriate form elements in this Zone:

- Attached
- Medium to Large Footprint
- Simple Wall Plane along Street
- Buildings at the ROW
- Small to No Side Setbacks
- Up to 5 Stories
- Diverse Mix of Frontages

2) Vertical & Horizontal Structure of Land Uses.

The design and functioning of the areas in the mixed-use zone may be designed to achieve either a ^{vertical} vertical or horizontal structure of activity in the zone.

a) Vertically Mixed:

The following broad categories generally describe the character of the vertical structure in the TC zone.

- i) Ground-Floor uses shall be a minimum (75%) commercial office or retail uses.
 - (1) Where development plans may include multiple structures, this requirement may be calculated against the total ground floor space of the development, instead of each individual building, as allowed by the Planning Commission and City council.
 - (2) 100% residential use may be allowed by Planning Commission and City Council.
- ii) The dominant orientation of doors and windows shall be toward the public streets and Common Areas.
- iii) Individual or shared entrances for upstairs residential units may be located at the first-floor level, with parking garage access at the side, rear or underneath the structure.
- iv) Plazas may be located adjacent to the public streets.
- v) Upper floor uses may contain offices and residential dwelling units, including home occupations as permitted.
- vi) Balconies, decks, and rooftop gardens are encouraged.

(see purpose) why?

b) Parking.

Sunset City desires to encourage the redevelopment of smaller sites by providing a more flexible approach to parking and to make efficient use of available on-street parking. Shared use parking shall be encouraged. The amount of off-street parking required may be reduced by an amount that can be demonstrated may be in demand at different intervals of time throughout the day.

Total parking requirement for mixed-use developments may be reduced with "shared" spaces dedicated to residential in the evening and retail or commercial use during daytime hours. There must be a mitigation or management measure in place to accommodate this, such as permit parking, stall monitoring, or other management measure approved by the planning commission and city council

Minimum Required Residential On-Site Parking:

1 Bedroom or Studio:	1 Space
2 Bedroom Unit:	2 Spaces
3 Bedroom Unit or more:	2 Spaces
Guest Parking:	1 space per 8 units

*BMU ord. requires
1 1/2 spaces for 1 bedroom
units*

Minimum Required Commercial/Retail On-Site Parking:

2 Spaces per 1,000 square feet (No additional parking is required for a change of use in an existing building, even where the existing parking may be nonconforming. Additional parking must be provided in accordance with these standards for any building addition that adds new habitable or leasable floor area. Amount of additional parking shall be calculated based upon new square footage only.

c) Permitted Materials

Primary building materials shall be a mix of durable materials and project an image of permanence. Appropriate materials include, but are not limited to:

- i) Brick, stone, or other masonry products;
- ii) Steel;
- iii) Stucco;
- iv) Cast concrete;
- v) Split face block;
- vi) Composite siding;
- vii) Steel, corrugated metal;
- viii) glass; or
- ix) ~~or~~ other comparable material as proposed by builder.

d) Prohibited and Conditional Uses.

The following uses are expressly prohibited:

- i) Industrial uses, including fabrication, manufacturing, and warehousing.
- ii) Drive-through Services.
- iii) Utilities.
- iv) Automobile, truck, recreational vehicle storage, repair, fuel and/or sales.

The following uses will require Conditional Permit:

- i) Retail, Dining, or Entertainment Uses requiring a floor area of 10,000+ sq ft.
- ii) Animal Boarding.
- iii) Day Care or Other Care Facilities.
- iv) Recreation Facilities.
- v) Medical and recreational drug, marijuana, tobacco, e-cigarette, or vape production, distribution, dispensary, or sales facilities.

Until parcels require a new Conditional Use Permit, are developed, or re-developed, existing uses and parking are permitted within the TC Zone.

e) Development requirements.

Development requirements for The Town Center Zone are provided on Table TC-1.

Table TC-1:

i) Lot Dimensions	
Lot Area	2,500 sqft min
Lot Width	25' min, 180' max
Maximum Lot Coverage	80% max
Frontage Build-Out	60% min, 90% max
ii) Primary Building Placement	
Front Setback (Public Road Frontage)	0' min
Side Setback - Corner/Alley	0' min <i>see ord. 10-2-6 Visual Traffic Clearance Triangle</i>
Side Setback - Interior	0' min
Rear Setback	0', 15' adjacent to neighborhood
Rear Setback from Alley	0' min
Attached Garage/Carport Setback (From Front Façade)	0' min
iii) Accessory Building Placement	
Front Setback	40 ft max from rear property line
Side Setback - Corner/Alley	0 - 3 ft min
Side Setback - Interior	0 - 3 ft min
Rear Setback	3 ft min
Rear Setback from Alley	15'

Detached Garage/Carport Setback (From Front Façade)	Min required by fire code
IV) Habitable Accessory Building	
Front Setback	15' min 25' max
Side Setback - Corner/Alley	6' min; 0' if attached
Side Setback - Interior	6' min; 0' if attached
Rear Setback	10' min
Rear Setback from Alley	0' min
Attached Garage/Carport Setback (From Front Façade)	0' min
v) Building Form	
Primary Building Height	2 Stories min, 5 Stories Max
Accessory Building Height	2.5 Stories or 35'
Habitable Accessory	2.5 Stories or 35'
Within 20' of rear lot line, buildings are to be no more than 1 Story taller than the height of adjacent buildings. Buildings can then tier up 1 story for every 20' farther from the lot line.	
vi) Parking Pad Location	
Front Setback	Mixed Use: max 10% req'd parking 15' min setback, 90% must be 40' setback. For a 100 % Res use: 100% 40' min Setback. → ?
Side Setback - Corner/Alley	8' min, including buffer
Rear Setback	3' min with a required buffer
vii) Encroachments	
Shopfront Awning	Allowed to the back of curb.
Architectural Features	3' Max
Signage	Allowed. See ^{Signage} signage code xx:xx Title 9, ch. 6

- Arterial*
- i) At corner locations, the ~~public~~ ^{Arterial} road shall be deemed the front, and a principal public entrance door(s) shall be located in the front wall facing the ~~public~~ ^{Arterial} street or at the corner of the block adjacent to the sidewalk.
 - ii) Sidewalks may be used for patron seating areas appurtenant to a permitted or conditional use, when such outdoor use area designation is approved in accordance with the conditional use permit standards in this chapter.
 - iii) No building or associated parking and loading areas shall be permitted to encroach within or otherwise limit off-street vehicular circulation via shared drive aisles approved in conjunction with submitted development plans.
 - addressed under building form* iv) ~~Building heights should be stepped or weighted so that they are taller towards public roads and shorter closer single-family residential neighborhoods.~~
 - v) Height restrictions contained herein do not include roof top amenities such as roof top gardens, hand rails, pergola's, stair cases, elevators, air conditioners, etc.
 - vi) Taller buildings may be approved by the planning commission ~~at the approval of planning commission and city council.~~ Approval may include specific adjustments to setbacks and limitations on building volume, particularly for upper stories.
 - vii) Any buildings wider than 150' must be designed to read as a series of buildings no wider than 75' each.
 - viii) Loading Docks, Overhead Doors, and other service entries shall be screened and not to be located on primary street facades.
 - ix) A building form with a chamfered corner is allowed only on corner lots and only if a corner entry is provided.

~~f~~ b) Street Scape/Landscaping/Sidewalks.

Along public streets, all mixed use developments shall incorporate all of the following:

according to 6/12/19 minutes

- (1) Street Trees, ~~in-grates or raised planters~~, evenly spaced between lamp posts at minimum 35' intervals.
 - (2) Lamp posts every 100 feet.
 - (3) 10' wide sidewalks from the back of curb (owner's right of way is included in this calculation).
 - (4) Parking lot/parking garage screening and/or vegetative screening.
- i) Landscape walls shall have a masonry or stucco finish.
 - ii) No planting strips allowed between sidewalk and building.

Trash and Refuse containers shall be concealed behind buildings and away from public streets, but not within 10' of residences. Dumpsters shall be stored either:

- i) Within a separate walled and gated enclosure. Materials for the enclosure should be reinforced concrete or reinforced masonry with bollards as protection from traffic.
- ii) Within the building out of sight.

Chapter 3

GENERAL PROVISIONS

10-3-1: PURPOSE:

The regulations hereinafter set forth in this Chapter qualify or supplement, as the case may be, the zoning regulations appearing elsewhere in this Title. (Zoning Ord.)

10-3-2: ADDITIONAL USE REGULATIONS:

The requirements of this Title as to minimum building site area shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land in the event that such lot or parcel of land is held in separate ownership at the effective date hereof. (Zoning Ord.)

10-3-3: ADDITIONAL YARD REGULATIONS:

- A. May Be Waived; Circumstances: On any lot held under a separate ownership from adjacent lots and of record at the time of the effective date hereof, the side yard requirements may be waived to the extent that the buildable width of such lot is not reduced to less than twenty five feet (25'), except that at least a four foot (4') side yard is required on each side of any interior lot and the side yard on the street side of a corner lot must be at least ten feet (10').
- B. Open And Unobstructed: Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a rear yard and except for the ordinary projections of skylights, sills, belt courses, cornices and other ornamental features.
- C. Chimneys, Flues And Fire Escapes: Open or lattice enclosed fire escapes; fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five feet (5') and the ordinary projections of chimneys and flues are permitted. (Zoning Ord.)

10-3-4: ADDITIONAL HEIGHT REGULATIONS:

- A. Public Buildings Or Hotels: Public, semi-public or public service buildings or hotels, when authorized in a zone, may be erected to a height not exceeding City standards, if the building is set back from each otherwise established building line at least one foot (1') for each additional foot of building above the normal height limit requirement for the zone in which the building is erected. (Zoning Ord.; 1997 Code)
- B. Main Buildings: No main building shall be erected to a height less than eight feet six inches (8'6").
- C. Exceptions To Limit: Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space. (Zoning Ord.)

10-3-5: ANNEXATION; CLASSIFICATION OF LAND:

Annexed land shall be classified in the same zone as that designated for contiguous land. (Zoning Ord.)

10-3-6: VISUAL TRAFFIC CLEARANCE TRIANGLE¹:

- A. Corner Triangle Defined: No solid fence, shrubs, or other obstructions to view between the heights of two feet (2') and seven feet (7') shall be allowed within the triangular area at the corner formed by measuring a distance of forty feet (40') along both frontage lot lines back from the point of intersection of said lines.
- B. Driveway Triangle Defined: No view obstructing fence, wall hedge, or planting exceeding two feet (2') in height above the level of the driveway shall be located in a triangular area bounded by lines drawn from a point on the center line of the driveway, set back fifteen feet (15') from the front property line to points on the back of the curb in front of the property, forty feet (40') either side of the center line of the driveway, except that trees may be located or maintained in such area where pruned to a height greater than seven feet (7'). Nonview obstructing fences not exceeding four feet (4') in height may also be allowed in this area. (Ord. 96-03, 12-3-1996)

10-3-7: ANIMALS; PLACEMENT:

No animals or fowl shall be kept or maintained closer than forty feet (40') from a dwelling, and no barn, coop, pen or corral shall be kept closer than forty feet (40') to any street. (Zoning Ord.)

10-3-8: BUILDING REGULATIONS; WATER AND SEWER:

Domestic water supply and sewage disposal shall comply with the Board of Health requirements as represented by a certificate of approval from said County Board of Health in all applications for a building permit where either an approved supply of piped water under pressure or a sewer is not available. (Zoning Ord.; 1997 Code)

10-3-9: OFF-STREET PARKING SPACE REGULATIONS:

There shall be provided at the time of erection of any main building or at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provision of ingress and egress by standard sized automobiles, as follows:

- A. Dwellings: In all residential districts there shall be provided in a private garage or in an area properly located for a future garage, space for the parking of two (2) automobiles for each new single dwelling unit or one and one-half ($1\frac{1}{2}$) parking spaces for automobiles for each new dwelling unit in a building containing two (2) or more residential dwelling units, or for each dwelling unit added in the case of the enlargement of an existing building.
- B. Buildings: For a new building or for any enlargement or increase in seating capacity, floor area or guest rooms of any existing main building there shall be at least one permanently maintained parking space of not less than two hundred (200) square feet of new area as follows:
 - 1. Places Of Assembly: For church, high school, college and university auditoriums and for theaters, general auditoriums, stadiums and other similar places of assembly, at least one parking space for every four (4) fixed seats provided in said buildings.
 - 2. Hospitals And Clinics: For hospitals, at least one parking space for each two (2) beds capacity, including infants' cribs and children's beds. For medical and dental clinics, at least ten (10) parking spaces; provided, that three (3) additional parking spaces shall be provided for each doctor or dentist having offices in such clinic in excess of three (3) doctors or dentists.
 - 3. Motels: For tourist courts and apartment motels, at least one parking space for each individual sleeping or living unit; for hotels and apartment hotels at least one parking space for each two (2) sleeping rooms, up to and including the first twenty (20) sleeping rooms, and one parking space for each three (3) sleeping rooms over twenty (20).
 - 4. Restaurants: For restaurants or establishments serving meals, lunches or drinks to patrons either in their cars or in the building, and for dance hall and recreational places of assembly, at

least one space for each serving unit, a serving unit to be one stool, booth or table.

5. Dance Halls: For dance halls and recreational places of assembly, one space for each one hundred (100) square feet of floor space of the building.

6. Mortuaries; Liquor Stores: For mortuaries, at least thirty (30) parking spaces; for liquor stores, at least twenty (20) parking spaces.

7. Retail Stores: For retail stores selling direct to the public, one parking space for each one hundred (100) square feet of floor space in the building. (Zoning Ord.)

C. Location To Dwelling Or Building: Parking space as required above shall be on the same lot with the main building, or in the case of buildings other than dwellings may be located not farther than three hundred feet (300') therefrom and within the same block unless reviewed by the planning commission and approved by the city council as a conditional use in an adjacent block. (Ord. 98-08, 9-15-1998)

D. Commercial Zones: For any building in a commercial zone, at least fifty percent (50%) of the lot shall be utilized for off street parking.

E. Public Parking Areas: Every parcel of land hereafter used as a public parking area shall be paved with an asphaltic or concrete surfacing and shall have appropriate bumper guards where needed as determined by the building inspector. Any lights used to illuminate said parking areas shall be so arranged as to reflect the light away from adjoining premises in any residential zone. (Zoning Ord.)

10-3-10: YARD VARIANCES; RESIDENTIAL ZONES:

The appeal authority may grant variances to front and side yard setback regulations for any residential zone under the following conditions: (Ord. 2015-08, 11-4-2015)

A. Request Of Contractor; Requirements: A subdivider or building contractor who is going to construct twenty (20) or more homes in any one approved subdivision makes a request for such a variance and the request be accompanied by a house location plat showing the location of houses to be constructed, and a written description of the front yard setback and the side yard setback for each lot, both of which shall be filed with the county recorder as amendments to the subdivision plat in which the construction is to take place.

B. Design Improvement: The plans and request indicate an effort to avoid stereotyped row houses, and would improve the overall design and utilization of the lots affected by the requested variance.

- C. Minimum Distance Between Blank Walls: The minimum side yard distance between dwellings be reduced only in cases where a blank wall of one dwelling is opposite a blank wall of an adjoining dwelling for a distance of at least seventy five percent (75%) of the combined lengths of blank (windowless) wall space. In no case shall the minimum distance between dwellings be less than twelve feet (12'). (Zoning Ord.)
- D. Minimum Front Setback: The minimum front setback so permitted be thirty feet (30') in residential R-1, and thirty feet (30') in residential R-3 zones. (Zoning Ord.; amd. 1997 Code)
- E. Changes After Construction Not Permitted: Changes in house locations will not be permitted once construction is commenced. (Zoning Ord.)