



## Legislation Details (With Text)

<b>File #:</b>	ORD. 2017-150	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>		Adopted	
<b>File created:</b>	6/28/2017	<b>In control:</b>		City Council	
<b>On agenda:</b>	9/25/2017	<b>Final action:</b>		9/25/2017	
<b>Title:</b>	To amend City Code §§ 30-446.2, 30-446.3, 30-446.6, and 30-446.8, concerning the B-7 Mixed-Use Business District; to amend ch. 30, art. IV of the City Code by adding therein a new div. 31 consisting of §§ 30-457.1 through 30-457.10, concerning the establishment of a new TOD-1 Transit-Oriented Nodal District; to amend ch. 30, art. V, div. 2 by adding therein a new § 30-518.4, concerning signage in the new TOD-1 Transit-Oriented Nodal District; to amend City Code § 30-694.2, wireless communications facilities; to amend City Code §§ 30-710.1, 30-710.2, 30-710.2:3, 30-710.3:1, 30-710.4, and 30-710.13, concerning parking and perimeter buffers; to amend City Code §§ 30-720.1 and 30-720.5, concerning loading requirements; and to amend City Code § 30-1220, concerning definitions, for the purpose of establishing a new Transit-Oriented Nodal District, including small-scale manufacturing as a permitted principal use in the B-7 Mixed-Use Business District, defining the terms "priority street" and "street-oriented commercial frontage," and imposing requirements for priority streets. (As Amended)				
<b>Sponsors:</b>	Mayor Stoney (By Request)				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Ord. No. 2017-150, 2. 20170911 Amendment of 2017-150, 3. Staff Report, 4. Maps & Zoning Summary				

Date	Ver.	Action By	Action	Result
9/25/2017	1	City Council	adopted	Pass
9/11/2017	1	City Council	amended and continued	
9/5/2017	1	Planning Commission	recommended for approval with amendments	
7/24/2017	1	City Council	introduced and referred	

To amend City Code §§ 30-446.2, 30-446.3, 30-446.6, and 30-446.8, concerning the B-7 Mixed-Use Business District; to amend ch. 30, art. IV of the City Code by adding therein a new div. 31 consisting of §§ 30-457.1 through 30-457.10, concerning the establishment of a new TOD-1 Transit-Oriented Nodal District; to amend ch. 30, art. V, div. 2 by adding therein a new § 30-518.4, concerning signage in the new TOD-1 Transit-Oriented Nodal District; to amend City Code § 30-694.2, wireless communications facilities; to amend City Code §§ 30-710.1, 30-710.2, 30-710.2:3, 30-710.3:1, 30-710.4, and 30-710.13, concerning parking and perimeter buffers; to amend City Code §§ 30-720.1 and 30-720.5, concerning loading requirements; and to amend City Code § 30-1220, concerning definitions, for the purpose of establishing a new Transit-Oriented Nodal District, including small-scale manufacturing as a permitted principal use in the B-7 Mixed-Use Business District, defining the terms "priority street" and "street-oriented commercial frontage," and imposing requirements for priority streets. (As Amended)

### O & R Request

**DATE:** June 28, 2017

**EDITION:** 1

**TO:** The Honorable Members of City Council

**THROUGH:** Levar M. Stoney, Mayor (Patron: Mayor, by Request)  
(This in no way reflects a recommendation on behalf of the Mayor.)

**THROUGH:** Selena Cuffee-Glenn, Chief Administrative Officer

**THROUGH:** Peter L. Downey, Deputy Chief Administrative Officer for Economic Development and Planning

**FROM:** Mark A. Olinger, Director, Department of Planning and Development Review

**RE:** Request to amend the City's Zoning Ordinance for the purpose of adding a new transit-oriented nodal district, TOD-1, including subsequent amendments to the parking, signage, and screening sections and to amend the B-7 Mixed Use Business District to include priority streets, small-scale manufacturing uses, and adjust parking requirements in special cases.

**ORD. OR RES. No.**

**PURPOSE:** Request to amend the City's Zoning Ordinance for the purpose of adding a new transit-oriented nodal district, TOD-1, including subsequent amendments to the parking, signage, and screening sections and to amend the B-7 Mixed-Use Business District to include priority streets, small-scale manufacturing uses, and adjust parking requirements in special cases.

**REASON:** These amendments help implement the vision of the Pulse Corridor Plan, providing for a mid-rise, "unabashedly urban" zoning district with strong form-based requirements and market-based parking with strong screening requirements.

They also improve the B-7 mixed-use district to better fulfill the vision of industrial mixed-use as described in the Pulse Corridor Plan, allowing for compatible small-scale manufacturing and strengthening form requirements by adding requirements for priority streets into the ordinance. They also provide more consistency across mixed use districts, adding the B-7 to the districts where there is a parking credit provided in existing buildings, and clarifies how that credit is calculated with other special requirements for parking.

**RECOMMENDATION:** In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its August 21, 2017, meeting; or its September 5, 2017, meeting if the August meeting is canceled for the summer recess. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

**BACKGROUND:** These amendments arise out of the recommendations of the recently-adopted Pulse Corridor Plan, an analysis of the existing zoning ordinance and its application across the City, and an extensive public engagement process.

### **Master Plan**

On May 15, 2017, the Planning Commission adopted the Pulse Corridor Plan as a major Master Plan amendment. The Pulse Corridor Plan has detailed land use recommendations, including specific recommendations for future land use in specific locations, and detailed land use descriptions. A specific recommendation of the Plan is to create a new mixed-use zoning district allowing mid-rise buildings up to 12-stories in building height, as well as to update the map of Street-Oriented Commercial and Priority Streets

along the Pulse Corridor and incorporate it into the zoning ordinance. Further relevant recommendations applicable corridor-wide include: creating a Plan of Development overlay along the corridor to outline form elements projects must incorporate to meet TOD goals; to rezone the Corridor to match the future land use map; to remove parking requirements for small-scale projects; to incentivize underground parking, require wrapping of structured parking, and discourage the development of new surface parking lots along the Corridor; to create better access to parking and loading via alleys, and to reduce the need for driveway entrances along the Corridor. These amendments are written to help accomplish all of these recommendations from the Plan.

### **New Zoning District**

The new district is written to be “unabashedly urban” in character, allowing a wide array and mix of uses, strong building form and site plan requirements to engage the street, and market-based parking requirements with strong screening requirements.

The permitted principal uses are modeled on existing mixed use districts like the B-5 and B-6 districts, and including some uses from the B-7 industrial mixed use district, like breweries, as appropriate. In many instances these uses have been modified, such as adding smaller size restrictions, to be in keeping with the goals of the district. Small-scale food and beverage manufacturing is allowed as a use, with a limit of 8,000 square feet, when there is at least 1,000 square feet of another principal use on the property. This would allow, for example, a coffee roaster with a café to operate and grow a significant roasting business. The district does not allow parking lots and parking areas as a principal or conditional uses; parking will have to be provided in decks or structures when it is the principal use of a property, or be accessory to another use of the property. Conditional uses include nightclubs and social service delivery uses.

Height and massing is proposed with a two-story minimum and twelve-story maximum. Like other mixed-use districts, residential density is limited by the form requirements rather than a measure of dwelling units per acre. Front yards are a maximum of 10' depth, except in special cases like the provision of a pedestrian plaza, outdoor dining, or recessed building entrance feature. Where a building includes ground floor dwelling units, the front yard will have a setback of 10'-15'.

A concern for the new district, given its mid-rise nature, is how to achieve adequate buffering to residential districts. The district proposes to have a different height limit when property is located adjacent to the side yard or rear yard of an R-district. A 20' setback will be required for the building; then a height limit will start at the third-story of the building along the side or rear building wall and extend in an inclined plane at a rate of one foot for every one foot to the opposite lot line. This has the result of limiting overall height based on the lot depth, as well as pushing building height to the lot frontage away from the residentially-zoned area.

Parking is market-based, with no surface parking allowed as a principal or conditional use. There is no commercial parking requirement except for hotels, which have a 1 space for every 4 rooms as required in the B-4 and B-5 districts. There is no residential parking requirement for up to 16 dwelling units, again same as the B-4 and B-5 districts, with over 16 units a parking requirement of 1 space for every 2 dwelling units, which is the same as the existing UB-2 district. The new TOD-1 district will be added to the districts allowing for off-premise parking, but is not added to the districts allowing credit for on-street spaces. The intent is that on-street spaces will be managed as a public resource and commons, particularly for commercial uses, not to meet residential zoning requirements.

When a parking deck or parking garage is the principal use of a property, they must be screened by a minimum 20' depth of another principal use along all street frontages. No parking deck access along a principal or priority street will be allowed if alley access is available. Similarly, no driveway access intersecting a street will be

permitted when alley access is available, and no driveway intersecting a principal street frontage will be allowed when another street frontage is available to serve the lot. Areas devoted to parking cannot be located between the main building on a lot and the street line; this requirement applies to the principal street frontage of a lot, as well as any priority streets designated on the zoning map.

The amendments create a new option for parking perimeter buffers; the new buffer is 5' wide, with at least one tree for every 30' linear required for medium or large trees, and one tree every 20' linear for small or compact trees. There is a requirement for 50% groundcover coverage across the buffer. The other allowed parking perimeter buffer for the TOD-1 district is existing, and is 5' wide with shrubs and a wall or fence required.

There are some key form-based and design elements modeled after other districts, including fenestration requirements that vary for residential and non-residential uses. These requirements will apply to any priority streets in addition to the principal street of a lot. Buildings containing residential uses will be required to provide a usable open space ratio of 0.10, which can take the form of yard and landscaping, balconies, or roof decks. A plan of development will be required for 30,000 square feet of development, which is a smaller size than the 50,000 square feet required in other districts.

Signage requirements are consistent with other mixed-use business districts in terms of scale and size allowances. Most building-mounted signs are allowed, with limits on free-standing signs.

### **Existing and Proposed Zoning**

There are a few small changes proposed to the existing B-7 mixed-use business district to strengthen form requirements with respect to streetscape and street orientation, modify parking requirements, and allow for small-scale manufacturing uses. Currently the district allows for multi-family dwellings and a wide variety of commercial and light industrial uses including large breweries, service businesses, retail, offices, and restaurants. Existing industrial uses are considered principal permitted uses and allowed to expand on the existing property. The proposed changes would allow for manufacturing uses of up to 15,000 square feet of food and beverages; textiles, bedding, and fibers; wood and paper products; and pottery and porcelain products as enumerated in the existing M-1 district. Retail sales of liquor are eliminated as a conditional use, and so would be allowed as a principal use; the district currently allows for large distilleries as a principal use.

Currently, parking within this district is a 1:1 requirement for dwelling uses, with requirements for other uses set by square footage at a rate not to exceed 1 space for every 300 square feet. On-street spaces can count towards meeting the zoning requirement.

Changes to parking include expanding the radius for off-premise parking for the B-4, B-5, B-7, and TOD-1 district to the 750' allowed currently in the RP district, as well as adding the B-7 to the districts, currently including B-6 and UB-2, where there a 50% reduction in parking requirement for uses in existing buildings to allow for more flexibility in meeting the zoning requirement. The language allowing for this bonus is edited to be clear that it applies after any other special limitation on parking applied in the eligible B-6, UB-2, and B-7 districts.

Additionally, no driveways intersecting a street would be allowed if adequate alley access is available to serve such a site.

A number of restrictions or requirements would apply to priority or street-oriented commercial streets. Parking decks and garages would be required to provide screening at 20' depth with other principal permitted uses along principal streets as well as any street designated a priority street. No drive-up facilities or motor-fuel dispensing, which are currently conditional uses within the B-7 district, would be allowed on priority or street-

oriented commercial streets. Fenestration requirements would apply to the principal street frontage of a building as well as any priority street. And parking must be located between the building and any priority street frontage as well as the principal street frontage of the lot.

**FISCAL IMPACT / COST:** The Department of Planning and Development Review anticipates that impact to the City's budget will be positive. Implementation of the Pulse Corridor Plan and programs established to implement the Plan, including increased development from City-initiated rezonings, will ultimately achieve the \$1 billion increase in new assessed value over the next twenty years as identified in this Plan.

**FISCAL IMPLICATIONS:** The Department Planning and Development Review does not anticipate any fiscal implications from this proposal.

**BUDGET AMENDMENT NECESSARY:** No

**REVENUE TO CITY:** None

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** July 24, 2017

**CITY COUNCIL PUBLIC HEARING DATE:** September 11, 2017

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** None

**CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:** City Planning Commission, August 21, 2017 or September 5, 2017

**AFFECTED AGENCIES:** Office of Chief Administrative Officer  
Law Department (for review of draft ordinance)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** None

**REQUIRED CHANGES TO WORK PROGRAM(S):** None

**ATTACHMENTS:** Draft Ordinance

**STAFF:** Kathleen Onufer, Executive Staff Assistant (Room 511)  
646-5207

**Key Issues:**

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike

Withdrawn

Continue to: