

## MEETING NOTES

Zoning Update-Technical Committee Meeting  
Metropolitan Planning Commission  
Jerry Surrency Meeting Room  
May 21, 2008  
3:00-5:00 PM

- I. **Review April Minutes (Handout)**  
The committee reviewed the minutes from the April 16<sup>th</sup> meeting. There were no comments.
- II. **Sympathy card for Lee Meyer's family**  
Technical committee member Lee Meyer passed away on May 9<sup>th</sup> after a brief illness. Committee members who were present at the meeting signed a sympathy card that was sent to Lee's family.
- III. **Component III (Zoning Districts and Uses)**  
The committee continued the process of reviewing draft material from Component 3.
  - A. **Intro to Base Zoning Districts (Secs. 5.1-5.3)**
    - Section 5.1 currently shows two zoning district groupings: residential districts and non-residential districts. We will also need to create a third grouping for mixed use districts. For the sake of clarity, it was suggested that each district be individually listed in this section.
    - The question was raised regarding our planned usage of height maps. It is likely that downtown will be the only area with its own height map. For all other areas, height will be controlled by establishing a maximum height development standard for each zoning district.
    - As it is currently written, the UZO grants zoning map interpretation powers to the Planning Director. This represents a change from the current system, in which the City and County Zoning Administrators have this power. The reason for this change is to ensure that the ordinance is interpreted consistently in both jurisdictions. Many committee members agreed with this concept, however, they expressed concerns that this power would reside in a single person who would have the authority to wield it as an administrative action. In particular, there is concern that the Planning Director, by himself, is too far removed from the front lines of zoning enforcement, and as such may make interpretations that are unenforceable in real-world situations. An alternative

approach would be to require the Planning Director to consult with the zoning administrators prior to issuing an interpretation of the zoning map. Such a process has already been established in the UZO's written interpretation procedures, and repeating it for map interpretations would be consistent with that approach.

- The issue of the number of members for the Zoning Board of Appeals was raised again at this meeting. It is clear that having only 5 members on the board is too few, but having a larger number of members can make it difficult to find qualified candidates or establish a quorum. In Component 2 of the UZO, the committee settled on an 8 member board with a quorum of 5.
- The UZO has established a procedure whereby uses not specifically mentioned by the UZO can be declared "similar" to a use that is mentioned and thereby be subject to the same regulations as that use. Such a process is useful as time passes and new technologies and land uses emerge. It allows the applicant to avoid pursuing a text amendment prior to establishing a use that has not been directly addressed by the zoning ordinance.
  - Rather than giving the Planning Director unilateral powers of interpretation, the committee preferred a system where the Planning Director is required to consult with the city and county Zoning Administrators prior to making a decision.
  - The UZO lists 13 criteria that the Planning Director can use to determine similarity. Of these, the committee recommended cutting three:
    1. *Relative amounts of sales from each activity*- The committee decided that there is not a clear relationship between sales revenue and operational intensity.
    2. *Customer type for each activity*- This criterion could easily be misinterpreted as encouraging discrimination.
    3. *How the use is advertised*- This is valuable only in terms of on-site signage, and that is covered by a separate criterion. Beyond that, it doesn't really matter how a business is advertised (in the paper, on TV, on the internet, etc).
- Several committee members felt that the section on developments with multiple principal uses was needlessly confusing and should be re-worded.

## **B. Office and Institutional Districts (Sec. 5.10)**

There is one office/institutional district (O-I) in the UZO. This district is designed to fill a gap in the current zoning ordinance, which does not have a dedicated office district.

- If retail is not going to be allowed as a principal use in this district, then we need to address how incidental retail (i.e. retail that is accessory to another use, such as a barber shop that also sells brushes and combs) will be treated in this district.
- The committee discussed the possibility of eliminating building coverage from the development standards for this district (currently set at 75%). The argument is that buildable area will effectively be determined by a set of other factors (including open space requirements, buffers, and parking requirements) and as such the building coverage requirement becomes unnecessary and/or redundant. However, the other side of the argument is that setting a limit on building coverage ensures that all bases have been covered in the event that those other factors do not add up to 25% of the lot area for a particular site.
- The proposed maximum height in this district is 60 feet. It was suggested that we could incentivize internal parking within the building by not counting structured parking at the base of a building against the height limit. We could also introduce other incentives for sustainable design, such as allowing green roofs to be counted toward open space requirements.

## **C. Business Districts (Sec. 5.11)**

There are currently three business districts in the UZO: Neighborhood Business (B-N), Community Business (B-C), and Regional Business (B-R).

- Revise the B-N district description to further define the ways in which this district is intended to be compatible with nearby residential uses, such as scale and intensity.
- There is some concern that not allowing alcohol sales in the B-N will make certain uses, such as restaurants and convenience retail, unfeasible.
- The maximum density for upper story residential in the B-N district is too low (currently 12 units per acre). We should look at existing developments to determine an appropriate density.
- Consider adding an "extra-light" fourth business district to the list, possibly called Residential Business (R-B). Such a district would have very restricted commercial uses and would allow a wider array of residential uses by right. The maximum

building footprint in this district could also be much smaller than the other commercial districts, possibly 10,000 square feet.

**D. Use Table (Sec. 5.4)**

The committee did not discuss the use table as a separate agenda item, but rather referenced it as needed while discussing other sections. It is possible that detailed review of the use table will be reserved for a separate meeting to be held after all of the zoning districts have been created and the table has been completed.