

MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 16-147

DATE: April 7, 2016

TO: Planning and Zoning Board

VIA: Robin M. Bird, Director of Development Services *RB*

FROM: Karen Friedman, AICP, Principal Planner *KRF*

RE: Proposed Revisions to §155.4202 (Mixed Use Dwelling) and §155.5604 (Residential Compatibility Standards)

In conjunction with proposed text amendments to §154.61 Reserve and Flexibility Units, Staff has prepared text amendments to two sections of the Zoning Code.

Mixed Use Dwellings

The first set of revisions focus on the standards relate to mixed use dwellings found in §155.4202. As can be seen in the following Comprehensive Plan Objectives and Policies, the City desires mixed use developments along the city's corridors in order to create a vibrant streetscape, reduce traffic congestion and resulting greenhouse gas emissions:

- FLU 01.07.11 Through ongoing updates to the land development regulations develop new zoning districts that encourage redevelopment, including mixed uses along major highway corridors.
- FLU 01.12.02 Continue to support the allowance of mixed use land at strategic locations within Urban Infill, Urban Redevelopment and Downtown Revitalization Areas.
- FLU 01.12.03 Utilize the existing flexibility provisions to facilitate proposed mixed use developments in urban infill areas provided that the proposed developments are compatible with the community character.
- FLU 01.16.00 The City will promote "Smart Growth" type initiatives providing for energy efficient development and land use patterns which also account for existing and future electrical power generation and transmission systems in an effort to discourage urban sprawl and reduce greenhouse gasses.
- FLU 01.16.02 The City will encourage and implement the use of compact building design principles which preserve more open space, contain mixed use, support multi-modal transportation options, make public transportation viable, reduce infrastructure costs and take advantage of recycled building materials.

In order to implement the above Objectives and Policies, mixed use dwellings are eligible for several zoning and planning incentives, including reduced parking, preferential treatment in the AOD, preference for flex unit allocations (*concurrently recommended*), and nonresidential setbacks in the B-3 District (*concurrently recommended*). However recent applications have demonstrated that the Zoning Code's existing definition is not clear as to the intent of a 'Mixed Use Dwelling' use.

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Therefore Staff recommends revising the name, definition, and use-specific standards for 'Mixed Use Dwelling'. The recommended text amendments would require a specific percentage of the first floor to have truly commercial uses. The text amendments clarify that uses such as parking, lobbies, gyms, and leasing offices are not commercial uses. Further the text amendments include differing standards for percentages of first floor commercial uses, to address when parking is integrated into the principal structure, versus when it is provided in a separate structure.

Residential Compatibility Standards

The second set of revisions address the Residential Compatibility Standards found in §155.5604. As can be seen in the following Comprehensive Plan Objectives and Policies, compatible development is a primary goal of the city:

- FLU 01.03.06 Consider density and intensity revisions with an emphasis on minimal negative impacts to existing residential areas, particularly single family areas.
- FLU 01.03.08 Establish criteria to protect residential areas and other land uses that are adjacent to industrial and commercial areas from excessive noise, odors, traffic and parking impacts.
- FLU 01.03.11 Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.
- FLU 01.12.03 Utilize the existing flexibility provisions to facilitate proposed mixed use developments in urban infill areas provided that the proposed developments are compatible with the community character.
- FLU 01.19.06 Applications for the TOC land use designation must address the transition to adjacent residential development and promote connectivity to transit stations and stops.

Currently the standards in this section solely address compatibility between single family development and all other development. The compatibility standards, therefore, do not address other low-rise and/or low intensity multifamily uses, such as townhouses, duplexes, triplexes, and quadplexes. However these multifamily uses are often located adjacent to more intense zoning districts and are therefore more likely to be impacted by new nonresidential or intense multifamily development. Therefore Staff recommends revising the Residential Compatibility Standards to address compatibility requirements when adjacent or abutting low intensity multifamily uses.

In addition to adding requiring compatibility with certain multifamily uses, Staff also determined that the some of the existing regulations required clarification and have proposed amendments accordingly.

Recommended text amendments:

§155.4202.G	Rename Mixed Use Dwelling to Mixed Use Residential Development
§155.4202.G.2	Revise the definition to clarify that the majority of the first floor is for Commercial Uses. Clarify that for purposes of intensity and dimensional standards, this use is not considered a free standing residential development.
§155.4202.G.3.a	Create standards for the first floor of those developments which provide parking in a separate structure or surface parking.

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	<ul style="list-style-type: none"> • The first floor of these buildings would be required to be at least 50% Commercial Uses. • While they could be permitted on the first floor, uses such as lobby, or gym, or leasing center would not count towards the 50% Commercial Uses. • Institutional Uses (i.e. Specialty Arts School, Place of Worship, Medical Office) could count towards the 50% Commercial Uses, if the institutional uses are compatible with the residential uses.
	<p>Create standards for the first floor of those developments which provide parking within the principal structure.</p>
§155.4202.G.3.b	<ul style="list-style-type: none"> • For these properties the amount of Commercial Uses on the first floor is 75% of the street facing façade, with the space for the Commercial Uses extending 20 feet deep. The 75% / 20ft deep standards are used for garages in the AOD and DPOD. • Properties with two street facing facades (corner properties) only need to have the commercial space on one façade and it must be the façade facing the higher classification roadway. The other facades could solely implement pedestrian friendly architecture and landscaping, rather than provide the Commercial space. • The same limitations as to what constitutes a Commercial Use, as well as having Institutional Uses is included.
§155.5102.D.1	<p>Revise the off-street parking requirements for Mixed Use Residential Developments for several reasons:</p> <ul style="list-style-type: none"> • Clarify that the city requires parking for both the residential and nonresidential uses (this is current practice). • Revise the current standard from only one parking space per dwelling unit to address parking needs generated by units with multiple bedrooms (as well as guest spaces). • Reduce the parking requirement for the nonresidential uses
§154.5604.A	<p>Revise the purpose of this section to include “low intensity multifamily development”, which is defined as townhouses, duplex, triplex, and quadplex developments no greater than 35 feet in height.</p>
§154.5604.B	<p>Revise the applicability as follows:</p> <ul style="list-style-type: none"> • Revise the standards so that they are triggered by Major Site Plan (and not Major Building Design). • Clarify that the standards are applicable for all multifamily and nonresidential abutting/adjacent to single family • Clarify that the standards are applicable for multifamily that is taller than 35 feet, when abutting/adjacent to low intensity multifamily development • Only require compliance to the maximum extent practicable for additions or projects only requiring Minor Site Plan
§154.5604.C.1	<p>Revise the standards related to placement of intense uses to include compatibility with low intensity multifamily development</p>
§154.5604.C.2	<p>Strike the existing standards addressing building heights and additional setbacks as Staff has determined they are too aggressive.</p> <ul style="list-style-type: none"> • Limit the height of buildings abutting or adjacent to single family properties to 35 feet within 20 feet of an applicable property lines

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	<ul style="list-style-type: none"> ○ This would potentially impact development within RM-20, RM-30, and RM-45 as interior side and rear setbacks are 10 ft; development in B Districts as all setbacks except rear are 0 ft; development in I Districts as street side and interior side setbacks are 10 ft; and impact Overlay Districts with reduced setbacks. ● Limit the height of building abutting or adjacent to low intensity multifamily to 35 feet within 10 feet of applicable property lines <ul style="list-style-type: none"> ○ While this standard is less stringent than the standard for properties abutting/adjacent to single family, it will impact certain development. IN particular any development with setbacks less than 10 feet, including B and Overlay Districts, will have to address this requirement.
§154.5604.C.3	Create a new standard addressing bulk and mass by requiring building breaks or wall offsets that are in scale with abutting or adjacent lot's sizes. This will be required when abutting/adjacent to single family and low intensity multifamily development.
§154.5604.C.4	Create a new standard addressing privacy that requires the placement of windows, balconies, roof top uses, and ground floor uses to consider impacts on the single family or low intensity multifamily uses. This will be required when abutting/adjacent to single family and low intensity multifamily development.
§154.5604.C.5 through 7	Add low intensity multifamily development to existing compatibility standards for retail facades, placement of off-street parking areas, and loading and service areas.

Staff's Request

Staff is requesting the Board approve the recommended changes to the Planning Code to the City Commission for adoption.

§ 155.4202. RESIDENTIAL: HOUSEHOLD LIVING USES

G. Dwelling, Mixed Use Residential Development

2. **Definition**

A mixed use dwelling residential development is a multi-story building where a majority of the ground floor is used for Commercial Uses and dwelling units are located on the second floor or higher of a building with nonresidential uses located on the ground or street level. For purposes of Intensity and Dimensional Standards in the B-1, B-2, and B-3 Districts, Mixed Use Residential Development shall not be considered a Free-Standing Residential Development.

3. **Standards**

Mixed use dwelling uses are generally intended to accommodate residential living above street level nonresidential uses. Lobbies, security, and uses incidental to the upper story dwelling use may be allowed on the street level, but all principal living spaces in multi-story or multi-tenant buildings shall be above the first floor.

A mixed use residential development shall comply with the following standards:

- a. Properties with parking provided in a separate structure or in a surface parking lot shall have a minimum of 50% of the ground floor occupied by Commercial Uses. Lobbies, leasing areas, security, and any uses incidental to the upper story dwelling use shall not be considered Commercial Uses. Institutional Uses may be provided in lieu of Commercial Uses provided they are permitted within the applicable Zoning District and are compatible with the residential uses.
- b. Properties with structured parking integrated into the principal structure shall comply with following standards:
 - i. The ground-level street-facing façade shall provide a minimum of 75% of the width of the façade with habitable space. Such habitable space shall extend at least 20 feet into the structure and shall be occupied by Commercial Uses. Lobbies, leasing areas, security, and any uses incidental to the upper story dwelling use shall not be considered Commercial Uses. Institutional Uses may be provided in lieu of Commercial Uses provided they are permitted within the applicable Zoning District and are compatible with the residential uses.
 - ii. Those buildings which face more than one street shall provide the required habitable space on the façade facing the higher classified roadway. The other street-facing façade(s) shall either provide 75% habitable space, or they shall be articulated in a manner that promotes pedestrian activity including the provision of pedestrian-oriented street furniture or other seating surfaces, hardscaping and landscaping, awnings, and alternative paving materials in areas of pedestrian access.

§ 155.5604. RESIDENTIAL COMPATIBILITY STANDARDS

A. Purpose

These residential compatibility standards are used to provide a proper transition and compatibility between single-family residential and/or low intensity multifamily development and more intense multifamily residential, nonresidential, and mixed-use development. For purposes of this section low intensity multifamily development shall mean townhouses, duplex, triplex, and quadplex developments no greater than 35 feet in height. More specifically, it is the intent of these standards to:

1. Provide effective transitions between single-family residential and/or low intensity multifamily uses and more intense uses;
2. Protect the character of existing single-family residential and/or low intensity multifamily development from negative impacts resulting from more intense adjacent forms of development;

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B. Applicability

1. General

~~Unless exempted in accordance with subsection 2 below, these~~ These residential compatibility standards shall apply to the following:

- ~~a. New multifamily residential, commercial, institutional, industrial, and mixed-use development located on land abutting or across a local street or alley from existing single-family residential development.~~
- ~~b. Commercial, institutional, industrial, and mixed-use development located on land abutting or across a local street or alley from existing single-family residential development which is required to obtain Major Building Design approval.~~
- ~~c. Multifamily residential development located on land abutting or across a local street or alley from existing single-family residential development which is required to obtain a Minor or Major Building Design approval.~~
- a. All new multifamily development and new nonresidential development that is located on land abutting or across a local street or alley from existing single-family development, and that is required to obtain Major Site Plan approval. New development required to obtain Minor Site Plan approval shall comply to the maximum extent practicable.
- b. All new multifamily development greater than 35 feet in height and all new nonresidential development that is located on land abutting or across a local street or alley from existing low intensity multifamily development, and that is required to obtain Major Site Plan approval. New development required to obtain Minor Site Plan approval shall comply to the maximum extent practicable.
- c. To the maximum extent practicable, additions to existing multifamily development and additions to existing nonresidential development that is located on land abutting or across a local street or alley from existing single-family development, and that is required to obtain Major Site Plan or Minor Site Plan approval.
- d. To the maximum extent practicable, additions to existing multifamily

development greater than 35 feet in height and additions to existing nonresidential development that is located on land abutting or across a local street or alley from low intensity multifamily development, and that is required to obtain Major Site Plan or Minor Site Plan approval.

C. Compatibility Standards

All ~~multifamily residential, nonresidential, and mixed-use~~ development subject to this section shall comply with the following standards:

1. Use Intensity

For multi-building development that includes varying use and/or development intensities in different buildings, the development shall locate buildings with the least intense use and/or development nearest to the abutting single-family and/or low intensity multifamily residential development.

2. Building Height/Setbacks

~~Any portion of a structure greater than 40 feet in height that is contiguous to existing single-family residential development shall be set back one foot for each foot of height over 40 feet, up to a maximum distance of one-half the height of the structure in addition to the setback required for the structure by district regulations.~~

a. The height of proposed structures on land abutting or across a local street or alley from existing single-family development is limited to 35 feet for the portion of the property within 20 feet of the applicable property line.

b. The height of proposed structures on land abutting or across a local street or alley from existing low intensity multifamily development is limited to 35 feet for the portion of the property within 10 feet of the applicable property line.

3. Bulk and Mass

Building breaks for properties abutting or across a local street or alley from single-family and/or low intensity multi-family development shall be in scale with the applicable development's lot size. For instance a building abutting a single family development with a 50 foot lot width, should have building breaks every 50 feet or as practicable. Wall offsets may be used in lieu of building breaks provided the offsets achieve the intended proportional bulk and mass.

4. Privacy

The placement of windows, balconies, roof top uses, and ground-floor door entrances shall be designed in a manner that optimizes privacy of residents of adjacent existing single-family and/or low intensity residential developments.

35. Retail Facades.

Retail commercial building facades that face single-family and/or low intensity multifamily development shall be designed to appear as a series of discrete storefronts, with no single storefront occupying more than 50 percent of the total facade width.

4 6. Off-Street Parking Areas

a. Off-street parking on lots adjacent to a single-family and/or low intensity multifamily dwelling shall be located as follows (listed in priority order):

i. Adjacent to off-street parking lots serving nonresidential uses on abutting lots;

- ii. Adjacent to lot lines abutting nonresidential development;
 - iii. Adjacent to lot lines abutting mixed-use development;
 - iv. Within a lot's corner side yard;
 - v. Behind the building;
 - vi. In front of the building; or
 - vii. Adjacent to lot lines for the abutting single-family and/or low intensity multifamily dwelling.
- b. Off-street surface parking areas located adjacent to single-family ~~residential~~ and/or low intensity multifamily development shall be screened by a type C perimeter buffer in accordance with Section 155.5203.F, Perimeter Buffers.
- c. The facade of any parking structure facing adjacent single-family ~~residential~~ and/or low intensity multifamily development shall be designed to appear as an articulated building wall to soften its visual impact.

57. Loading, Service, and Refuse Areas

Loading, service, and refuse areas shall be:

- a. Located at least 12 feet from a lot containing an existing single-family and/or low intensity multifamily dwelling;
- b. Screened from view of abutting single-family and/or low intensity multifamily dwellings using materials that are the same as, or of equal quality to, the materials used for the principal building; and
- c. Incorporated into the overall design of the building and landscape so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent lots containing single-family and/or low intensity multifamily dwellings.

§ 155.5102. OFF-STREET PARKING AND LOADING

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D. OFF-STREET PARKING SPACE REQUIREMENTS

1. Minimum Number of Off-Street Parking Spaces

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TABLE 155.5102.D.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES		
Use Category	Use Type	Minimum Number of Parking Spaces
COMMERCIAL USES		

Retail Sales and Service Uses - Personal Services	Dwelling, mixed-use <u>Mixed Use Residential Development</u>	1 per DU The residential portion shall provide parking per the standards for Multifamily Dwelling. The nonresidential portion shall provide 50% of the parking required per the applicable use type.

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ARTICLE 9: DEFINITIONS AND INTERPRETATION

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PART 5 TERMS AND USES DEFINED

The following words, terms, and phrases, when used in this Code, shall have the meaning ascribed to them in this section.

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Dwelling, Mixed Use Residential Development

A multi-story building where a majority of the ground floor is used for Commercial Uses and dwelling units are located on the second floor or higher of a building with nonresidential uses located on the ground or street level.