

CODE AMENDMENTS ***LAND USE UPDATES***

Planning Commission – Work Session

Tuesday, April 18, 2023



UPDATES

- Staff pulled the UDC Text Amendments from the April 4, 2023 Planning Commission agenda and cancelled the public hearing.
- After publication of the agenda on March 31, 2023, staff received concerns from numerous business owners along the N. Scott corridor as to how the code changes would impact them.
- Staff is delaying the full set of amendments to allow additional time to review the code amendments and determine the impact of the amendments on existing and future businesses.
- Staff is proposing to move forward with a first round of amendments to be presented to the Planning Commission on May 2, 2023. This first round of amendments is to expand certain land uses in additional zoning districts.

ROUND 1 AMENDMENTS

Staff is proposing to bring the following amendments forward on May 2, 2023:

- Expanding most public/civic uses to additional commercial and industrial zoning districts, including libraries, public assembly/facilities, and religious assembly.
- Expanding small retail uses to business park and light industrial zoning districts.
- Expanding limited manufacturing/production uses to general and regional commercial zoning districts subject to special use permit and standards (limited – less than 10k sf.)
- Adding the arts and crafts manufacturing and production uses as previously proposed.
- These changes will be made in the existing code format (current land use table will be amended, definitions remain in Sec. 1-5, etc.)
- These uses will be updated in both the overall land use table and in the N. Scott Overlay.

FUTURE AMENDMENTS

- Staff is proposing to bring forward additional amendments in the future after further review to address concerns from citizens, particularly business owners.
- Although most concerns are from business owners in the N. Scott Overlay, there are also concerns as to how some proposed amendments will impact businesses citywide.
- Land uses that are most impacted by the proposed amendments include:
 - Auto-oriented business (car washes, gas stations, auto repair, auto sales, etc.)
 - Storage facilities
 - Contractor uses
 - Outdoor storage in various formats – both principal and accessory uses

AUTO-ORIENTED LAND USES

- Under the current code, most auto-oriented land uses are permitted by right without any conditions or special use standards. Staff is proposing to convert all auto-oriented land uses to special uses, requiring each location to be reviewed and approved subject to special use standards prior to development or expansion.
- Reason: auto-oriented land uses are generally among the most intensive commercial land uses, often generate traffic issues, are not compatible on every property for which they are zoned for, and may have external nuisances that negatively impact adjacent properties (e.g. lighting, noise, outdoor storage, etc.). Furthermore, splitting auto repair into 3 intensity categories is also needed.
- Solution: auto-oriented land uses require a special use permit to ensure that the use is appropriately sited and is compatible with adjacent uses. Limited auto repair (i.e. oil and tire changes) may be more compatible in some locations than a collision repair center.
- Benefit to amendment: based on concerns expressed by numerous citizens, there are concerns with the locations of many auto-oriented land uses, particularly when immediately adjacent to residential housing. These amendments help provide some level of protection and at the very least, a public hearing process that will allow citizens to express concerns they may have with the location of the use. Additional buffering/screening or other design elements may be required to protect certain land uses from any potential nuisances associated with the proposed use.

AUTO-ORIENTED LAND USES (CONTINUED)

- Impacts to existing businesses citywide (outside of N. Scott Overlay): Existing businesses may continue to operate as approved/licensed as legal non-conforming land uses. Any expansions to the use (building or site) will require approval of a Special Use Permit to make the site legal conforming.
- Impacts to existing business in N. Scott Overlay: Existing business may continue to operate as approved/licenses as legal non-conforming land uses. Expansions to the use (building or site) has been prohibited (except for gas stations) in the N. Scott Overlay since 2017 per the adopted land use table. Expansions or new gas stations may be permitted with a Special Use Permit. There is an exception if the land use is permitted in the underlying zoning district and no modifications are required to the building or site to accommodate the use. An example is an auto repair shop going into an existing garage space in a C-2 zoning district. As a new use in the location, a special use permit will be required prior to issuing a business license for operation.
- Impacts to future businesses: All future auto-oriented businesses will be required to obtain special use permit approval prior to approval of any development/building permits or a business license.

AUTO-ORIENTED LAND USES *(CONTINUED)*

- Special Use Standards:
 - Limit impact when adjacent to residential zoning districts and require enhanced landscaping/screening if and where necessary.
 - Access is generally limited to arterial or collector streets to limit traffic through residential neighborhoods.
 - Vacuum stalls for car washes shall be located in the side or rear yard of the car wash facility/building.
 - For vehicle repair and vehicle sales, most of the special use standards are already within the code as current special use standards, conditional standards, or business licensing standards.

STORAGE LAND USES

- Under the current code, self-storage (mini warehouse) is only permitted in industrial zoning districts by right. Staff is proposing to convert all self-storage facilities to special uses, split into 2 categories (“indoor climate-controlled” and “warehouse”), and expand “indoor climate-controlled” storage in the Business Park zoning district. Like auto-oriented land uses, each location will be required to be reviewed and approved subject to special use standards prior to development or expansion.
- Reason: self-storage facilities, particularly in the warehouse-format, can utilize a larger footprint of real estate and may also contain external nuisances, such as outdoor storage. In some locations, these do not represent the “highest and best” land use. Introducing the “indoor climate-controlled” use to Business Park zoning is appropriate as these facilities can be designed to look more office-like and also generally utilize less acreage per unit than a typical warehouse-style storage facility.
- Solution: storage land uses require a special use permit to ensure that the use is appropriately sited and is compatible with adjacent uses. Also limiting uncovered outdoor storage to a maximum of 50% of outdoor storage spaces.
- Benefit to amendment: introduces a public hearing process that will allow citizens to express concerns they may have with the location of the use. Additional buffering/screening or other design elements may be required to protect certain land uses from any potential nuisances associated with the proposed use, which include aesthetics and screening of outdoor storage.

STORAGE LAND USES (CONTINUED)

- Impacts to existing businesses citywide (outside of N. Scott Overlay): Existing facilities may continue to operate as approved/licensed as legal non-conforming land uses. Any expansions to the use (building or site) will require approval of a Special Use Permit to make the site legal conforming.
- Impacts to existing business in N. Scott Overlay: Existing facilities may continue to operate as approved/licenses as legal non-conforming land uses. Expansions to the use (building or site) has been prohibited in the N. Scott Overlay since 2017 per the adopted land use table. Since it is generally difficult to modify an existing building into a storage facility without meeting the definition of “redevelopment” or “development,” it is anticipated that the only new or expansion for storage facilities will be in the “indoor climate-controlled” format after being appropriate rezoned to Flex Commercial-Industrial and obtaining Special Use Permit approval. Areas appropriate for Flex Commercial-Industrial zoning are identified on the N. Scott Overlay Future Land Use Map.
- Impacts to future businesses: All future storage facilities will be required to obtain special use permit approval prior to approval of any development/building permits or a business license.

STORAGE LAND USES (CONTINUED)

- Special Use Standards:
 - Indoor Climate Controlled:
 - Outdoor storage is prohibited
 - Must meet minimum design standards regardless of location
 - Warehouse:
 - Overhead garage doors must be screened from the street and adjacent properties
 - Open outdoor storage limited to maximum of 50% of outdoor storage stalls
 - All other outdoor storage for vehicles and equipment must be covered (such as with carport structure)
 - All outdoor storage areas shall be in rear property and screened from street and adjacent properties
 - All outdoor storage areas, parking, and drive aisles must be paved and meet minimum parking/paving standards

CONTRACTOR LAND USES

- Under the current code, construction sales and services are permitted in C-2, BP, M-1, and M-2 zoning districts by right. Staff is proposing to add a second use (building or ground maintenance services) and split both land uses into with or without outdoor storage with conditions (special use permit not required).
- Reason: the current definition of construction sales and services covers “construction activities and incidental storage on lots other than construction sites.” This definition does not indicate where the incidental storage may be located. Under the N. Scott Overlay, outdoor storage is specifically prohibited except in FCI zoning, including all vehicles.
- Solution: outdoor storage is generally incompatible in C-2 zoning districts, as it is predominantly a zoning district that accommodates a variety of commercial services and retail uses. However, that doesn’t mean that contractor uses are always incompatible, just those with outdoor storage. With the conditions, an exception is made for cars and trucks serving the business in C-2, just not equipment, trailers, and materials and supplies. More intensive BP and industrial zoning districts may have additional items stored outside but are subject to screening requirements (fencing and landscaping).
- Benefit to amendment: allows contractor businesses the ability to continue to operate, however, in a manner that is compatible with adjacent land uses and does not contribute to visual blight.

CONTRACTOR LAND USES (CONTINUED)

- Impacts to existing businesses citywide (outside of N. Scott Overlay): Existing contractor businesses may continue to operate as approved/licensed. Businesses without outdoor storage are legal conforming, but those with outdoor storage that does not meet the screening requirements are considered legal non-conforming. Any expansions to the outdoor storage area will require conditions to be met (e.g. if expanding and outdoor storage allowed, screening must be installed).
- Impacts to existing business in N. Scott Overlay: Existing contractor businesses may continue to operate as approved/licenses, but if there is outdoor storage, it is a legal non-conforming use. Expansions to any outdoor storage areas has been prohibited in the N. Scott Overlay since 2017 per the adopted land use table. Any expanded outdoor storage area will meet the definition of “redevelopment” or “development,” requiring the site to be brought into compliance with the Overlay, including screening requirements. Furthermore, the Overlay standards are more restrictive than the proposed citywide standards and specifically prohibits all outdoor storage of materials and supplies. However, staff is proposing to loosen restrictions on parking of cars and trucks for the business. Areas appropriate for outdoor storage are limited to Flex Commercial-Industrial zoning district as identified on the N. Scott Overlay Future Land Use Map.
- Impacts to future businesses: All future contractor businesses are required to be properly zoned and meet the outdoor storage screening requirements prior to licensing approval.

CONTRACTOR LAND USES *(CONTINUED)*

- Special Use Standards:
 - “No outdoor storage” includes equipment and trailers, supplies, and materials, however, licensed and operable cars and trucks that serve the business may be parked in paved and striped parking spaces.
 - “With outdoor storage” includes any of the items above and requires screening from the street and adjacent properties with a privacy fence or wall and landscaping.

OUTDOOR STORAGE LAND USES

- Under the current code, there are several uses that may consist of outdoor storage (though not always clearly defined), including: construction sales and service, mini warehouse, and vehicle, RV, and boat storage/towing. These uses are currently permitted in industrial zoning district (construction sales and services may also be permitted in less intensive zoning districts as listed in previous slides).
- Reason: as stated in the contractor land uses slides, these land uses are not clearly defined and clarification is needed. The N. Scott Overlay also specifically prohibits outdoor storage outside of the FCI zoning district.
- Solution: outdoor storage is generally incompatible outside of industrial zoning districts. Furthermore, outdoor storage can quickly become a permanent nuisance if left without any restrictions. Staff is proposing to add “vehicle and equipment storage and towing” and “outdoor storage yard” land uses to provide a distinction between these two uses. There is currently not a land use that accommodates outdoor storage other than related to vehicles and towing, which needs to be addressed. These uses would be subject to special use permit approval and standards and include screening requirements.
- Benefit to amendment: these amendments are intended to reduce the visual blight that is often created by outdoor storage areas.

OUTDOOR STORAGE LAND USES *(CONTINUED)*

- Impacts to existing businesses citywide (outside of N. Scott Overlay): Existing outdoor storage may continue to operate as approved/licensed, though those that were never approved may be subject to nuisance violations. Any expansions to the outdoor storage area will require special use permit approval as required and conditions to be met (e.g. if expanding and outdoor storage allowed, screening must be installed). This also impacts storage facilities with outdoor storage areas for parking of vehicles and equipment, which would require at least 50% of parking spaces to be covered.
- Impacts to existing business in N. Scott Overlay: Existing outdoor storage areas may continue to operate as approved/licenses, but if there is outdoor storage, it is a legal non-conforming use. Non-permitted outdoor storage areas may be subject to nuisance violations. Outdoor storage areas have been prohibited in the N. Scott Overlay since 2017 per the adopted land use table. Accessory outdoor storage may be permitted in FCI zoning for certain types of storage (vehicles and equipment, but not materials/supplies). New tow lots, outdoor storage yards, etc. are prohibited.
- Impacts to future businesses: All future outdoor storage areas are subject to the appropriate approval and licensing processes, which may vary based on type of outdoor storage.

OUTDOOR STORAGE LAND USES *(CONTINUED)*

- Special Use Standards:
 - For vehicle and equipment storage, tow lots, and outdoor storage yards, the following apply:
 - All outdoor storage areas shall be paved, and if used for parking of vehicles or equipment, shall meet minimum parking lot design standards. Gravel is not permitted.
 - All outdoor storage areas shall be screened from view of the street and adjacent properties with a privacy fence or wall and landscaping.
 - All vehicles and equipment stored on the premises shall be operable, except for tow lots, which may include inoperable vehicles stored temporarily for up to 30 days (this distinguishes tow lots from junk/salvage yards).