

INFORMATIONAL MEETING ZONING & SIGNAGE - MARCH 2, 2021



Background

Zoning Modifications

Signage

Text Amendment Standards & Next Steps



Zoning Modifications

- Zoning Code adopted effective June 5, 2017
- Goal to keep the document live and review and update regularly.
- This review is primarily based on suggestions that have arisen from using the code, neighbors, city agency staff and property owners.
- June 4, 2020, the Department held an open informational meeting about the list of amendments and opened the discussion up to more ideas and left comment document on our website for over four weeks.
- Posted recommended amendments in early August with their justification.



Zoning Modifications

- City Council Bill 20-0601 introduced in September 2020
- Heard by Planning Commission October 2020
- Never Completed by City Council before end of session



Zoning Modifications

- Adding the ability to have small size digital signs in residential districts, conditionally to the BMZA. This has been requested by various schools and religious institutions. Initial concern about digital signs is, if pointing towards a house they may disturb residents and therefore it is recommended as a conditional use rather than just permitted.
- Clarifying the definition of a block face to mean the full block between two streets excluding alleys and sidewalks.
- Adding Farmers' Markets as a use, rather than just an event and permitting them in most zones, but conditional in residential zones. (Table edit and remove temporary use standards)
- Changing the title of Gas stations to Fueling stations, and expressly permitting charging stations.
- Expressly adding recreation centers to the list of inclusions in Government facility.
- Clarifying in the definition of Kennels to include nonprofit shelters as opposed to just business entities.
- Add micro-blading to the inclusions in Personal services establishment along with beauty shops.



Zoning Modifications

Continued

§ 2-203. Transition rules.

(c) *Preexisting permitted use reclassified as conditional.*

(j) *Previously granted variances and conditional uses.*

(d) *Preexisting nonconforming use reclassified as permitted or conditional.*

(1) If a preexisting nonconforming use is reclassified by this Code or an amendment to it as a permitted or conditional use for the zoning district in which it is located, that use may be continued as a lawful permitted or conditional use, as the case may be.

(2) Any subsequent change to that use[, including any addition, expansion, relocation, or structural alteration, is] **MUST BE APPROVED BY THE BOARD OF MUNICIPAL AND ZONING APPEALS**, subject to this Code and, if a conditional use, to the procedural and substantive requirements imposed by this Code on conditional uses.

This amendment is intended to make clear that uses that were previously granted as Conditional or reclassified to conditional, the BMZA is the body to approve an addition, expansion etc.

The last sentence remains which makes clear that it is still subject to requirements such as specific conditions that may have been established. In the event that a change proposed was specifically controlled in the establishing bill, then it would need to go back to the City Council (i.e. it takes a bill to modify a bill). Otherwise, the BMZA provided a public review for changes to the use.

However, there was never an intent that minor changes unrelated to the use need to go back through a public hearing (legislative or otherwise), but the wording in our current code implies that's the requirement.



Zoning Modifications

Continued

- To give the BMZA the authority to approve new accessory uses that are not otherwise listed as long as they meet the standard of accessory, that is incidental and subordinate to primary use.
- To clearly give a property owner the authority to withdraw an application, not just the applicant.
- To give the BMZA the authority to deny applications for properties with outstanding violations or unpaid fees or fines.
- To clarify that outdoor seating for a Neighborhood commercial establishment must be on the street side of the property and not in the rear yard or on a roof deck.
- Delete “(principal use)” from Parking garages (principal use), so standards apply to all garages.
- Delete exemption on minimum commercial or industrial use in IMU -1 (11-203d)
- Adding clarifying language that exempts government buildings from requirements for wireless equipment on the exterior 2-202(9)



Zoning Modifications

Continued

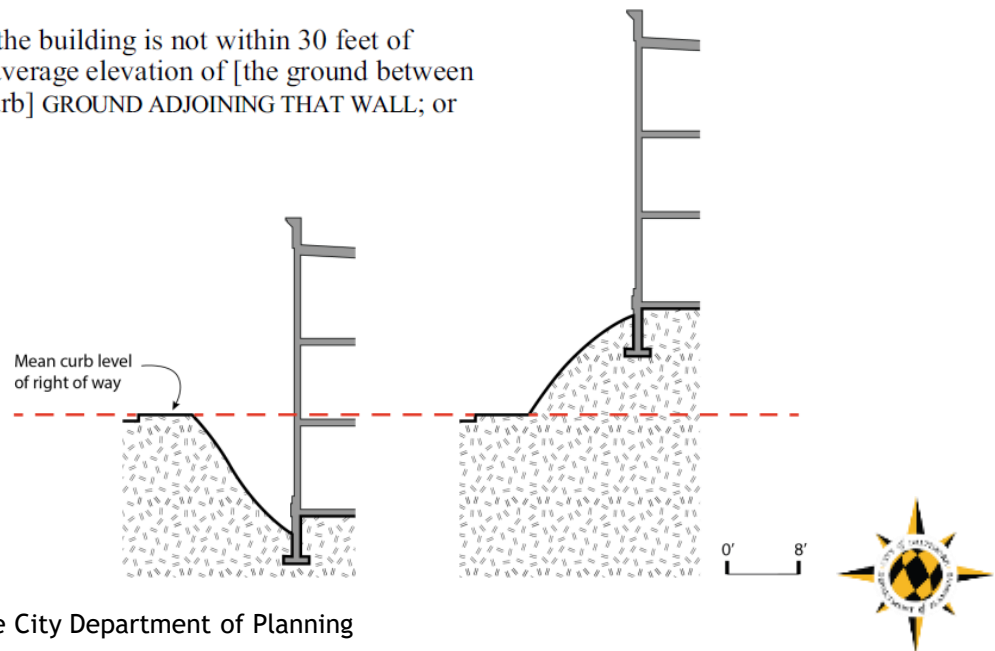
- To add a clarification on measuring heights of buildings when they are set back from the street more than 30 feet. This becomes an issue when the site has significant topography. The amendment provides for measuring from the ground adjoining the wall as opposed to from the average between curb and wall of building, when a building is set back more than 30 feet. (2) For purposes of determining compliance with height limitations, the height of a building is determined by measuring the vertical distance:

(i) from the following, as applicable:

(A) from the mean curb level of the right-of-way on which the property fronts;

(B) if the front wall of the building is not within 30 feet of the curb, from the average elevation of [the ground between that wall and the curb] GROUND ADJOINING THAT WALL; or

...



Zoning Modifications

Continued

- Provide for Carriage houses without requiring them to be subdivided from main property.
- In local Historic Districts or on Local Historic Landmarks, to allow canopies with or without electronic signs if they had historically existed.
- Provide for expansion of non-conforming structures if they don't increase the degree of existing non-conformity. In other words, If a building exists as 38 feet high in a zone that is limited to 35 feet but they have a large rear yard. They wouldn't be prohibited from adding a rear addition



Zoning modification Title 16 - Parking

- Add flexibility for dimensional aspects such as minimum dimensions, aisles, compact spaces, subject to review by Site Plan Review Committee (SPRC) and approved by the Director of Planning. - if no other variances required.
- Reduce parking requirements for affordable housing, senior housing.
- Reduce residential parking requirements in the mixed-use zones - of C-2, Office Residential and TOD
- Adjust parking requirements for similar uses, for example offices and financial institutions and retail goods and personal services.
- Increase the exemptions for small businesses up to 5,000 sqft in C-2
- Reviewing the dimensional standards and number of spaces required for bicycle parking



Zoning Modifications

Continued

Table edits include the following;

- Provide for Farmer's markets (CB in residential) ;
- Permit accessory parking in Open Space zones;
- Permit detached houses in R-5 through R-10 on smaller lots with smaller yards;
- Provide for Commercial or vocational educational programs in C-1 districts, CB - This is to assist with driving schools and similar training;
- Make Arts Studio: Industrial and Food Processing: Light permitted in all commercial zones;
- Correct a missing phrase, that is “per dwelling unit” in Table 10-401; and
- Permit gazebos in, side and rear yards.



SIGNAGE



2021 Specific Areas of Focus

- Conditional Signs to BMZA
- Electronic Signs for institutions and historic structures
- Measurement Methodology for Quantity
- Special Rules
- Signage and PUDs
- Painted Signs
- Definition Clarification for Ground Floor/ Above Ground Floor
- Increase in some Max Areas on Tables 17-201 and 17-306



SIGNAGE AMENDMENTS

New and Changes To Definitions:

1. Above Ground Floor & Above Ground Floor

• Above Ground Floor - the occupiable space in a building above the ground floor.

- Does not include any exterior or interior spaces created from or defined by the structural or architectural items outlined in 15-301(b);
- Does not include interior loft space or mezzanine spaces within the volume of the ground floor.

• Ground Floor - does not include basements

2. Clarifying Roof and Wall Signs- if 30% or more of a sign extends above the roofline or parapet it is considered a roof sign.

3. Painted and Mural Sign (New Sign Type)

A sign applied directly to the wall of a building or other permanent structure element on a lot through paint, other medium or glue application without the use of fasteners, frames, or other support structures.



Painted & Mural Signs

- **Placement Restrictions-** if seeks to cover any window, door, or prominent architectural feature must have design review approval and if covering a window must follow transparency requirements for Window Signs.
- **Measurement Methodology-** does not include what is determined to be art, if incorporated with non-signage on the same elevation, the area is calculated as the combined portions considered to be signage.



SIGNAGE AMENDMENTS

Conditional Signs to Board of Municipal and Zoning Appeals

- Not a new concept, but was removed.
- These amendments would reintroduce the concept to the signage regulations and modify several Titles to define, place in the text for findings of fact and evaluation procedures.
- Would also allow for the introduction of “CB” into Table 17-201 to denote a sign type is conditional to the Board.



Electronic Signs

- Allow Category I (max 15 sqft.) electronic signs to institutional uses in the residential zoning districts.
- Allow electronic signs on canopies for historic theater buildings that have had historic/existing canopy structures.
 - Modifications will be made to the Awning/Canopy Signs and Electronic Signs in Subtitle 4.



Sign Dimension Measurement Methodology

Clarifies:

- The maximum quantity is the total number of a signs per type in Table 17-201.
- The Maximum Area Per Sign, is the maximum area allowed for each sign in the table.
- Adds in 2 sqft. measurement “exemptions” from maximum area for signs required by the Building Code and for life safety.



Special Rules Section

Campus Signage -

- Applies to EC-1, EC-2, OS, H, OIC, and BSC zoning categories.
- The aggregate of the maximum allowable freestanding monument and pylon signage may be split among all buildings on that lot.

Shopping Centers

- Applies to C-2 through C-4.
- Defines frontage for in-line retail to be ROW or drive-aisle frontage, distinguishes building frontage versus tentant frontage.
- Tenants with a ground floor floorplate of 15,000 square feet or greater may use the Above Ground Floor wall signage allotment
- If more than one principal structure on a lot with the exception of roof signage, each principal building on that lot may have signage.
- Monument Signage Can be combined and split



Special Rules Section cont'd

- Freestanding Monument signs may be installed on lots adjacent and contiguous with residential developments of 20 units or more if the units are in a singular building, part of a major subdivision or redevelopment of contiguous and adjoining lots.
- Automatic 15% maximum area increase for use with sign splitting option:
 - Approved drive thru uses in C-2 through C-4
 - Campus
 - Shopping Centers and Single Story 15,000 sqft or larger
 - PUDs
 - Cannot be further varied by BMZA



Signage in Planned Unit Development:

- Clarifies rules for creating Signs in PUD:
 - If no signage plan will follow the rules in current code per underlying zoning.
 - “Business PUDs” established prior to 2017 with residential zoning follow C-2 signage rules unless specified in the PUD.
 - An ASSC legislation may be incorporated into new PUD legislation (new or repeals/replace) and must follow the rules of the ASSC and have a designate ASSC section.
 - If not in ASSC, may use combine the freestanding signage and spread across the property.



Other Ideas / Concerns

- More flexibility in the reuse of former school buildings
- Concern about marijuana if State legalizes



Zoning Modifications- Text Amendment Standards

According to Section 5-508(c) *Text amendments*, the Planning Commission must consider the following standards:

(1) the amendment's consistency with the City's Comprehensive Master Plan; The Comprehensive Plan called for a new Zoning Code and this bill is intended to keep that code up to date. The Zoning Code is functionally a part of the master plan, and if it's not working as we expected, we need to correct to match intent.

(2) whether the amendment would promote the public health, safety, and welfare; These amendments support and improve existing code's goal to promote the health, safety and welfare, examples include the expansion of Farmer's Markets, giving the BMZA the authority to deny applications for properties with outstanding violations. This essentially prevents bad operators from postponing enforcement long enough that it becomes less meaningful. That is, you can't file an appeal and ignore it just to stay enforcement.



Zoning Modifications- Text Amendment Standards

(3) the amendment's consistency with the intent and general regulations of this Code; These amendments maintain and enforce the intent of the code and reflect practical learning with real experience over time.

(4) whether the amendment would correct an error or omission, clarify existing requirements, or effect a change in policy; and These amendments correct omissions as in sqft/dwelling unit, as well as some change in policies to make detached dwellings easier to construct in high density zones and maker spaces able to establish on all commercial areas.

(5) the extent to which the amendment would create nonconformities. These amendments would not increase non-conformities and in a few cases, it would decrease them.



Next Steps

- Consider suggestions and ideas that result from these meetings
- Draft legislation
- Introduce to City Council
- Planning Commission would be first public hearing- Notice through Gov delivery similar to this meeting
- Economic and Community Development Committee of City council second hearing

