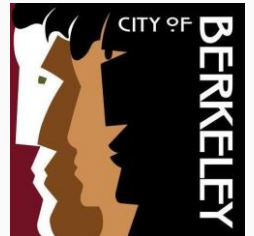


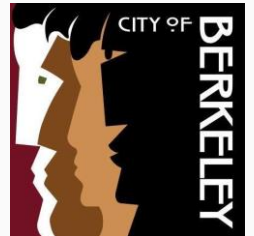
Item 10: Public Hearing on Zoning Ordinance Amendments that Address Technical Edits and Corrections

Justin Horner, Associate Planner
Planning Commission, March 2, 2022



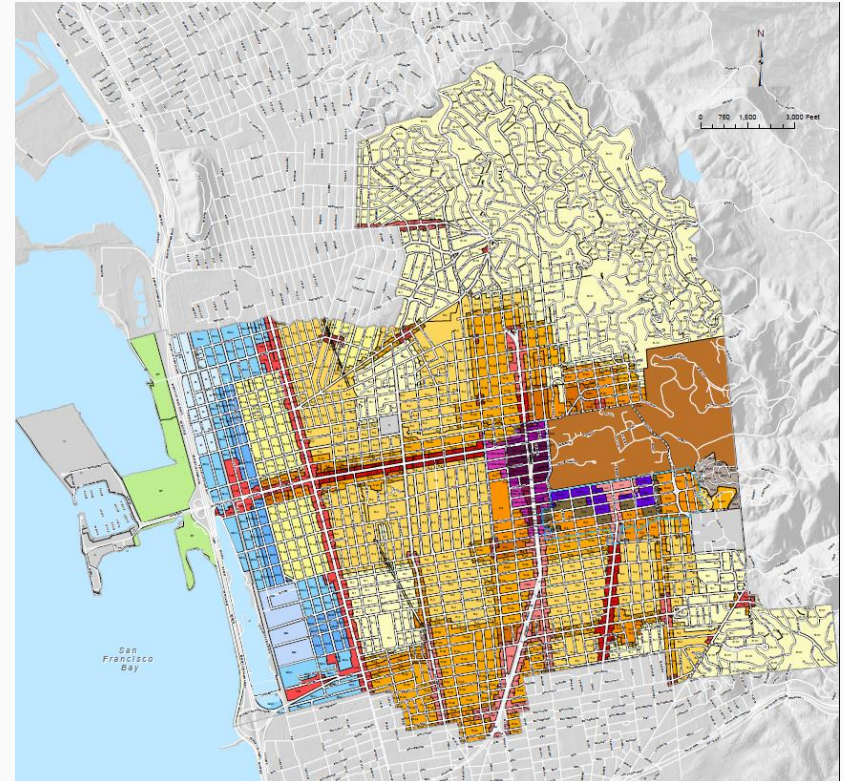
Outline

1. Background
2. Category One Amendments (10 in total)
3. Category Two Amendments (5 in total)
4. Questions



Background: Zoning Ordinance (Title 23 BMC)

- Adopted October 2021; effective December 1, 2021
- Need for technical edits and corrections was anticipated
- Staff to present regular packages of routine amendments to PC and City Council
- This is Package #1; Package #2 will come in Spring, 2022



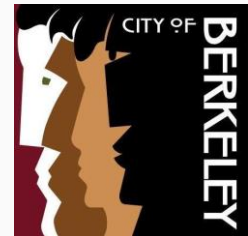
Category One Amendments

BMC Section 23.326.030.A (Eliminating Dwelling Units through Demolition)

Policy: The BMC prohibits removal of dwelling units contained in a building constructed before June 1980 if it was removed from the rental market under the Ellis Act during the previous five years.

Issue: The new Zoning Ordinance only includes this prohibition *for single family homes*. The requirement should pertain to all buildings constructed before June 1980.

Amendment: The proposed amendment adds this prohibition to the new Zoning Ordinance for Buildings with Two or More Units constructed before June 1980.



Category One Amendments

BMC Section 23.204.020

(Allowed Land Uses – Commercial Districts– Short-Term Rentals)

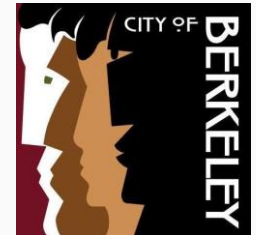
Policy: The BMC only permits Short-Term Rentals in the R-1, R-1A, R-2, R-2A, R-3, R-4, R-5, R-SMU, C-DMU, C-1, C-NS, C-SA, C-T, C-W and M-UR districts.



Issue: The new Zoning Ordinance states that Short-Term Rentals are permitted in the C-E, C-SO and C-AC districts. This is not accurate.



Amendment: Amend the **Table 23.204-1: Allowed Uses in Commercial Districts** to state that Short-Term Rentals are not permitted in the C-E, C-SO and C-AC districts.



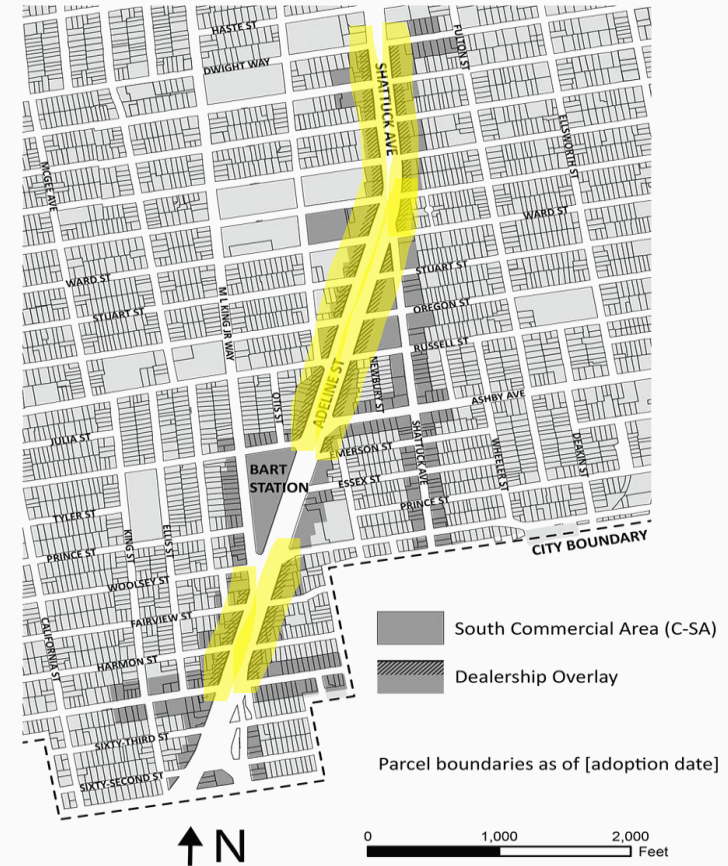
Category One Amendments

BMC Section 23.204.100 (C-SA Zoning District – Dealership Overlay)

Issue: The new Zoning Ordinance includes the **C-SA Dealership Overlay** map and regulations even though all the parcels in the Overlay District have been rezoned to C-AC.

Amendments:

1. Remove the Dealership Overlay map and regulations.
2. Clarify that dealership uses with outdoor activities are not permitted anywhere in the C-SA district.



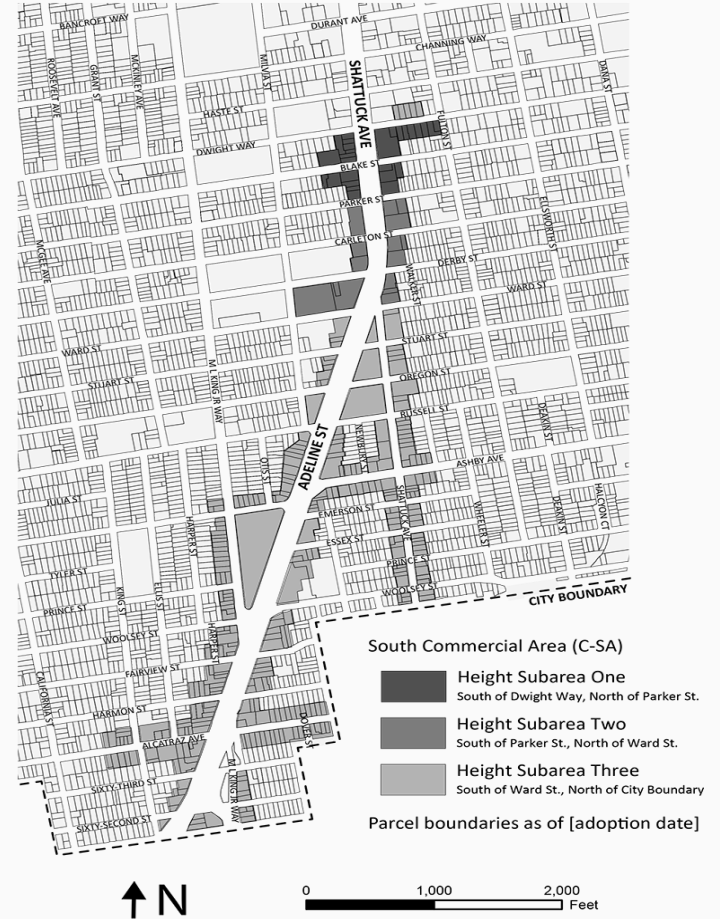
Category One Amendments

BMC Section 23.204.100 (C-SA Zoning District – Height Limits)

Issue: The new Zoning Ordinance includes the original **C-SA Height Subarea** map and regulations even though most C-SA parcels have been rezoned to C-AC.

Amendments:

1. Amend the Height Subareas map to exclude C-AC parcels.
2. Amend Height Subareas map to indicate only two height subareas



Category One Amendments

BMC Section 23.204.110 (C-T Zoning District – Allowed Heights)

Policy: In the C-T district, north of Dwight, a height increase up to 75 feet is permitted with a use permit. There is no limit on the number of stories.

Issue: In the new Zoning Ordinance, **Table 23.204-33 C-T Allowed Heights and FAR Increases**, includes a height limit of 6 stories in the C-T, north of Dwight.

Amendment:

Table 23.204-33 C-T Allowed Heights and FAR Increases

Project Location	Allowed Increase	
	Height	FAR
South of Dwight Way	65 ft. and 5 stories	No increase allowed
North of Dwight Way	75 ft. and 6 stories	6.0



Category One Amendments

BMC Section 23.204.130 (C-DMU Zoning District – Setbacks)

Policy: In the C-DMU district, there are no Street Side setbacks.

Issue: In the new Zoning Ordinance, **Table 23.204-39 C-DMU Setback Standards**, includes Street Side setback standards.

Amendment:

Table 23.204-39 C-DMU Setback Standards

Portion of Building at Height of:	Front or Street Side	Minimum Interior Side		Minimum Rear
		65' and less from lot frontage	Over 65' from lot frontage	

Category One Amendments

BMC Section 23.204.140 (C-W Zoning District – Minimum Lot Area)

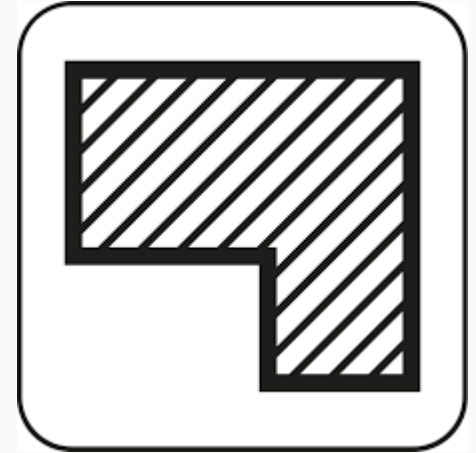
Policy: In the C-W district, there is no minimum lot area per Group Living Accommodation Resident

Issue: In the new Zoning Ordinance, **Table 23.204-42 C-W Development Standards**, includes a 350 sf per GLA resident lot area requirement.

Amendment:

Table 23.204-42 C-W Development Standards

Basic Standards		Supplemental Standards
Lot Area Minimum		23.304.020 --Lot Requirements
New Lots	No minimum	
Per Group Living Accommodation Resident	350 sq. ft. No minimum	



Category One Amendments

BMC Section 23.206.202 (M Zoning District – ADUs)

Policy: ADUs are not permitted in the M district.

Issue: In the new Zoning Ordinance, **Table 23.206-1 Allowed Land Uses in Manufacturing Districts**, indicates that ADU’s are “P” in the M district



Amendment:

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit -- = Permitted with an AUP, see 23.206.020(B) NP = Not Permitted [#] = Floor Area Permit Requirement * Use-Specific Standards Apply	MANUFACTURING DISTRICTS				Use-Specific Standards Applies to uses with an asterisk following the permit requirement (e.g., ZC*)
	M	MM	MU-LI	MU-R	
Residential Uses					
Accessory Dwelling Unit	NP	NP	NP	See 23.306	

Category One Amendments

BMC Section 23.322.030 (Required Parking Spaces – ES-R District)

Policy: The ES-R district has unique minimum residential off-street parking requirements.

Issue: The new Zoning Ordinance does not include the ES-R’s residential parking requirements.

Amendment:

Amend **Table 23.322-1 Required Off Street Parking in Residential Districts**

Land Use	Number of Required Off-street Parking Spaces
Residential Uses	
Accessory Dwelling Unit	See Chapter 23.306
Dwellings, including Group Living Accommodations	<p>R-3, R-4, and R-5 Districts (1-9 units): If located on a roadway less than 26 feet in width in the Hillside Overlay: 1 per unit.</p> <p>R-3, R-4, and R-5 District (10 or more units): If located on a roadway less than 26 feet in width in the Hillside Overlay: 1 per 1,000 sq ft of gross floor area.</p> <p>ES-R: 1 per 1,000 sq ft of gross floor area or one per bedroom, whichever is greater.</p> <p>All Other Districts: If located on a roadway less than 26 feet in width in the Hillside Overlay: 1 per unit</p> <p>All Other Locations: None required</p>
Dormitories, Fraternity and Sorority Houses, Rooming & Boarding Houses, Senior Congregate Housing	<p>If located on a roadway less than 26 feet in width in the Hillside Overlay: 1 per each 5 residents, plus 1 for manager.</p> <p>All Other Locations: None required.</p>
Rental of Rooms	<p>ES-R: 1 per each roomer or boarder, in addition to any required parking for Dwellings.</p> <p>All Other Districts: If located on a roadway less than 26 feet in width in the Hillside Overlay: 1 per each two roomers.</p> <p>All Other Locations: None required</p>

Category One Amendments

BMC Section 23.502.020 (Glossary – Nurseries)

Policy: Nurseries are a type of retail use. In the old Zoning Ordinance, nurseries were included as their own subtype of retail use (“Garden Supply Stores, Nurseries”) and were not included in the retail subtype “Flower and Plant Stores.”

Issue: The new Zoning Ordinance Glossary section states that nurseries are included in the definition of Retail, General but also states they are excluded from the definition.

Amendment:

Amend the last sentence of the definition of **Retail, General** to read:

“This use excludes video rental stores, service of vehicle parts, **nurseries**, and firearm/munition sales.



Category Two Amendments

Zoning Ordinance Section	Proposed Amendment	Rationale
23.204.020 Table 23.204-1 (Allowed Uses in the Commercial Districts)	ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.030020(B) [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	Correcting an inaccurate internal reference
23.302.040.A (Home Occupations – Definitions)	Remove entire section	Glossary already contains exact same definition language. Stating it twice raises the opportunity for discrepancies in future updates. One location for definitions is best practice.
23.304.060.C.2 (Accessory Buildings and Enclosed Accessory Structures)	2-3. Rebuilding and Replacement	Section misnumbered
23.502.020.F.3.A (Glossary: Family Day Care Home)	(a) Small Family Day Care Home. A family day care home s for eight or fewer children, including children who live at the home.	Grammatical correction
23.502.020.F.3.B (Glossary: Family Day Care Home)	(b) Large Family Day Care Home. A family day care home s for nine to fourteen children, including children who live at the home.	Grammatical correction

Questions

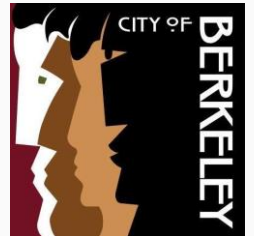


Figure 23.204-3 C-SA Building Height Subareas

