

## MEMORANDUM

**To:** Planning Commission

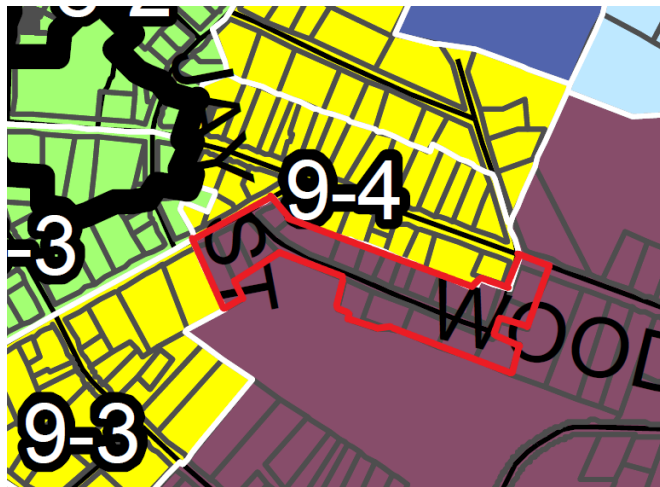
**From:** Mike Miller, Director of Planning & Community Development

**Re:** Fall 2021 Zoning requests

**Date:** November 1, 2021

Over the six months a number of requests and problems have come up for review in the Unified Development Regulations (more commonly known as the Zoning Regulations). These have been reviewed by the Planning Commission and the following have been determined to be worthy of a hearing to take comment on. The list of changes includes:

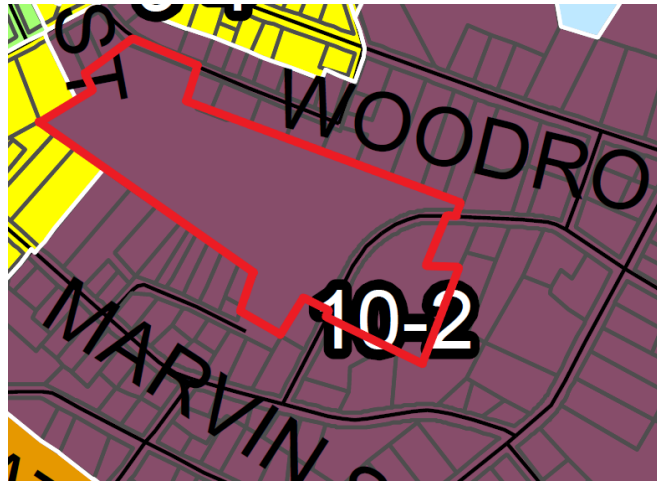
1. A map change in the Harrison Ave, Whittier Ave area to shift the properties from Res-6 (College Street North neighborhood) to Res 3 (Liberty Street East neighborhood).
  - o The proposal would change the area highlighted in red to Res 3 zoning (matching the areas colored yellow)



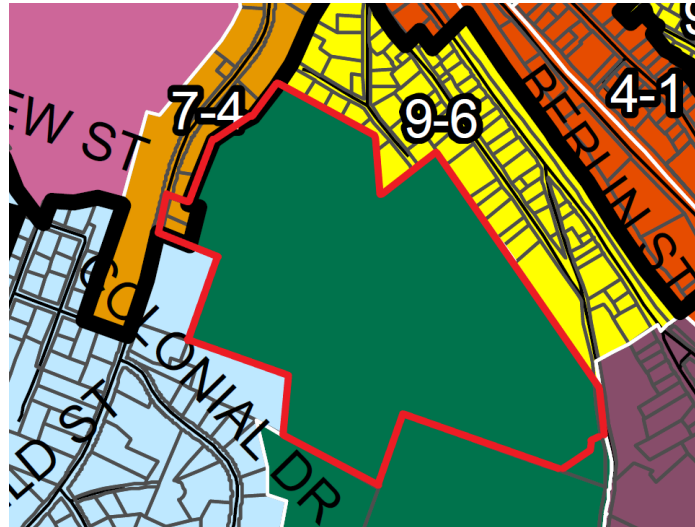
- o There are 19 parcels that would change designation
- o Zoned as Res-6 the area contains 4 non-conforming lots that would be conforming under a Res-3 designation
- o Initiated by a resident of Harrison Ave who wanted to add a tiny house to a property that already had a single family home with an accessory apartment. The change would allow for a very modest amount of development potential to exist on the streets that are not inconsistent with the abutting

neighborhoods. This street is one of the only ones in the core downtown that is not zoned at least Res-3.

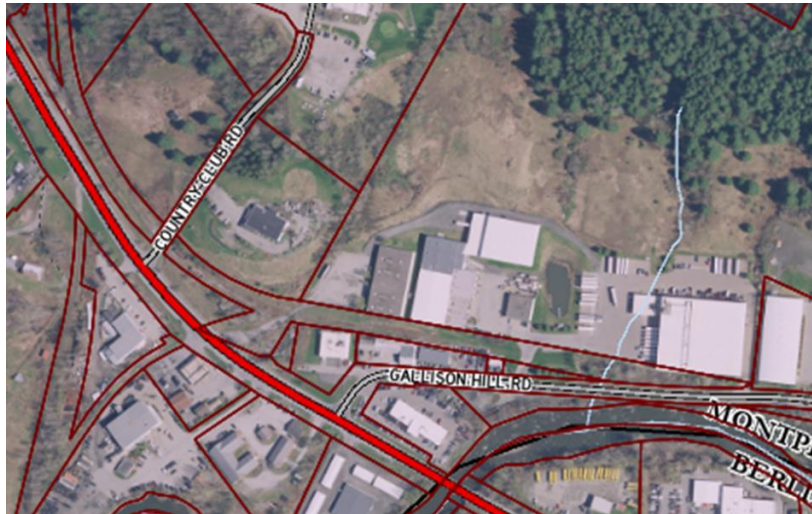
- This proposal will NOT change the zoning on Heaton field which is discussed in #2.
2. A map change for Heaton Woods and WCMH from Res-6 (College Street North neighborhood) to Res 3 (new neighborhood designation)
- The proposal would change the area highlighted to Res-3 (colored yellow).



- There are two parcels that would change designation here. The parcel on the left side of Heaton Street (when facing north) is Heaton Woods long term care facility. The right side of the street is now owned by Washington County Mental Health.
  - Request is initiated by WCMH who would like to add additional housing for their employees to the property but lack necessary density at Res-6. Both parcels are of a unique character compared to the others in the College Street North neighborhood as these parcels were part of the old Heaton Hospital. It will require a new neighborhood to be created called Heaton neighborhood.
  - A majority of the Heaton property, including Heaton field, is permanently conserved by an easement so regardless of zoning change, no development can occur in the area protected by the easement.
3. A map change on Northfield Street to shift some parcels on the east side of the street from MUR (Northfield Street North neighborhood) and Rural (Hill Street Neighborhood) to Res-9 (Northfield Street Neighborhood).
- The proposal will change the highlighted area to Res-9 (light blue color). It will also remove the one parcel and part of the second parcel from the Design Review Overlay District (the dark black line).



- Two parcels will change designation. The lower parcel in MUR is a single family home and is consistent with Res-9 in character. The large parcel in green also includes land in orange that abuts Northfield Street. The rural land is so designated because it does not have direct access to sewer and water.
  - This amendment is being initiated by a potential development on the larger parcel. This project would extend sewer and water infrastructure into the site therefore they would like the parcel rezoned to Res-9. This is not unlike the Crestview Parcel off Terrace Street which is an internal parcel but has a Res-9 designation.
4. A proposal to reduce the side setbacks in Res-9 from 15 feet to 10 feet. I conducted a review of all the existing Res-9 neighborhoods and found, for the most part, compliance with these setbacks. In a few areas some of the setbacks would make structures non-conforming. I think there could be room to reduce the side setbacks to 10 feet. This would eliminate a number of non-conformities.
  5. A change to setbacks on property lines abutting the rail line for properties in Eastern Gateway – Farm and Factory neighborhood.
    - Eastern Gateway has setbacks for this area at 20 feet for front and 20 feet for side. The side setback also applies to parcels that abut the abandoned rail line. From the image below, one can see that most buildings on the rail line have been built to the zero lot line on Gallison Hill Road.



- This change is being initiated by a developer looking to build another building and would like to have the same rail setback as the other buildings in the area.
  - Proposal from staff is to add a 5 foot rail setback to allow maintenance on the buildings from one's own property. Maybe if we hear from the Rail division that they are ok with private access onto their property for maintenance of buildings I could be ok with zero but I would want to hear from the rail division first.
6. New Planned Unit Development rules for general PUD and Footprint PUD requests.
    - Attached
  7. Removal of required PUD language in new neighborhood and conservation puds.
    - Attached
  8. Removal of residential density requirements from Riverfront and Res 1500 districts.
    - This would make the next two highest density districts to be regulated by bulk and massing requirements similar to Urban Center 1, Urban Center 2, and Urban Center 3.
  9. Minor technical fixes
    - Figure 2-5 use table. Split "Nature or recreational park" into two groups. Nature will keep definition and recreational park will be new and be design to cover rec fields that may have more impact on neighbors (and therefore be more likely to be conditional). Soccer and baseball fields and dog parks all can have noise and impact abutters but will require minor improvements (like fencing and small parking area). This will not cover recreation facilities which are larger and have significant improvements like stadium lights, bleachers, and indoor facilities.
    - Add new provision to discussion of accessory setbacks to clarify when an accessory structure is attached to, or a part of a primary structure (attached garages). **"3002.C(4)** Where an accessory structure is attached to a principal structure, such as a deck or garage, the accessory structure may encroach

into the principal setback but the uses of portion of the structure that are encroaching shall be limited to accessory uses."

- **3006.B** clarification that when development receives a state wetland permit that the project does not need a hearing.
- **3012.C(9)**- currently reads "Internally illuminated signs except where specifically allowed under these regulations."
  1. Change to "Internally illuminated signs. This prohibition does not extend to 'reverse channel' or back lit signs where the sign elements are opaque."
- **3012.L** – currently reads "*Nonconforming Signs. The following applies to any sign that has become a nonconformity:*
  1. *A nonconforming sign shall not be altered, modified, or reconstructed unless:*
    - a. *The alteration, modification, reconstruction or relocation shall bring the sign into conformance with these regulations; or*
    - b. *The alteration, modification, or reconstruction of the sign will not change the area and will be limited to replacement of a sign panel, or replacing individual letters or logos within the same area, or repainting a sign face. No changes beyond normal repair and maintenance shall be allowed to the structure or framing, and the sign shall not be relocated.*
  2. *Otherwise, a nonconforming sign shall be brought into conformance with these regulations when:*
    - a. *There is a substantial improvement to the exterior of the building occupied by the use or building occupant associated with the sign.*
    - b. *The sign has been damaged to the extent that the cost of repair or restoration exceeds 30% of the replacement value of the sign immediately prior to the damage.*

Changes will be made to read:

1. A nonconforming sign shall not be altered, modified, or reconstructed unless:
  - a. The alteration, modification, reconstruction or relocation shall bring the sign into conformance with these regulations; or
  - b. The alteration or modification of the sign will not change the area and will be limited to changes to the sign panel including the replacement of sign panels, replacing individual letters or logos within the same area, or repainting the sign. No changes beyond normal repair and maintenance shall be allowed to the structure or framing, and the sign shall not be relocated; or
  - c. The reconstruction of the sign will be equal to or less 30% of

the replacement value of the sign immediately prior to damage.

2. A nonconforming sign shall be brought into conformance with these regulations when:

- Regarding fences in **3101.D** add a "(1) Front yard fence provisions apply to all fences in front of the front line of the house regardless of whether it is on the frontage or along a side parcel line."
- Typo change in **Section 3111(1)** to read "multiunit dwellings" rather than "multifamily".
- **3203.B** discusses applicability of the landscaping requirements (when so these rules need to be met). It reads "All development requiring site plan approval shall meet the provisions of this section except:
  1. Changes of use where sites have previously been developed in accordance with an approved site plan and where the proposed development will not change, or be required to change, any landscaping or screening;"

We proposed adding the word "or" at the end on #1 and adding:

2. Development where no impervious cover is changed and no soil disturbed and where the development does not impact landscaping, such as lighting changes or temporary structures.
- **3206** shading will apply only to existing and permitted solar devices (e.g. PV panels and hot water) and not more broadly to "walls, yards, and roofs".
  - Strike **3505.B(7)**. Section 3505 is part of subdivision regulations and includes provisions regarding the design and configuration of parcel boundaries. (7) is redundant with (2) in the list and can therefore be deleted.

#### 10. In River Hazard Area Regulations

- Adopt RHA interim rules to make them permanent.
- Add to Section 811.A- "(2) Accessory structures may be permitted provided the structures meet the requirements of Section 711.D."

MM