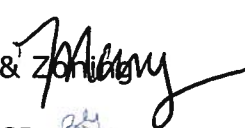



MEMORANDUM

TO: Mayor and City Council Members

VIA: Jesus Merejo, ICMA-CM, City Manager
Kate Parmelee, Deputy City Manager

THROUGH: Mary Savage-Dunham, AICP, CFM, Director of Planning & Zoning 

FROM: Bethany Grubbs, Senior Planner, Public Art Manager, AICP 

DATE: December 27, 2024

RE: Agenda Item for 1/13/2025 City Council Meeting – Proposed Text Amendments to Chapters 153 and 158

This memorandum is intended to inform you of an upcoming agenda item for the City Council meeting scheduled for January 13, 2025, regarding city-initiated text amendments to Chapters 153 and 158 of the City's Code of Ordinances. While the intent of the city's regulations remains unchanged, the proposed amendments seek to improve clarity and efficiency of our planning and zoning regulations. Specifically, the amendments will address revisions to zoning code definitions, clarify townhouse driveway dimensional standards, offer flexibility in refuse collection, and refine the "Enclosed Assembly Use" category to clarify whether or not the operation involves alcoholic beverage service.

The need for the definitions amendments arises from the fact that current definitions are either missing or too vague, making it difficult for planners to provide clear explanations to applicants regarding the limitations of certain proposals and making it difficult to enforce the code. Without well-defined terms, trying to understand the regulations can result in confusion and frustration for the applicants. Weak definitions and unclear regulations also make it more difficult for staff to enforce the code. Some of these revisions to definitions are intended to provide clarity to assist customers and to assist staff, and some are the results of lessons learned over time.

The proposed amendments aim to refine, clarify, and expand upon several definitions to improve the understanding and application of zoning regulations. Below is an elaboration on the definition amendments:

Refinements to Existing Definitions:

- Bars, Lounges, and Night Clubs
- Building Coverage
- Carport, Detached
- Dwelling, Single-Family
- Dwelling Unit
- Enclosed Assembly Area
- Kitchenette (removing)
- Microbrewery
- Townhouse

Addition of New Definitions:

- Accessory Dwelling Unit (ADU)
- Banquet Hall
- Bath House
- Cabana
- Carport, Attached
- Gazebo
- Kitchen, Residential
- Private Party Hall
- Restaurant, Full Service

While the proposed amendments primarily aim to clarify the language, surrounding accessory uses and structures, they do not introduce new uses or remove any existing ones. Instead, the language will be fine-tuned to enhance understanding of what constitutes these structures, helping to reduce ambiguity in enforcement and promoting more consistent application of the regulations.

Another key amendment introduces a new category for "Enclosed Assembly Use", to differentiate between venues with alcoholic beverage sales and those without. This distinction is important because it will allow for early distance checks to ensure a site is eligible for an alcoholic beverage license, preventing delays or unwise investments in ineligible properties. This clarification will streamline the licensing process and improve efficiency for businesses seeking approval.

The amendments also propose changes to Section 158.232, allowing applicants to request approval for specialized waste management systems, such as compactors, in defined and visually screened areas as part of the site plan review process. This provides greater flexibility for developments, such as hospitals or apartment complexes, that utilize alternative waste management methods like trash compactors or trash chutes, which are currently not permitted unless specified in a PUD document, but also ensures there is an opportunity for staff to review the proposal

and make sure that the proposal works for the city also. Alternative waste management plans shall be reviewed by the Solid Waste Department at the time of site plan review.

Additionally, the amendments address townhouse driveway dimensional standards, which the code is silent on and, therefore, undefined. While townhomes are defined as a single-family structure on a fee simple platted lot, the current regulations only specify width requirements for detached single-family dwellings. This amendment will eliminate the word "attached" to apply the requirement to both "attached" and "detached" single-family dwellings. The regulations will then clearly specify driveway dimensional requirements for townhomes in addition to single family houses.

Staff sees this item in the light of continual improvement, and it includes several needed edits that staff has been keeping track of over time. The definitions were reviewed collaboratively with staff from the legal, building, and solid waste departments to ensure that the revisions didn't have any unintended consequences. These amendments are intended to improve customer service, increase transparency, and offer greater flexibility for developers and property owners. The planning department will be better positioned to serve both the development community and residents more effectively.

We look forward to discussing these updates further at the upcoming meeting.

Attachments:

- Draft Ordinance
- Exhibit "A" (Definitions)