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 is 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>
<thead>
<tr>
<th>Project Location</th>
<th>Allowed Increase</th>
<th>FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>South of Dwight Way</td>
<td>65 ft. and 5 stories</td>
<td>No increase allowed</td>
</tr>
<tr>
<td>North of Dwight Way</td>
<td>75 ft. [and 6 stories]</td>
<td>6.0</td>
</tr>
</tbody>
</table>
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

<table>
<thead>
<tr>
<th>Portion of Building at Height of:</th>
<th>Front or Street Side</th>
<th>Minimum Interior Side</th>
<th>Minimum Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>65’ and less from lot frontage</td>
<td>Over 65’ from lot frontage</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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>
<thead>
<tr>
<th>Basic Standards</th>
<th>Supplemental Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area Minimum</td>
<td>No minimum</td>
</tr>
<tr>
<td>New Lots</td>
<td></td>
</tr>
<tr>
<td>Per Group Living Accommodation Resident</td>
<td>350 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>23.304.020 --Lot Requirements</td>
</tr>
<tr>
<td></td>
<td>No minimum</td>
</tr>
</tbody>
</table>
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:

<table>
<thead>
<tr>
<th>Use</th>
<th>M</th>
<th>MM</th>
<th>MU-LI</th>
<th>MU-R</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Dwelling Unit</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>See 23.306</td>
</tr>
</tbody>
</table>

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  
Use-Specific Standards  
Applies to uses with an asterisk following the permit requirement (e.g., ZC*)
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

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Number of Required Off-street Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Uses</td>
<td>See Chapter 23.306</td>
</tr>
<tr>
<td>Accessory Dwelling Unit</td>
<td></td>
</tr>
<tr>
<td>Dwellings, including Group Living Accommodations</td>
<td>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. 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. ES-R: 1 per 1,000 sq ft of gross floor area or one per bedroom, whichever is greater. All Other Districts: If located on a roadway less than 26 feet in width in the Hillside Overlay: 1 per unit All Other Locations: None required</td>
</tr>
<tr>
<td>Dormitories, Fraternity and Sorority Houses, Rooming &amp; Boarding Houses, Senior Congregate Housing</td>
<td>If located on a roadway less than 26 feet in width in the Hillside Overlay: 1 per each 5 residents, plus 1 for manager. All Other Locations: None required.</td>
</tr>
<tr>
<td>Rental of Rooms</td>
<td>ES-R: 1 per each roomer or boarder, in addition to any required parking for Dwellings. All Other Districts: If located on a roadway less than 26 feet in width in the Hillside Overlay: 1 per each two roomers. All Other Locations: None required</td>
</tr>
</tbody>
</table>
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.”
<table>
<thead>
<tr>
<th>Zoning Ordinance Section</th>
<th>Proposed Amendment</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>23.204.020</strong>&lt;br&gt;Table 23.204-1&lt;br&gt;(Allowed Uses in the Commercial Districts)</td>
<td>ZC = Zoning Certificate&lt;br&gt;AUP = Administrative Use Permit&lt;br&gt;UP(PH) = Use Permit&lt;br&gt;NP = Not Permitted&lt;br&gt;-- = Permitted with AUP, see 23.204.030&lt;br&gt;[#] = Table Note Permit Requirement&lt;br&gt;* Use-Specific Regulations Apply</td>
<td>Correcting an inaccurate internal reference</td>
</tr>
<tr>
<td><strong>23.302.040.A</strong>&lt;br&gt;(Home Occupations – Definitions)</td>
<td>Remove entire section</td>
<td>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.</td>
</tr>
<tr>
<td><strong>23.304.060.C.2</strong>&lt;br&gt;(Accessory Buildings and Enclosed Accessory Structures)</td>
<td>2-3. Rebuilding and Replacement</td>
<td>Section misnumbered</td>
</tr>
<tr>
<td><strong>23.502.020.F.3.A</strong>&lt;br&gt;(Glossary: Family Day Care Home)</td>
<td>(a) Small Family Day Care Home. A family day care home for eight or fewer children, including children who live at the home.</td>
<td>Grammatical correction</td>
</tr>
<tr>
<td><strong>23.502.020.F.3.B</strong>&lt;br&gt;(Glossary: Family Day Care Home)</td>
<td>(b) Large Family Day Care Home. A family day care home for nine to fourteen children, including children who live at the home.</td>
<td>Grammatical correction</td>
</tr>
</tbody>
</table>
Questions