



Legislation Text

File #: 17-293, Version: 1

TO: Mayor and Members of City Council

THRU: Kristoff Bauer, ICMA - CM, Deputy City Manager

FROM: Scott Shuford, Director, Planning and Code Enforcement Services

DATE: June 26, 2017

RE:
Staff or Commission initiated Code changes to Chapter 30 Development Code, various sections, including supportive uses in a Business Park District, multi-axle trailer parking, residential densities in a Neighborhood Commercial District, Expiration Term for Certificate of Appropriateness, standards for temporary shipping containers, and administrative adjustments for certain utility needs.

COUNCIL DISTRICT(S):
All

Relationship To Strategic Plan:

- Safe and Secure Community - Be a safe and secure community.
- Diverse and Viable Economy - Have a strong, diverse, and local viable economy.
- High Quality Built Environment - Be designed to include vibrant focal points, unique neighborhoods that are of high quality and effective infrastructure.
- Desirable Place to Live, Work and Recreate - Be a highly desirable place to live, work, and recreate with thriving neighborhoods, and high quality of life for all residents.

Executive Summary:

The spring bundle of staff-initiated Code amendments to Chapter 30 includes:

1. Clarifying that parks or recreational facilities in the BP district do not count toward the limitation on supportive commercial uses;
2. Allowing multi-axle trailers to park on improved surfaces in front yard areas;
3. Increasing the density allowed for "all other residential uses" in the NC district;
4. Making the expiration and allowed extension the same for the certificate of appropriateness as for a special use permit (one year to expiration or as specified in the approval, extension for up to six months);
5. Enabling Administrative Adjustments to standards that prevent utilities from effective preparation to provide or restore critical services after emergencies;
6. Allowing limited temporary storage in portable shipping containers;

While substantive, these changes have limited scope, and are intended primarily to clarify or to

improve the consistency across different parts of the Code; most may be considered housekeeping. As requested by City Council, each item has been moved into a separate draft ordinance following the hearing on May 22, 2017, and separate motions are detailed below. Further discussion at the June 5th work session indicated mixed support for the first two items but, since the hearing was held, all items will appear on the June 26th Agenda for disposition.

Background:

In January the City Council approved an approach to focus staff-initiated code amendments to two times a year, spring and fall, and beginning any such amendment cycle with guidance from City Council. For the spring cycle, staff proposes six changes listed above. A seventh item, a table listing administrative changes, has been removed since it captured typos and similar administrative actions that are already completed, and the table is now part of the record.

The bundle was discussed briefly at the April 3 Work Session of City Council. The packet included a chart that summarized each of the six substantive changes: why it was initiated, what the change would be, and why this change was proposed. The direction was to move forward.

The Planning Commission held a public hearing April 18, 2017. There were no speakers; the Commission voted unanimously to recommend approval as presented.

The City Council held the public hearing on May 22, 2017, as advertised. There were no speakers for or against, and the hearing was closed. After discussion that included concerns about the first two items, the Council deferred action, requesting that each section be made a separate ordinance and brought to the Work Session in June. At the June 5th Work Session, similar concerns were raised. Since the bundle had been to a hearing already, staff recommended the Council leave all the items on the agenda and vote to deny the proposed changes they did not want to enact.

Issues/Analysis:

A separate ordinance for each topic has been prepared and attached, labeled from “a” through “f.” A brief explanation and recommended action are provided below so that separate actions can be taken on each topic.

Explanation for Item “a”- recreational uses in BP Business Park district: Changes impact Article 30-4 Uses, adding stadiums, clubhouses, athletic fields, pools and tennis courts to allowed uses in the BP district and clarifying in Footnote 4 that park or recreational facilities do not count toward any specified limits to supportive/ commercial uses in a BP district.

Explanation for Item “b”- trailers in residential front yards: The most recent change, adopted in September 2015, authorized single axle trailers and campers and RVs to be parked on improved surfaces in the front yards in residential districts, but multi-axle trailers went through the Neighborhood Compatibility Permit process with the Planning Commission. With little to distinguish them from campers or RVs, the Commission respectfully asks the City Council to treat multi-axle trailers the same as campers and RVs.

Explanation for Item “c”- densities in NC Neighborhood Commercial District: The standard for “all other residential uses” in this district was not adjusted with all the others during an

amendment in 2014, leaving 'other residential uses' at a level that discouraged residential development in the NC district. The proposed change increased the density of 6 units/acre to 12 units/acre.

Explanation for Item “d”- expiration period for COAs: The Historic Resources Commission (HRC) follows the same quasi-judicial review process for its Certificates of Appropriateness (COAs) as other bodies do for considering variances or special use permits, but the COA expires in six months and has no renewal option compared to the other processes. This change provides a one year expiration and one six month renewal, consistent with other decisions under the same process.

Explanation for Item “e”- Administrative Adjustment options for utilities: These changes provide an expeditious way to authorize the limited but critical variations in standards for utilities making improvements to respond to future emergencies. An example is having enough large fuel tanks accessible and operating in a utility’s staging area, even during floods, to support multiple fleets of repair vehicles.

Explanation for “f”- temporary storage with portable shipping containers: Amendments in 2011 addressed the smaller “PODS” in residential districts but did not speak to the commercial needs for temporary storage. Use of the large steel “ConEx” shipping containers has increased since then. For non-residential uses in residential districts (such as churches) and uses in commercial districts except DT and MU, the proposed changes provide for up to six months temporary storage in any 48-month period, subject to standards for where they can be placed. Temporary storage during construction and for “just-in-time” production processes are already covered.

Budget Impact:
No direct impact.

Options:

For each item, options include:

1. Approval as presented;
2. Approval with modifications;
3. Defer action with direction to staff for additional research or changes;
4. Denial of the proposed change.

Recommended Action:

Recommendation for “a”: recreational uses in BP Business Park district: Planning Commission and staff recommend that the City Council move to approve this change regarding recreational facilities in the BP Business Park zoning district.

Recommendation for “b”: trailers in residential front yards: Planning Commission and staff recommend that the City Council move to approve this change regarding parking of multi-axle trailers.

Recommendation for “c”: densities in NC Neighborhood Commercial District: Planning Commission and staff recommend that the City Council move to approve this change to bring the densities in the NC district in line with each other and with development practices.

Recommendation for “d” - expiration period for COAs: Planning Commission and staff recommend that the City Council move to approve this change to make expiration and extension times for COAs consistent with other similar quasi-judicial decisions.

Recommendation for “e”- Administrative Adjustment options for utilities: Planning Commission and staff recommend that the City Council move to approve this change expanding administrative adjustment options for utilities needing flexibility in standards to prepare for service in future emergencies.

Recommendation for “f”- temporary storage with portable shipping containers: Planning Commission and staff recommend that the City Council move to approve this change to provide standards for temporary storage in portable shipping containers.

Attachments:

- a. Draft ordinance - recreational uses in BP Business Park district
 - b. Draft ordinance - trailers in residential front yards
 - c. Draft ordinance - density in the NC Neighborhood Commercial district
 - d. Draft ordinance - expiration period for Certificate of Appropriateness
 - e. Draft ordinance - administrative adjustment options for utility services
 - f. Draft ordinance - temporary storage with portable shipping containers
- Summary Chart of proposed changes