

SUBJECT: Proposed text amendment for Schedule 1409-07: Use regulations - Commercial Subdistricts of the Zoning Code.

PURPOSE:

To obtain approval from the City Planning Commission (CPC) on a text amendment to Schedule 1409-07: Use Regulations – Commercial Subdistricts relating to the L2 limitation.

PROPOSED TEXT AMENDMENT:

Schedule 1409-07: Use Regulations - Commercial Subdistricts

Use Classifications	CN-P	CN-M	CC-P	CC-M	CC-A	CG-A	Additional Regulations
Residential Uses							
Bed and breakfast home	P	P	P	P	--	--	See § 1419-09
Child day care home	L3	L3	L3	L3	--	--	
Group residential							
Congregate housing	P	P	P	P	P	P	
Convents & monasteries	P	P	P	P	--	--	
Dormitories	P	P	P	P	P	--	
Fraternities & sororities	P	P	P	P	--	--	
Patient family homes	P	P	P	P	--	--	
Rooming houses	L1	L1	L1	L1	--	--	
Shared housing for elderly	P	P	P	P	--	--	
Permanent residential							
Single-family dwelling	P	P	P	L2	L2	--	
Attached single-family dwelling	P	P	P	--	--	--	
Two-family dwelling	P	P	P	L2	L2	--	
Multi-family dwelling	P	P	P	L2	L2	--	
Residential care facilities							
Assisted living	P	P	P	P	P	--	
Developmental disability dwelling	P	P	P	L2	L2	--	
Nursing home	P	P	P	P	P	--	
Special assistance shelter	C	C	C	C	C	C	
Transitional housing							
Programs 1-4	P	P	P	L2	L2	--	
Program 5	--	--	--	P	P	P	
Program 6	--	--	--	C	P	P	
Specific Limitations							
L1 Only rooming houses licensed pursuant to Chapter 855. Rooming Houses of the Municipal Code; the maximum number of rooming units is five, and a separate entrance for access to rooming units must be provided. The minimum rental is seven days. See § 1421-43.				L2 Permitted only above the ground floor in a mixed use building. <u>Modification requires conditional use approval pursuant to the procedures and criteria of Chapter 1445, Variance, Special Exceptions, and Conditional Uses.</u>			
L3 Fencing, a minimum of four feet in height must be provided for purposes of securing outdoor play areas which must be located in the rear yard only.				L4 Permitted, provided that there are no outdoor exercise areas, yards or pens and mechanical ventilation and air filter devices must be provided.			

JUSTIFICATION:

Adding the conditional use language provides for greater flexibility. Residential uses on the first floor of a building in the CC-M and CC-A zoning districts cannot be considered without this language added to the L2 limitation. The Hearing Examiner and the Zoning Staff have encountered residential proposals that may have been appropriate in the CC-M and CC-A districts but could not be considered. Adding the conditional use option provides for a case-by-case review and public input through the hearing process for such development proposals.

RECOMMENDATION:

The Department of Community Development and Planning staff recommends that the City Planning Commission approve the requested text amendment.

APPROVED:

Margaret A. Wuerstle, AICP, Chief Planner
Department of Community Development & Planning

3/8/07

Amendment Committee