

SUBJECT: Proposed text amendment for Schedule 1405-05: Use Regulations – Residential Multi-family Districts of the Zoning Code.

PURPOSE:

To obtain approval from the City Planning Commission (CPC) on a text amendment to Use Schedule 1405-05: Use Regulations – Residential Multi-family Districts.

PROPOSED TEXT AMENDMENT:

*Legend: P indicates the use is permitted
C indicates the use requires a public hearing for conditional use approval
L4 indicates there is a limitation to the use
-- indicates the use is prohibited*

Schedule 1405-05: Use Regulations - Residential Multi-family Districts

Use Classifications	RMX	RM-2.0	RM-1.2	RM-0.7	Additional Regulations
<i>Residential Uses</i>					
Bed and breakfast home	P	P	P	P	See § 1419-09
<u>Day care home - Adult</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	
<u>Day care home - Type A</u>	<u>C</u>	<u>C</u>	<u>L4</u>	<u>L4</u>	
Child Day care home <u>- Type B</u>	L4	L4	L4	L4	
Group Residential					
Congregate housing	--	--	P	P	
Convents and monasteries	P	P	P	P	
Fraternities, sororities, dormitories	--	--	C	P	
Patient family homes	--	--	P	P	
Rooming houses	--	--	--	L2	
Shared housing for the elderly	L1	L1	L1	L1	
Permanent residential					
Single-family dwelling	P	P	P	P	See § 1403-11
Attached single-family dwelling	L15	P	P	P	See § 1403-11
Rowhouse, single-family dwelling	L15	P	P	P	
Two-family dwelling	P	P	P	P	
Three-family dwelling	P	P	P	P	
Multi-family dwelling	L3	P	P	P	
Residential care facilities					
Assisted living	C	C	P	P	
Developmental disability dwelling	P	P	P	P	
Nursing home	C	C	P	P	
Special assistance shelter	--	--	--	C	
Transitional housing					
Programs 1-4	--	P	P	P	
Programs 5-6	--	--	--	--	

<i>Accessory Uses</i>					
Any accessory use not listed below	L8	L8	L8	L8	
Home occupations	P	P	P	P	See § 1419-17
Commercial vehicle parking	L11	L11	L11	L11	

Day care center

L4.
L17

L4. L17

L4.L17

L4. L17

Rooming unit

L10

L10

L10

L10

Transitional housing

L13

L13

L13

L13

Specific Limitations

L11 One commercial vehicle completely enclosed in a garage may be parked or stored on the lot with the following exceptions:

- a. An unlimited number of commercial vehicles conveying the necessary tools, materials and equipment to a premises where labor using such tools, materials and equipment is to be performed during actual time of parking.
- b. One commercial vehicle with current license owned by a resident of the residential property on which it is stored or parked not to exceed two tons in capacity.
- c. Recreational vehicles, watercraft and personal trailers may be parked on the lot beyond the front yard.

L12 Accessory to a public or semi-public use, provided the drive box is at least 100 feet from any property used for residential purposes.

L13 Limited to transitional housing conforming to Paragraph 1401-03-T(c)(5) as an accessory use to public and semi-public uses. The use requires conditional use approval.

L14 Limited to City Council designated Live/Work Districts

L15 Attached single-family dwellings and rowhouse single-family dwellings of four or more units require conditional use approval.

L16 Permitted on the ground floor in multi-family buildings with a minimum of 50 dwelling units, occupying 1200 square feet or less and having a separate exterior entrance; structures with less than 50 dwelling units require a conditional use approval; food markets occupying more than 1200 square feet require a conditional use approval.

L17 Only if accessory to a public or semi-public use

(*revised 7/22/05 by Ordinance #260-2005)

JUSTIFICATION:

This item was held by the CPC on 4/20/07 until the Adult Day Care and Type a definitions could be revised. The CPC desired to consider the definitions of Adult Day Care Homes and the Uses regulations for residential Multi-family districts at the same time.

New definitions have been created for Adult Day Care Home, Type A Day Care Home, and Type B Day Care Home. The Use Schedules in the various zoning districts are being updated to reflect the new definitions. The definitions of the three types of Day

Care Homes provide the flexibility required to address a need in our communities for both our young and aging populations while protecting residential neighborhoods from incompatible uses. Day care centers are currently not a permitted accessory use (with limitations) in multi-family districts although they are in single-family districts. The new language allows day care centers as an accessory use to a public or semi-public use in the multi-family districts.

PUBLIC STAFF CONFERENCE:

Planning Department staff conducted a public conference on this proposed text amendment on November 1, 2007. Twelve residents were in attendance. Several of the attendees expressed concerns regarding the proposed amendment. They stated that Type A Child Day Care should be a Conditional Use in RM-1.2 and RM-.7, as these are the densest multifamily areas, and the greatest number of residents would be impacted by the use. The attendees felt that it is important that the public have an opportunity for input regarding the establishment of these facilities. The attendees also stated that Type A and Type B Child Day Care and Adult Day Care uses should appear in the accessory use part of Schedule 1405-05, as home occupation uses. Staff agrees with the first statement that Adult Day Care and Type A and B Child Day Care should be Conditional Uses, based on the reasons stated above. However, staff does not feel that these uses should be moved to the accessory use section of the code. The definition of these uses clearly states that the primary care giver must be a resident of the dwelling unit.

RECOMMENDATION:

The Department of Community Development and Planning staff recommends that the City Planning Commission approve the requested text amendments with the following changes:

Schedule 1405-05: Use Regulations - Residential Multi-family Districts

Use Classifications	RMX	RM-2.0	RM-1.2	RM-0.7	Additional Regulations
<i>Residential Uses</i>					
Bed and breakfast home	P	P	P	P	See § 1419-09
Day care home - Adult	C	C	C	C	
Day care home - Type A	C	C	C	C	
Child Day care home - Type B	L4	L4	L4	L4	
Group Residential					
Congregate housing	--	--	P	P	
Convents and monasteries	P	P	P	P	
Fraternities, sororities, dormitories	--	--	C	P	
Patient family homes	--	--	P	P	
Rooming houses	--	--	--	L2	
Shared housing for the elderly	L1	L1	L1	L1	
Permanent residential					
Single-family dwelling	P	P	P	P	See § 1403-11
Attached single-family dwelling	L15	P	P	P	See § 1403-11
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Two-family dwelling	P	P	P	P	
Three-family dwelling	P	P	P	P	
Multi-family dwelling	L3	P	P	P	
Residential care facilities					
Assisted living	C	C	P	P	
Developmental disability dwelling	P	P	P	P	

Use Classifications	RMX	RM-2.0	RM-1.2	RM-0.7	Additional Regulations
Nursing home	C	C	P	P	
Special assistance shelter	--	--	--	C	
Transitional housing					
Programs 1-4	--	P	P	P	
Programs 5-6	--	--	--	--	

Accessory Uses

Any accessory use not listed below	L8	L8	L8	L8	
Home occupations	P	P	P	P	See § 1419-17
Commercial vehicle parking	L11	L11	L11	L11	
<u>Day care center</u>	<u>L4,</u> <u>L17</u>	<u>L4, L17</u>	<u>L4, L17</u>	<u>L4, L17</u>	
Rooming unit	L10	L10	L10	L10	
Transitional housing	L13	L13	L13	L13	

Specific Limitations

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Respectfully Submitted:

Theresa Conley, Intern

Reviewed By:

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

3/8/07

Amendment Committee

APPROVED:

Charles C. Graves III
Director, Department of Community Development & Planning