



CONSOLIDATED GOVERNMENT
What progress has preserved.
 PLANNING DEPARTMENT

April 23, 2014

Honorable Mayor and Councilors
 City Manager
 City Attorney
 Clerk of Council

Subject: (REZN-2-14-0252) Request to amend the Unified Development Ordinance to Correct Certain Errors in Various Chapters.

UNIFIED DEVELOPMENT ORDINANCE REVISIONS
 (Explanation of Revisions)

1. Explanation of Revisions: Amend Section 9.2.3 by deleting the alternative members subsection B.2 and moving subsection B.3 to #2.

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p>Sec. 9.2.3 Planning Advisory Commission</p> <p style="text-align: center;">Section 9.2.3.B</p> <p><i>B. Composition, Appointment and Compensation.</i></p> <p><i>1. Composition.</i> The Planning Advisory Commission shall consist of nine members appointed by the Council.</p> <p><i>a) Term of Office.</i> All regular member appointments shall be for three years. Current membership and terms of office shall not be affected by the adoption of these land development regulations.</p> <p><i>b) Number of Terms.</i> An appointed member who has served two consecutive full terms shall not be eligible for reappointment until the lapse of 12 months from the end of the second full term.</p> <p>2. Alternate Members</p> <p><i>a) Service as Regular Member.</i> In the absence of any regular member, an</p>	<p>Sec. 9.2.3 Planning Advisory Commission</p> <p style="text-align: center;">Section 10.2.7.D</p> <p><i>B. Composition, Appointment and Compensation.</i></p> <p><i>1. Composition.</i> The Planning Advisory Commission shall consist of nine members appointed by the Council.</p> <p><i>a) Term of Office.</i> All regular member appointments shall be for three years. Current membership and terms of office shall not be affected by the adoption of these land development regulations.</p> <p><i>b) Number of Terms.</i> An appointed member who has served two consecutive full terms shall not be eligible for reappointment until the lapse of 12 months from the end of the second full term.</p> <p>2. Compensation. Members shall not receive compensation for their services. However, the members may be reimbursed for</p>

<p>alternate shall replace the absent member and shall be empowered to act as a regular member.</p> <p>b) <i>Terms of Office and Number of Terms.</i> Alternate members shall be appointed for a term of three years and may succeed themselves under the procedure established for regular members.</p> <p>3. <i>Compensation.</i> Regular and alternate members shall not receive compensation for their services. However, the members may be reimbursed for authorized expenses incurred in the performance of their duties. Authorization of expenses shall be made by the Director of Planning.</p>	<p>authorized expenses incurred in the performance of their duties. Authorization of expenses shall be made by the Director of Planning.</p>
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2. Explanation of Revisions: Amend Section 2.5.12 by deleting the exception from required rezoning under the PUD subsection B.2. and making subsection 2 reserved.

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p>Sec. 2.5.12 Planned Unit Development (PUD)</p> <p style="text-align: center;">Section 2.5.12.B</p> <p><i>B. Required Rezoning.</i></p> <p>1. <i>Rezoning Required.</i> Any residential development that exceeds either the minimum site size or number of dwelling units as indicated in Table 2.5.2 shall be considered a PUD and shall be required to be rezoned to a PUD overlay zoning district.</p> <p>2. <i>Exemption from Required Rezoning.</i> Any rezoning of property to an RE10, RE5 or RE1 zoning district is not required to apply for rezoning to a PUD overlay zoning district.</p>	<p>Sec. 2.5.12 Planned Unit Development (PUD)</p> <p style="text-align: center;">Section 2.5.12.B</p> <p><i>B. Required Rezoning.</i></p> <p>1. <i>Rezoning Required.</i> Any residential development that exceeds either the minimum site size or number of dwelling units as indicated in Table 2.5.2 shall be considered a PUD and shall be required to be rezoned to a PUD overlay zoning district.</p> <p>2. Reserved.</p>

3. Explanation of Revisions: Amend Section 13.1.1 by adding a tax office to the definition of office, business and professional.

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p>Sec. 13.1.1. Definition Terms.</p> <p style="text-align: center;">Section 13.1.1</p> <p><i>Office, business and professional</i> means an</p>	<p>Sec. 13.1.1. Definition Terms.</p> <p style="text-align: center;">Section 13.1.1</p> <p><i>Office, business and professional</i> means an</p>

<p>establishment providing executive, management, and professional services to the public, including but not limited to the following: advertising services, business offices of private companies, business offices of utility companies, public or nonprofit agencies, trade associations; employment offices, excluding day labor and labor pool services; professional or consulting offices for accounting, architecture, computer technology, design, engineering, landscape architecture, law, urban planning, and similar professions; property and financial management, real estate; secretarial and telecommunication services; travel agencies; and related services.</p>	<p>establishment providing executive, management, and professional services to the public, including but not limited to the following: advertising services, business offices of private companies, business offices of utility companies, public or nonprofit agencies, trade associations; employment offices, excluding day labor and labor pool services; professional or consulting offices for accounting, tax office, architecture, computer technology, design, engineering, landscape architecture, law, urban planning, and similar professions; property and financial management, real estate; secretarial and telecommunication services; travel agencies; and related services.</p>
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4. Explanation of Revisions: Amend Section 13.1.1 by deleting licensed massage therapist to the definition under personal services.

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p>Sec. 13.1.1. Definition Terms.</p> <p style="text-align: center;">Section 13.1.1</p> <p><i>Personal services</i> means an establishment providing services of a personal nature that are necessary on a frequent or recurring basis. Personal services may include the accessory retail sale of items related to service rendered. Personal services typically include beauty and barbershops; clerical services; dog grooming; garment repair; informational, instructional, personal improvement, or services of a similar nature; fortune telling and similar psychic services; and dry cleaning drop-off and pick-up stations; licensed massage therapists; limited repair services; manicurists; photography studios; spas; shoe repair and shoeshine parlors; tailoring; and tanning salons.</p>	<p>Sec. 13.1.1. Definition Terms.</p> <p style="text-align: center;">Section 13.1.1</p> <p><i>Personal services</i> means an establishment providing services of a personal nature that are necessary on a frequent or recurring basis. Personal services may include the accessory retail sale of items related to service rendered. Personal services typically include beauty and barbershops; clerical services; dog grooming; garment repair; informational, instructional, personal improvement, or services of a similar nature; fortune telling and similar psychic services; and dry cleaning drop-off and pick-up stations; limited repair services; manicurists; photography studios; spas; shoe repair and shoeshine parlors; tailoring; and tanning salons.</p>

5. Explanation of Revisions: Amend Section 3.2.50 by deleting the minimum separation distance requirement for Personal Care Homes, Type I, under subsection E and making the subsection reserved.

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p>Sec. 3.2.50. Personal Care Home, Type I</p> <p style="text-align: center;">Section 3.2.50.E</p> <p><i>E. Minimum Separation Distance.</i> At least 1,000 feet shall separate individual Type I personal care homes.</p> <p>1. <i>Measurement of Distance.</i> The separation distance shall be measured in a direct line from the closest property line of one facility to the closest property line of the other facility.</p> <p>2. <i>Variance or Waiver Prohibited.</i> The Council or the Board of Zoning Appeals shall not grant a variance or waiver to the required separation distance.</p>	<p>Sec. 3.2.50. Personal Care Home, Type I</p> <p style="text-align: center;">Section 3.2.50.E</p> <p><i>E. Reserved</i></p>

6. Explanation of Revisions: Amend Section 2.1.6.D by deleting the minimum property standards for detached nonresidential accessory structures and making the subsection reserved.

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p>Sec. 2.1.6. Accessory Structures</p> <p style="text-align: center;">Section 2.1.6.D</p> <p><i>D. Minimum Property Standards for Detached Nonresidential Accessory Structures.</i> Minimum and maximum standards shall comply with Table 2.1.5</p>	<p>Sec. 2.1.6. Accessory Structures</p> <p style="text-align: center;">Section 2.1.6.D</p> <p>D. <i>Reserved</i></p>

7. Explanation of Revisions: Amend Section 2.5.19.E.5 by adding some additional parking options under subsection (C), deleting screening of parking areas under subsection (D) and making subsection (D) reserved.

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE																
<p>Sec. 2.5.19. U.S. Highway 80 Overlay District</p> <p style="text-align: center;">Section 2.5.19.E.5.</p> <p><i>Parking/Yard, Height and Setback.</i></p> <p>(A) Location of Parking Areas. Buildings should be located at the corner of sites closest to the road intersection, so that the parking areas are screened by the building from view of any public road, and so that the travel path from public sidewalks is shortened. Parking must be located in a way that is not visually dominant. Parking between buildings and an arterial road is discouraged, but if necessary, requirements of section 2.5.19.E.5.(D) (Screening of parking areas) must be met. If parking is located in the side or rear yards, any screening may be clustered and need not cover 100 percent of frontage.</p> <p>(B) Up to 25 percent of the required parking spaces for any development may be reduced in total area, width, or depth for designated small vehicle parking. Each small vehicle parking space shall not be less than eight feet in width and 17 feet in depth.</p> <p style="background-color: yellow;">(C) All nonresidential developments shall meet the following requirements for parking:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Gross Square Feet</th> <th style="width: 80%;">Maximum percent of Parking Spaces Allowed in Front of Buildings</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">< 7,500</td> <td style="text-align: center;">20 percent</td> </tr> <tr> <td style="text-align: center;">7,501 to 25,000</td> <td style="text-align: center;">30 percent</td> </tr> <tr> <td style="text-align: center;">25,001 to</td> <td style="text-align: center;">40 percent</td> </tr> </tbody> </table>	Gross Square Feet	Maximum percent of Parking Spaces Allowed in Front of Buildings	< 7,500	20 percent	7,501 to 25,000	30 percent	25,001 to	40 percent	<p>Sec. 2.5.19. U.S. Highway 80 Overlay District</p> <p style="text-align: center;">Section 2.5.19.E.5.</p> <p><i>Parking/Yard, Height and Setback.</i></p> <p>(A) Location of Parking Areas. Buildings should be located at the corner of sites closest to the road intersection, so that the parking areas are screened by the building from view of any public road, and so that the travel path from public sidewalks is shortened. Parking must be located in a way that is not visually dominant. Parking between buildings and an arterial road is discouraged, but if necessary, requirements of section 2.5.19.E.5.(C) (Screening of parking areas) must be met. If parking is located in the side or rear yards, any screening may be clustered and need not cover 100 percent of frontage.</p> <p>(B) Up to 25 percent of the required parking spaces for any development may be reduced in total area, width, or depth for designated small vehicle parking. Each small vehicle parking space shall not be less than eight feet in width and 17 feet in depth.</p> <p>(C) All nonresidential developments shall meet at least one of the following requirements:</p> <p style="background-color: green;">(1)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Gross Square Feet</th> <th style="width: 80%;">Maximum percent of Parking Spaces Allowed in Front of Buildings</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">< 7,500</td> <td style="text-align: center;">20 percent</td> </tr> <tr> <td style="text-align: center;">7,501 to 25,000</td> <td style="text-align: center;">30 percent</td> </tr> <tr> <td style="text-align: center;">25,001 to</td> <td style="text-align: center;">40 percent</td> </tr> </tbody> </table>	Gross Square Feet	Maximum percent of Parking Spaces Allowed in Front of Buildings	< 7,500	20 percent	7,501 to 25,000	30 percent	25,001 to	40 percent
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50,000		50,000	
50,000 >	50 percent	50,000 >	50 percent
<p>(D) Screening of Parking Areas. When parking areas are provided in a front yard (in between a public road right-of-way and a principle building), a minimum two and one-half foot high evergreen hedge or a landscaped earthen berm shall be installed to obscure visibility of the parking lot from the corridor. Screening may be located in the planting yard if it does not impede other uses or purposes of the yard.</p>		<p>(2) When parking areas are provided in a front yard (in between a public road right-of-way and a principal building), a minimum 18-inch evergreen hedge shall be installed to obscure visibility of the parking lot from the corridor. This evergreen hedge must reach a minimum height of 2.5 feet within 2 years of planting. Screening may be located in the planting yard if it does not impede other uses or purposes of the yard.</p> <p>(3) When parking areas are provided in a front yard (in between a public road right-of-way and a principle building), a combination of landscaped earthen berm and evergreen hedge with a minimum height of 18 inches shall be used. The total height of landscaped earthen berm and hedge combination shall reach a minimum height of 2.5 feet at planting. Screening shall be located in the planting yard if it does not impede other uses or purposes of the yard.</p> <p>(D) Reserved.</p>	

8. Explanation of Revisions: Amend Section 10.2.5.C by correcting various typos pertaining with #3 to #4

ORIGINAL ORDINANCE	PROPOSED ORDINANCE CHANGE
<p>Sec. 10.2.5. Process for Zoning Changes</p> <p>Section 10.2.5.C Planning Department Review</p> <p>1. <i>Report for Zoning Change Approval.</i> A Planning Department staff report with a recommendation of approval or conditional approval for a zoning change shall be delivered to the Clerk of Council's Office. At such time, Planning Department will advertise the date, time, and place for the public hearing in accordance with Section 10.2.5.C.3(A).</p> <p>2. <i>Report for Zoning Change Denial.</i> A Planning Department staff report with a recommendation of denial for a zoning change shall be delivered to the</p>	<p>Sec. 10.2.5. Process for Zoning Changes</p> <p>Section 10.2.5.C Planning Department Review</p> <p>1. <i>Report for Zoning Change Approval.</i> A Planning Department staff report with a recommendation of approval or conditional approval for a zoning change shall be delivered to the Clerk of Council's Office. At such time, Planning Department will advertise the date, time, and place for the public hearing in accordance with Section 10.2.5.C.4(A).</p> <p>2. <i>Report for Zoning Change Denial.</i> A Planning Department staff report with a recommendation of denial for a zoning change shall be delivered to the</p>

<p>Clerk of Council's Office. The applicant for the change shall appeal the recommendation to the City Council.</p> <p>3. Notification for Affected Councilors. The Planning Department shall notify a City Councilor of a proposed rezoning case in his/her council district. Said notification shall take place upon submittal of the staff report(s) to the Clerk of Council. At-large Councilors shall be notified of all proposed rezoning cases upon submittal of the staff report(s) to the Clerk of Council.</p> <p>(A) <i>Time Period for Appeal.</i> An appeal shall be made within two weeks after the Clerk of Council receives the recommendation of the Planning Department.</p> <p>(B) <i>Effect of Appeal.</i> If the applicant appeals, the Clerk of Council will notify the Planning Department. At such time, Planning Department will advertise the date, time, and place for the public hearing in accordance with Section 10.2.5.C.3(A). If no appeal is made, the Council shall consider the petition withdrawn by the applicant.</p> <p>3. Public Notice - Prior to Council public hearing.</p> <p>(A) <i>Notification to the General Public.</i></p> <p>(1) <i>Newspaper Advertisement.</i></p> <p>(a) At least 15 days but not more than 45 days prior to the public hearing, notice shall be published in a newspaper of general circulation within the city. The Planning Department shall prepare such notice, which shall state the time, place and purpose of the hearing.</p> <p>(b) The published notice shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property or the special exception use requested.</p> <p>(2) <i>Mail Notice to Surrounding Property Owners.</i> If the proposed zoning change was initiated by a party other than the City Council, the Planning Department or the Planning Advisory Commission, mail notice shall also be given to surrounding property owners as indicated below.</p> <p>(a) At least seven days prior to the City Council meeting, the Planning Department shall mail a notice to all persons owning property located within 300 feet</p>	<p>Clerk of Council's Office. The applicant for the change shall appeal the recommendation to the City Council.</p> <p>3. Notification for Affected Councilors. The Planning Department shall notify a City Councilor of a proposed rezoning case in his/her council district. Said notification shall take place upon submittal of the staff report(s) to the Clerk of Council. At-large Councilors shall be notified of all proposed rezoning cases upon submittal of the staff report(s) to the Clerk of Council.</p> <p>(A) <i>Time Period for Appeal.</i> An appeal shall be made within two weeks after the Clerk of Council receives the recommendation of the Planning Department.</p> <p>(B) <i>Effect of Appeal.</i> If the applicant appeals, the Clerk of Council will notify the Planning Department. At such time, Planning Department will advertise the date, time, and place for the public hearing in accordance with Section 10.2.5.C.4(A). If no appeal is made, the Council shall consider the petition withdrawn by the applicant.</p> <p>4. Public Notice - Prior to Council public hearing.</p> <p>(A) <i>Notification to the General Public.</i></p> <p>(1) <i>Newspaper Advertisement.</i></p> <p>(a) At least 15 days but not more than 45 days prior to the public hearing, notice shall be published in a newspaper of general circulation within the city. The Planning Department shall prepare such notice, which shall state the time, place and purpose of the hearing.</p> <p>(b) The published notice shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property or the special exception use requested.</p> <p>(2) <i>Mail Notice to Surrounding Property Owners.</i> If the proposed zoning change was initiated by a party other than the City Council, the Planning Department or the Planning Advisory Commission, mail notice shall also be given to surrounding property owners as indicated below.</p> <p>(a) At least seven days prior to the City Council meeting, the Planning Department shall mail a notice to all persons owning property located within 300 feet of the proposed property that is the subject matter of the zoning change. However, at the discretion of the</p>
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<p>of the proposed property that is the subject matter of the zoning change. However, at the discretion of the Planning Director, notice shall be mailed to property owners beyond the 300 feet notification requirement. If the applicant is also the owner of the property adjacent to the proposed property to be rezoned, notice shall be mailed to property owners within 300 feet beyond the applicant-owned adjacent property, or farther if the Planning Director deems appropriate. The written notice shall be mailed to the property owners as such names and addresses appear on the County's ad valorem tax records.</p> <p>(b) The notice shall state the time, place and purpose of the City Council meeting.</p>	<p>Planning Director, notice shall be mailed to property owners beyond the 300 feet notification requirement. If the applicant is also the owner of the property adjacent to the proposed property to be rezoned, notice shall be mailed to property owners within 300 feet beyond the applicant-owned adjacent property, or farther if the Planning Director deems appropriate. The written notice shall be mailed to the property owners as such names and addresses appear on the County's ad valorem tax records.</p> <p>(b) The notice shall state the time, place and purpose of the City Council meeting.</p>
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Tables

9. Explanation of Revisions: Amend Table 2.3.1. by deleting the minimum lot size requirement in parenthesis for NC and the number 2 under notes for NC and CO.

Table 2.3.1
Consolidated Property Development Regulations: Commercial Zoning Districts

Zoning District	Property Development Regulations									
	Min. Lot Size (Square Feet)	Max. Density (Units per Acre)	Max. Lot Coverage	Min. Lot Width (Feet)	Max. Bldg Height (Feet)	Minimum Required Yard/Setback (Feet)				Notes
						Front	Side	Side Corner	Rear	
UPT										
Multifamily and Condo	4,000	None	100%	40	150	25	12	25	40	
Nonresidential Uses	4,000	None	100%	40	150	25	0/15 ³	0	0	
Mixed Uses	4,000	None	100%	40	150	0	0/15 ³	0	0	²
CRD	See Requirements For UPT Zoning District									
NC	4,000 (1,000)	None	100%	40	50	20	0/15 ³	20	0/15 ³	█

RO										
Townhouse	1,800 (1,800)	18	50%	20	35	20	8	20	30	
Multifamily and Condo	10,000 (1,000)	43	100%	75	150	25	12	25	40	
Nonresidential Uses	10,000	43	100%	75	150	25	12	25	40	
Mixed Uses	10,000 (1,000)	43	100%	75	150	25	12	25	40	²
CO	3 acres (21,780)	None	50%	110	125	0	0/15 ³	0	0/15 ³	^{2,4}
GC	4,000	None	100%	40	70	20	0/15 ³	20	0/15 ³	
SAC	130,680	None	80%	300	120	40	20	20	20	

Notes.
¹ Number of square feet in parenthesis is the minimum lot area per individual dwelling unit.
² Residential uses are to be located above the ground floor.
³ 15 feet when abutting a residential zoning district.
⁴ See Section 2.3.6 for minimum lot size within property zoned CO.

10. Explanation of Revisions: Amend Table 2.1.5. dealing with minimum setbacks for detached accessory nonresidential structures by deleting it entirely and replace it with the following:

Table 2.1.5.
Minimum Setbacks for Detached
Accessory Nonresidential Structures (2)

Dimensions	Standard
Maximum Height (feet)	Per current building code(1)
Maximum Lot Coverage	Included in coverage for principal structure
Minimum Setbacks (feet)	
Front	Same as principal structure
Side	Same as principal structure
Side Corner	Same as principal structure
Rear	Same as principal structure
Minimum Building Separation	Per current building code
Note.	
(1) No more than principal structure.	
(2) Signs, lighting standards, billboards, public utility substations, service station canopies, satellite receivers and any other structure not specifically addressed must comply with the requirements of this ordinance and the authority having jurisdiction	

11. Explanation of Revisions: Amend Table 3.1.1. by permitting massage therapy in the HIST zoning district:

Use Category	HI ST	RE 10	R E 5	R E 1	R T	SF R1	SF R2	SF R3	SF R4	R MF 1	R MF 2	M H P	U P T	C R D	N C	R O	C O	G C	S A C	L M I	H M I	TE CH	NO TES
Massage Therapy	P												P		P		P	P					*

The Planning Advisory Commission (PAC) considered this text amendment at their meeting on April 16, 2014. The PAC recommended **Approval**.

The Planning Department recommends **Approval**.

Sincerely,

Rick Jones, AICP
 Director, Planning Department