

VILLAGE OF HOMEWOOD



BOARD AGENDA MEMORANDUM

DATE OF MEETING: August 13, 2024

To: Napoleon Haney, Village Manager

From: Angela Mesaros, Director of Economic and Community Development

Topic: Text Amendment – Indoor Commercial Place of Assembly Uses in the M-1 Zoning District

PURPOSE

A music production facility has applied to occupy a vacant space on Bretz Drive. A music production facility is typically a moderately sized, multi-room audio mixing and mastering space having post-musical production audio and hardware. The facility generally features space and equipment for rehearsals and live recording of electro-acoustic music as well as audio mixing and video editing. This use is classified as an *indoor commercial place of assembly* in the Homewood Zoning Ordinance and is not currently permitted in the underlying zoning district (M-1 Limited Manufacturing). To allow an *indoor commercial place of assembly* in the M-1 district, an amendment to the zoning ordinance is required.

To allow this use at the proposed location, two related amendments to the zoning ordinance are proposed: (1) the addition of *indoor commercial places of assembly* as a special use in the M-1 district; and (2) amendments to the parking requirements for *place of assembly* uses.

PROCESS

In 2023, the Village adopted a new Zoning Ordinance. One element of this rewrite was the combination of a range of uses into a single category, “*Place of Assembly*” uses. There are four types of places of assembly in the Zoning Ordinance: Commercial Places of Assembly – Indoor and Outdoor (examples include recreation establishments, event facilities, theaters, art galleries, learning centers, and experiential retail); and Non-Commercial Places of Assembly – Indoor and Outdoor (such as community centers, civic organizations, religious institutions, libraries, museums).

“Place of assembly” use is not currently allowed in the M-1 district. An amendment to the zoning ordinance is required to permit *indoor commercial places of assembly* in the M-1 district. Staff recommends that the use be added as a special use. A special use allows the Village to consider the impact of the use on neighboring lands and the public need at the subject location. In addition, staff reviewed parking regulations for place of assembly uses and recommends changes to the code related to parking.

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Prior to making recommendations to the Planning and Zoning Commission, staff consulted peer communities, engineering standards, input from other practitioners, and guidance on best practices.

At its regular meetings, on June 13, 2024, and June 27, 2024, the Homewood Planning and Zoning Commission reviewed the proposed text amendments with the standards established in Section 44-07-10 of the Homewood Zoning Ordinance.

The Commissioners determined that the proposed amendment to allow *commercial places of assembly* as a special use in the M-1 district meets the standards for the following reasons: this use aligns with the purpose of the M-1 district. Many areas zoned M-1 are suitable and economically viable for this use. Buildings in the M-1 district can accommodate this use. Allowing assembly uses encourages the desirable reuse of buildings. The designation as a special use permit allows each proposed use to be considered individually for suitability of its location respective to other properties.

The amendment to the parking regulations addresses issues with the reduction of parking for places of assembly in the new 2023 zoning ordinance. The amendments address the high peak parking demand at places of assembly in alignment with best practices for parking regulation. The amendments ensure consistency in the regulation of all places to assemble. Parking requirements for schools are not addressed in the current zoning ordinance. Since schools follow unique patterns of use and site demands, parking amendments have been broken out separately for schools in alignment with approved engineering standards, peer communities, and best planning practices.

OUTCOME

After consideration at a public hearing, the Planning and Zoning Commission, with six members present, unanimously voted to recommend approval of the following amendments to the zoning ordinance:

1) Table 44-03-04 to permit *Indoor Commercial Place of Assembly, <5,000 Square Feet* and *Indoor Commercial Place of Assembly, >5,000 Square Feet* uses in the M-1 Limited Manufacturing zoning district as a special use;

2) Table 44-05-02 to replace off-street parking requirements for places of assembly use for all *places of assembly* use. To reflect the following:

- One space per 250 square feet, OR one space for four fixed seats, whichever is greater; and

Add three new parking categories:

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- High schools: one space per employee AND one space per four students based on stated enrollment over 15 years; and
- Junior high schools: one space per employee AND one space per 10 students based on stated enrollment over 15 years; and
- Elementary schools: one space per employee AND one space per 10 students based on stated enrollment over 15 years.

Approval of the amendments allows a new business to open in a vacant commercial unit, and establishes specific parking regulations for different uses.

FINANCIAL IMPACT

Funding Source: No Financial Impact

- **Budgeted Amount:** N/A
- **Cost:** N/A

LEGAL REVIEW

Completed

RECOMMENDED BOARD ACTION

Pass the attached ordinance amending the Homewood Zoning Ordinance related to *Place of Assembly Uses* allowing for the proposed music production facility to occupy a vacant space on Bretz Drive.

ATTACHMENT(S)

Ordinance