

STAFF REPORT REGULAR MEETING

AGENDA DATE: October 7, 2025

DEPARTMENT: Community Sustainability

TITLE:

Ordinance No. 2025-04 - Second Reading – amending multiple sections of Chapter 23 “Land Development Regulations,” to address several housekeeping items and minor changes for clarity, as well as amend and clarify use permit and site plan processes, clarify residential density in the AI district, and specify regulations for residential development of nonconforming lots of record in mixed use districts

SUMMARY:

The subject amendments to the City’s Land Development Regulations (LDRs) were drafted to clarify several provisions based on feedback from staff, Board members, and applicants; address general housekeeping items; clarify and codify several interpretations from the Development Review Official; and resolve inconsistencies.

BACKGROUND AND JUSTIFICATION:

The subject amendment consists of multiple housekeeping modifications, as well as several other issues that were identified, including:

- Accessory Use Area: Amending the definition for accessory use to clarify and codify the Development Review Official’s interpretation for the maximum total use area that may be devoted to accessory use(s).
- Site Plan Review Team: Clarifying membership, applications the team reviews, and meeting requirements.
- Administrative and Conditional Use Permits: Moving AUP regulations from Section 23.2-28 to Section 23.2-29 so that all use permit regulations (AUP and CUP) are in one section; also reorganizing subsections for clarity and conciseness and codifying a use permit amendment process.
- Site Plan Reviews: Clarifying when a site plan review is required, revising the types of development that require a minor site plan, codifying the site plan modification review, removing redundant language, removing outdated requirements for site plan applications, and adding requirements for site plan modification applications.
- Use Table: Correcting errors related to allowed residential uses in the Neighborhood Commercial district to align with the existing zoning district regulations and Comprehensive Plan, allowing low-intensity take-out establishments in the BAC district and medium-intensity minor repair and maintenance uses in the I-POC district, creating high-intensity and low-intensity social service center uses, and allowing medium-intensity social service center uses in the NC district.
- Accessory Structures with Special Setbacks in SFR: Amending accessory structure location regulations for parcels with an existing special front setback requirement in Section 23.3-7 to allow 1 one-story tall accessory structure in front of the principal structure, predicated that the accessory structure has a minimum front setback of at least 75 feet.

- Residential Development in Mixed Use Districts: Revising language in multiple zoning districts to clarify the zoning regulations for residential development in mixed use zoning districts, as well as special regulations for residential development on lots of record which do not meet minimum lot width or lot area requirements.
- Fencing: Revising the minimum setback for 6-foot tall fencing along roadways from 30 inches to 18 inches, and clarifying fencing regulations for public and conservation uses.
- On-Site Parking: Clarifying language for micro-units and affordable/workforce housing regarding minimum on-site parking requirements.
- Generators: Moving regulations for permanent generators to the mechanical equipment section for added clarity, revising the permitted hours for maintenance running, and clarifying zoning districts which prohibit the use of generators with integrated fuel systems.
- Housekeeping Items: Creating definitions for build-to lines, dark sky lighting, green roofs, and sheds, revising the definitions for impermeable and semi-pervious surfaces to match the minimum setback requirement to the 18-inch fence setback requirement, revising language for retirement homes to instead refer to independent senior living, correcting the types of signage allowed in the Cultural Arts District Overlay, correcting the types of fencing allowed for single-destination retail uses, and removing minimum distance requirements from cemeteries to assisted living facilities, nursing homes, and independent senior living facilities.

On June 11, 2025, the **Historic Resources Preservation Board (HRPB)** voted to continue the item to their meeting on July 9, 2025, to provide additional time for Board members to review the proposed LDR amendments. At their meeting on July 9, 2025, the HRPB voted 4-1 to recommend approval of the proposed text amendments.

On June 4, 2025, the **Planning & Zoning Board (PZB)** voted to continue the item to their meeting on August 6, 2025, to provide additional time for Board members to review the proposed LDR amendments. At their meeting on August 6, 2025, the PZB unanimously voted to recommend approval of the proposed text amendments with an additional recommended edit to require that the mixed-use parking reduction note decrease the required on-site parking below the minimum parking required for the most intense proposed use on a site. As described below, this recommendation is moot as the previously-proposed changes to the parking reduction incentives are not permitted under state statute.

Following the PZB and HRPB meetings, City legal staff advised that the proposed amendment to change the mixed-use and affordable/workforce parking reduction from twenty-five percent (25%) to fifteen percent (15%) and the proposed amendment to increase the zoning district in which generators with integral/integrated are prohibited were in conflict with state statute. SB180, which was approved in the most recent legislative session, prohibits municipalities from proposing or adopting “more restrictive or burdensome amendments to its comprehensive plan or land development regulations...” until October 1, 2027. As increasing the required parking for a mixed use or affordable housing project and adding new zoning districts which prohibit generators with integrated fuel systems would be more burdensome to development, staff has removed those amendments from Ordinance 2025-04.

At its meeting of September 16, 2025, the City Commission voted 4-0 to approve the proposed ordinance on first reading with two (edits) that are shown on lines 1595 and 1645. Both are highlighted in yellow. In addition, Commissioner Segrich asked about the inclusion of definitions regarding permeable surfaces. The following two (2) definitions already are within Division 2. – Definitions of Chapter 23.

“Permeable paving materials: Paving materials with a percolation rate of at least fifty (50) percent relative to the ground percolation rate that are specifically designed to be semi-pervious and also provide a stable surface. Permeable paving materials include but are not limited to pervious pavers, pervious concrete, porous asphalt, grasscrete and substantially similar materials.”

and

“Pervious/permeable surface: Any surface that is capable of being penetrated by water with a percolation rate that is generally equivalent to the ground percolation rate.”

MOTION:

Move to approve/disapprove Ordinance 2025-04 amending multiple sections of Chapter 23 “Land Development Regulations,” to address several housekeeping items and minor changes for clarity, as well as amend and clarify use permit and site plan processes, clarify residential density in the AI district, and specify regulations for residential development of nonconforming lots of record in mixed use districts.

ATTACHMENT(S):

Ordinance 2025-04
“Clean Copy” of Exhibits D, E, and G
PZB/HRPB Staff Report