

**Department of Community Planning and Economic Development – Planning Division**  
**Zoning Code Text Amendment**

**Date:** November 14, 2011

**Initiator of Amendment:** Council Member Schiff

**Date of Introduction at City Council:** July 1, 2011 and July 22, 2011

**Ward:** All

**Planning Staff and Phone:** Hilary Dvorak, (612) 673-2639

**Intent of the Ordinance:** The intent of the amendment is to eliminate the conditional use permit application requirement for multiple-family residential uses with five or more dwelling units.

**Appropriate Section(s) of the Zoning Code:** Chapter 530, Site Plan Review, Chapter 546, Residence Districts, Chapter 547, Office Residence Districts and Chapter 548, Commercial Districts (Chapter 549, Downtown Districts and Chapter 551, Overlay Districts are to be returned to the author).

**Background:** With the exception of the Downtown Districts, multiple-family residential uses with five or more dwelling units require a conditional use permit in all zoning districts, including the Industrial Living Overlay District. This zoning code text amendment proposes to eliminate the need for a conditional use permit for multiple-family residential uses with five or more dwelling units in the residential, office-residential and commercial zoning districts. The Planning Division's recommendation is that multiple-family residential uses with five or more dwelling units proposed to be built in the Industrial Living Overlay District would still require a conditional use permit. In addition, the Planning Division's recommendation is that planned unit developments, including residential planned unit developments, would still require a conditional use permit also.

Between 2006 and 2010, a total of 113 conditional use permits were reviewed for multiple-family residential uses with five or more dwelling units. Of the 113 applications, 104 (92 percent) were approved. The conditional use permit application for multiple-family residential uses with five or more dwelling units often adds relatively little value to the review process. The proposed revisions would reduce the regulatory burden on mixed-use and multiple-family residential developments with five or more dwelling units and would allow staff to focus on more substantive aspects of the development review process.

Under the existing ordinance, there are several requirements that all multiple-family residential uses with five or more dwelling units are required to meet in order to ensure compatibility with nearby properties. Those requirements include but are not limited to maximum density, minimum or maximum floor area, height, setbacks and minimum and maximum parking. In addition, all residential developments of five or more new or additional dwelling units are subject to site plan review, which includes standards related to building placement and design, landscaping, vehicle and pedestrian access, etc. However, the site plan review application can be reviewed administratively if the project does not include any other land use application requiring a public hearing.

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As a result, outside of the Downtown Districts (where all residential uses are permitted), a public hearing is required for any development with five or more units. The site plan and conditional use permit are reviewed concurrently in a public hearing before the City Planning Commission. If the conditional use permit requirement for multiple-family residential uses with five or more dwelling units was eliminated, the site plan review requirement would require a public hearing only if the project or proposal required an additional land use application (i.e. rezoning, variance, CUP for height, etc.). To ensure that all large scale developments would continue to be reviewed through a public process, it is proposed that Table 530-1 Buildings and Uses Subject to Site Plan Review be amended to require City Planning Commission action on site plan review applications for any development of ten or more units. This requirement would be more restrictive than the current ordinance for projects in the Downtown Districts that propose to adaptively reuse existing buildings that would result in five or more new dwelling units.

Logistically, the text amendment will change all of the “C’s” to “P’s” on the use tables where residential uses over five dwelling units are allowed. This change makes all multiple-family residential uses with five or more dwelling units permitted as of right. Please note that this zoning code text amendment does not propose to make any changes to how congregate living uses such as supportive housing, dormitories and nursing homes/assisted living are regulated.

This text amendment was continued from the September 19, 2011, City Planning Commission meeting. The Planning Division is recommending that the text amendment be continued to the December 12, 2011, City Planning Commission meeting to allow more time for the City’s neighborhood organizations to analyze and respond to the proposed amendment.

### **Recommendation of the Community Planning and Economic Development--Planning Division:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission continue the zoning code text amendment to the December 12, 2011, City Planning Commission meeting.