

STAFF REPORT

Text Amendment to the *Land Development Code*

TO: Planning and Zoning Commission
FROM: Andie Ruggera, Interim Community Development Director
DATE: December 12, 2018
RE: ZA 18-2 – Text Amendment to the *Land Development Code*

CODE PROVISIONS

The *Land Development Code (LDC)*, Section 10.3 specifies that a text amendment to the *LDC* be reviewed by the City of Gunnison Planning and Zoning Commission (Commission) at a public hearing after 15 days' public notice. The Commission establishes a recommendation to City Council to approve, approve with conditions, deny or remand the application back to the applicant with instructions for modification. City Council shall consider the recommendation of the Commission at a public hearing and shall, by ordinance, approve, deny or remand the application back to the applicant with instructions for modification or additional information.

A Text Amendment may be initiated by City Council, the Planning and Zoning Commission, the Community Development Director, a resident of the city, an owner of a business within the city, or any person who holds a recognized interest in real property within the city.

APPLICATION

The applicant for this Text Amendment is the City of Gunnison Interim Community Development Director. The application proposes to amend Section 2.3 Designated Housing Types; 2.4 Principal Use Table; 2.6 Base Zone District Dimensional Standards; 3.3 Residential Use Standards adding Cluster Development housing standards; and 4.4 Off-Street Parking and Loading within the *City of Gunnison Land Development Code*. The proposed text amendment is being driven by the following:

In 2016, the One Valley Prosperity Project (OVPP), created a valley-wide economic strategy plan that included the revitalization of downtown Gunnison as a regional priority. In March of 2017 a project was started in partnership with Community Builders for the downtown that became the Gunnison Vibrancy Initiative (GVI). A Downtown Leadership Committee (DLC) was formed that included local leaders from downtown businesses, non-profits, schools and government agencies.

Several engagement opportunities were offered to gather input on identifying strengths, opportunities, challenges and hopes for the downtown. From the input gathered, four goal statements were created to define a successful downtown in the future along with a set of strategies and recommendations for each goal. A *Gunnison Vibrancy Initiative Report* was created and adopted by City Council in March 2018 as part of their Strategic Plan. Included in the report under the implementation section is an Action Plan of items to be pursued within the next five years.

The Report identifies and recommends multiple amendments to the City's *Land Development Code*. Proposed amendments have been separated into two phases with the Phase 1 Text Amendment being adopted in July, 2018. Phase 1 primarily included changes to the CBD and B1 zone districts and minor changes to the dimensional standards tables.

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This Text Amendment proposal has been referred to as Phase 2 recommendations that are predominantly related to housing and off-street parking within all zone districts. Under the Council's Strategic Plan priority regarding Livable and Affordable Housing, Alex Joyce of Cascadia Partners, worked with the City to analyze the LDC and other City policies that create housing barriers. In July 2018, a joint work session was held with the Council and the Commission and the draft recommendations were presented. Mr. Joyce came back to Gunnison in early October to present the final recommendation document to Council, the Commission and to the public. A public open house was held on October 8th to provide an opportunity for public input regarding the proposed recommendations.

Recommendations within the analysis include modifications to the LDC as Phase 2 amendments and some "big picture" ideas that will be contemplated along with the Comprehensive Plan Update beginning in 2019. The Commission has reviewed the proposed text amendment at multiple public work sessions since late September.

PROPOSED AMENDMENT

The proposed amendments primarily add flexibility with two new proposed cluster development housing types, higher density allowances and flexibility in lot coverages, and simplification and flexibility of off-street parking requirements. Proposed amendments are found in Attachment A.

DEPARTMENTAL COMMENTS

Building Official: No issue.

Fire Marshal: No issue.

Parks and Recreation Department: No issue.

Police Department: No issue.

Public Works Director: No issue.

City Engineer: No issue.

Water and Sewer Superintendent: No issue.

Electric Superintendent: No issue.

City Attorney, Kathy Fogo:

STAFF OBSERVATIONS

1. The proposed Text Amendment proposes amendments to Section 2.3 Designated Housing Types; 2.4 Principal Use Table; 2.6 Base Zone District Dimensional Standards; 3.3 Residential Use Standards adding Cluster Development housing standards; and 4.4 Off-Street Parking and Loading within the *City of Gunnison Land Development Code*.
2. The amendment is based off recommendations within the *Gunnison Vibrancy Initiative Report* and the *Land Development Code Diagnosis*.
3. The amendment promotes the economy and goals identified in the *Gunnison Vibrancy Initiative Report* and enables more affordable development and housing.
4. The proposed amendments protect the health, safety and welfare of the community.

REVIEW STANDARDS FOR TEXT AMENDMENTS

LDC Section 6.8 C., states that "...an application that fails to comply with any applicable review standard shall be denied." The *LDC* Section 10.5 states that "...an application for an amendment to the text of this *Land Development Code* shall comply with the following four standards:"

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A. Consistent with Purposes. The proposed amendment shall be consistent with the purposes of this *Land Development Code*.

No Conflict. Purposes of the LDC are cited in Section 1.3 and include the following headings: **Development Standards.** Establish the standards for the review of all proposed development of land within the City of Gunnison.

1. **Quality of Life.** Protect and enhance the quality of life in the city and its environs so as to promote the general health, safety and welfare of the present and future inhabitants of the city and to protect the environment.
2. **Review Processes.** Establish clear, consistent, predictable and efficient land development review processes.
3. **Orderly Development.** Provide for the efficient, well-ordered and safe development of the City of Gunnison and to accommodate a variety of desirable residential, commercial, industrial and public land uses in an appropriate, efficient and attractive development pattern.
4. **Adequate Public Facilities.** Ensure that all utilities, public facilities, and services needed to support development are in place and adequately designed and constructed to protect the community's health, safety and welfare.
5. **Property Values.** Conserve the value of properties and to respect the rights of property owners and the interests of the citizens of the City.

The proposed amendment fulfills the purpose of the *LDC*. The amendment addresses modifications within the *LDC* that promote the economy and goals identified by the community within the *Gunnison Vibrancy Initiative Report* and enables more affordable development and housing as recommended in the *Land Development Code Diagnosis*.

B. No Conflict with Other Provisions. The proposed amendment shall not conflict with any other applicable provisions of this *Land Development Code*, or shall repeal or amend provisions of this *Land Development Code* which are inconsistent, unreasonable or out-of-date.

No Conflict: The proposed text amendment does not conflict with any sections of the *LDC*.

C. Consistent with Master Plan. The proposed amendment shall be consistent with the *Master Plan*, or shall implement a new portion of the *Master Plan*, or shall implement portions of the *Master Plan* which have proven difficult to achieve under the existing provisions of this *Land Development Code*.

No Conflict: The proposed text amendment is consistent with the *City of Gunnison Master Plan*.

D. Public Health, Safety and Welfare. The proposed amendment shall preserve the public health, safety, general welfare and environment and contribute to the orderly development of the City.

No Conflict: The proposed amendment is intended to preserve the public health, safety and general welfare of the community.

RECOMMENDATION

During the Planning and Zoning Commission meeting held on December 12, 2018, Commissioner Tocke moved, Commissioner Iverson seconded, and the Planning and Zoning Commission voted to recommend APPROVAL with stated amendments, to City Council of

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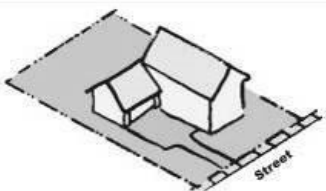
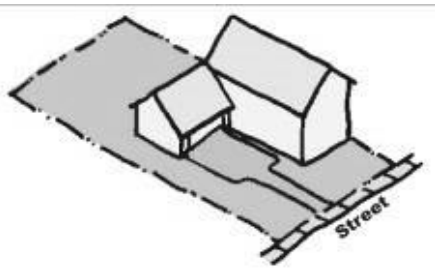
Zoning Amendment application ZA 18-1, for a Text Amendment to modify Sections 2, 3 and 4, within the *Land Development Code*, based on the following findings of fact:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* (LDC) and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that the amendment is based off recommendations that resulted from community input through the Gunnison Vibrancy Initiative and recommendations within the *Land Development Code Diagnosis* by Alex Joyce of Cascadia Partners.
3. The Planning and Zoning Commission finds that the proposed amendments attempt to promote the economy and support goals identified in the *Gunnison Vibrancy Initiative Report* as well as enable more affordable development and housing.
4. The Planning and Zoning Commission finds that amendments are to Section 2.3 Designated Housing Types; 2.4 Principal Use Table; 2.6 Base Zone District Dimensional Standards; 3.3 Residential Use Standards adding Cluster Development housing standards; and 4.4 Off-Street Parking and Loading within the *City of Gunnison Land Development Code*.
5. The Planning and Zoning Commission finds that this Text Amendment application complies with the review standards for Text Amendments (LDC, Section 10.5).
6. The Planning and Zoning Commission finds that based on the record of the application proceedings, approval of this Text Amendment protects the community's health, safety and welfare.

Section 2. Zoning Districts

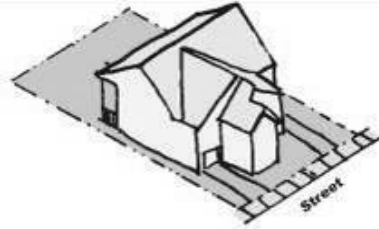
§2.3 DESIGNATED HOUSING TYPES

A. Definitions. The following housing types are established to provide a common terminology used in this *LDC*. All drawings are for illustrative purposes only.

TABLE 2-1 DESIGNATED HOUSING TYPES	
<p>Single-Family Detached or Manufactured Home A detached dwelling unit located on a single lot with private yards on all four sides.</p>	
<p>Zero Lot Line Dwelling A detached dwelling unit located on a single lot with private yards on three sides. The unit has a single side yard on one side comprising the equivalent of two side yards of a single-family detached house. A zero lot line development shall be carried out for an entire block, as a row of units, or as a cluster in order to achieve an overall compatibility of design and so zero lot line dwellings are not situated immediately adjacent to traditionally sited dwellings.</p>	

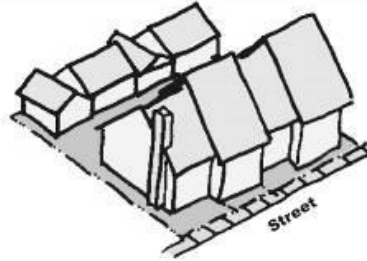
Two-family Dwelling

Two attached dwelling units in a single structure on a single lot (often called a duplex). The two units can be located on separate floors or side-by-side.



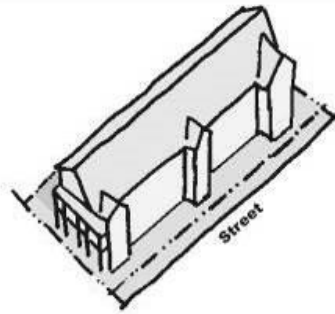
Townhouse

Two or more attached dwelling units located on separately owned lots or on a single lot. The units are lined up in a row and share side walls. Dwelling units cannot be mixed vertically.



Multi-Family

Three or more attached dwelling units in a single structure on a single lot. A multi-family dwelling can vary in height from two to three stories. Dwelling units can be mixed vertically.



Cottage Cluster

Single detached cottage dwelling units that may be one or two stories. Cottage Clusters are positioned around a central green space and share amenities such as gardens, parking and a community room.

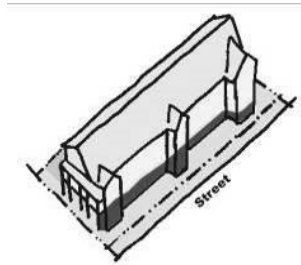


Compact Neighborhood

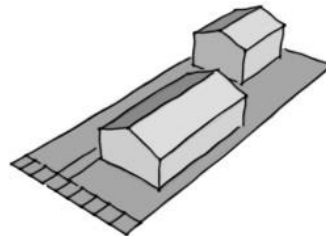
Detached and attached dwelling units that may incorporate all housing types. A compact neighborhood shares amenities such as a common green space, gardens, parking and a community room.



Upper-Story Residential
A dwelling unit located on a floor above a nonresidential use.



Accessory Dwelling Unit
A dwelling unit with a floor area between 300 and 720 square feet and is located on the same site as, but have a separate entrance from, a single-family dwelling.



B. Manufactured Housing. Manufactured homes are factory-built dwelling units, manufactured or constructed to comply with the standards of the *National Manufactured Housing Construction and Safety Standards Act of 1974*. Manufactured homes shall meet the standards of §3.3 (Residential Use Standards). Any manufactured home which does not meet any of the standards of §3.3 shall be considered a mobile home, and shall comply with all standards of this *LDC* applicable to such use.

C. Mobile Home. “Mobile home” means a dwelling which is eight feet or more in width and 40 feet or more in body length, is designed to be transported on its own permanent chassis after fabrication, and which is designed to be used as a dwelling, with or without permanent foundation, when the required plumbing, heating, and electrical facilities are connected. Mobile homes shall comply with one of the following circumstances.

1. **Comply with HUD Code.** New or used mobile homes installed after the effective date of this *LDC* shall comply with the standards of the *National Manufactured Housing Construction and Safety Standards Act of 1974* (hereinafter referred to as “the *HUD Code*”). Such mobile homes shall have a roof capable of bearing a minimum 40-pound snow load.
2. **Pre-date HUD Code.** Mobile homes built prior to the *HUD Code* shall have a roof capable of bearing a minimum 30-pound snow load.

§2.4 PRINCIPAL USE TABLE

A. Permitted Uses. A “P” indicates that a use is allowed by right in the respective zoning district and may be reviewed and approved by the Director. Permitted uses are subject to all other applicable regulations of this *LDC*.

B. Conditional Uses. A “C” indicates that a use is allowed only if reviewed and approved as a Conditional Use, in accordance with the Conditional Use review procedures of Section 7 (Conditional Uses). Conditional Uses are subject to all applicable regulations of this *LDC*.

C. Uses Not Allowed. A blank cell indicates that a use is not allowed.

D. Specific Use Standards. The final column titled “Use Standards” contains a cross-reference to related standards established in Specific Use Regulations, of this *LDC*. Where no cross-reference is shown, no additional use standard shall apply.

E. Uses Not Listed. The Director shall use the criteria in §3.1 to determine how an unlisted use should be treated.

§2.4 PRINCIPAL USE TABLE

TABLE 2-2 PRINCIPAL USE TABLE											
Use Categories	Specific Uses	RESIDENTIAL ZONING DISTRICTS					NON-RESIDENTIAL ZONING DISTRICTS				Use Standards
		R-1	R-1M	R-2	RMU	R-3	B-1	CBD	C	I	
Residential Use Categories (§3.2)											
Household Living	Accessory Dwelling		P	P	P	P	P	P	P	P	§3.3H
	Duplex dwellings ⁶			P	P	P	P		C		§3.30
	Manufactured homes	P	P	P	P	P	P	C	C		§3.3B
	Mobile home parks					C					§3.3I
	Multi-family dwellings ⁶				P	P	C		C		§3.3D
	Single-family dwellings	P	P	P	P	P	P	C	C		§3.3 C
	Townhouses				P	P			C		§3.3F
	Cottage Cluster				P	P					§3.3J
	Compact Neighborhood					P					§3.3J
	Upper story residential						P	P	P	P	§3.3G
	Zero lot line dwellings			P	P	P					§3.3E
Congregate Living	Assisted Living homes	C ¹	C ¹	C ¹	C ¹	C ¹			C		§3.3J
	Nursing home			C	C	C			C		§3.3J
	Rooming and boarding houses, dormitories, fraternities or sororities				C	C					§3.3K
Home Occupation and Home Business	Home Occupation	P	P	P	P	P	P	P	P		§3.3L
	Home Business	C	C	C	C	C	P	P	P		§3.3L
Marijuana	Personal Use of Marijuana	P	P	P	P	P	P	P	P	P	§3.13.3M
Public, Civic and Institutional Use Categories (§3.4)											
Community Service	Detention Center									P	--
	Mausoleum, columbarium	C	C	C	C	C	C	C	P		--
	Neighborhood or community centers	C	C	C	C	C	P		P		--
	Public garage or shop									P	--
Educational Facilities	School, public or private	C	C	C	C	C	C	C	C		§3.4A
	School, trade or business	C	C	C	C	C	C	C	C	C	
Day Care	Daycare Center			C	C	C			C ²		§3.5A
	Daycare Home	C	C	P	P	P	P	P	P	C	
	Daycare School			C	C	C	C	C	C	C	

¹ Conditional Use is limited to not more than eight developmentally disabled or eight mentally ill persons pursuant to CRS §31-23-304(4).

TABLE 2-2 PRINCIPAL USE TABLE

Use Categories	Specific Uses	RESIDENTIAL ZONING DISTRICTS					NON-RESIDENTIAL ZONING DISTRICTS				Use Standards
		R-1	R-1M	R-2	RMU	R-3	B-1	CBD	C	I	
Marijuana-Related Business	Marijuana Club or Vapor Lounge										--
Medical	Hospitals						C		P		--
Parks and Open Space	Parks and recreational facilities	P	P	P	P	P	P	P	P	P	--
Religious Institutions	Churches or places of worship	C	C	C	C	C	C	C	P		§3.5B
Utilities	Major utilities (private only)	C	C	C	C	C	C	C	C	P	--
	Minor utilities	P	P	P	P	P	P	P	P	P	--
Accommodation, Retail, Service - Commercial Use Categories (§3.6)											
Entertainment Event, Major	Auditoriums							C	P	P	--
	Fairgrounds									P	--
Office	Banks and financial institutions						C	P	P		--
	Government offices					C	P	P	P	P	--
	Medical clinic or dental office						P	P	P		--
	Professional offices						P	P	P	C	--
	Radio and television studios						P	P	P		--
Parking, Commercial	Commercial parking lots and garages							C	P	P	--
Retail Sales, Rental and Service, Sales-Oriented	Art Galleries						P	P	P		--
	Auto sales and rental								P	P	--
	Automotive Supplies								P	P	--
	Book stores						P	P	P	C	--
	Convenience Stores, without gas pumps							P	P	P	--
	Drive-in ⁶						C	P	P	C	§3.12 C
	Furniture and Appliance Stores							P	P	P	--
	Greenhouse or nursery						C	C	P	P	--
	Lumber and building material sales								C	P	--
	Outside Sales or Display							C	P	P	§3.7 §2.1.3
	Recreational Vehicle Sales								P	P	--
Retail Grocery Store ⁶						P	C	P	C	--	
Retail Sales and Service, Personal Service-Oriented	Athletic or Health Clubs						P	P	P	P	--
	Barber and beauty shops						P	P	P		--
	Drive-in ⁶						C	P	P	C	§3.12. C
	Dry cleaning drop-off/pick-up						P	P	P	P	--
	Funeral homes and mortuaries							C	P	P	--
	Kennels								C	P	--
	Laundromats					C			P	P	--
	Photography studios						P	P	P	P	--
Veterinary clinic								P	P	--	
Marijuana ²	Retail Marijuana								P	C	§3.15

² Ordinance 5, 2015

TABLE 2-2 PRINCIPAL USE TABLE

Use Categories	Specific Uses	RESIDENTIAL ZONING DISTRICTS					NON-RESIDENTIAL ZONING DISTRICTS				Use Standards
		R-1	R-1M	R-2	RMU	R-3	B-1	CBD	C	I	
	Medical Marijuana Centers							P	C		§3.15
Accommodations	Bed and breakfasts			C	C	C	C	P ³			§3.7 A.1.
	Hostels			C	C	C	C	P			§3.7 A.2.
	Hotels and motels						C	P			§3.7 A.3.
	RV Parks					C		C	C		§3.7.A.4.
Retail Sales and Service, Eating and Drinking –Oriented	Bars and taverns ⁶						C	P	P	C	§3.12 B
	Coffee shop/bakery ⁶						P	P	P	P	--
	Drive-in ⁶							P	P	C	§3.12 C
	Restaurants						P	P	P	C	--
Retail Sales and Service, Entertainment-Oriented	Private lodges and clubs							P	P	C	--
	Recreation, indoor							P	P	C	--
	Theater							P	P	P	--
Retail Sales and Service, Repair-Oriented	Appliance repair							C	P	P	--
	Bicycle repair/rental						P	P	P	P	--
	Locksmith						C	P	P	P	--
Vehicle Services, Limited	Car washes								P	P	--
	Convenience stores, with gas pumps							C	P	P	§3.7 B.1.
	Service stations								P	P	--
Industrial Use Categories (§3.8)											
Industrial Sales and Service	Agricultural implement sales/service								P	P	--
	Building and heating contractors								P	P	--
	Chemicals or explosives manufacture									C	--
	Dry cleaning/dyeing plant							C	P	P	--
	Feed and grain sales								P	P	--
	Manufactured home sales/service								C	P	--
	Repair and service of industrial vehicles								C	P	--
	Research laboratories								C	P	--
	Salvage or wrecking yards, or junkyards									C	--
	Sale, rental, leasing of heavy equipment								C	P	--
	Truck Stop								C	P	--

³ Ordinance 3, 2015

TABLE 2-2 PRINCIPAL USE TABLE

Use Categories	Specific Uses	RESIDENTIAL ZONING DISTRICTS					NON-RESIDENTIAL ZONING DISTRICTS				Use Standards
		R-1	R-1M	R-2	RMU	R-3	B-1	CBD	C	I	
Manufacturing and Production	Catering Services ⁶						P	P	P	P	--
	Concrete or redi-mix plant									P	--
	Firewood Production ⁴								C	P	--
	Greenhouse/nursery							C	P	P	--
	Industrial Hemp Production									P	--
	Manufacture or assembly of machinery, equipment, instruments								C	P	--
	Meat Processing									C	--
	Printing, publishing and lithography ⁶						P	P	P	P	--
	Woodworking and cabinet shops								C	P	--
Marijuana Manufacturing and Production ⁵	Marijuana manufacturing									P	§3.15
	Medical marijuana-infused products manufacturing									P	§3.15
	Marijuana cultivation									P	§3.15
	Medical marijuana optional premises cultivation operation									P	§3.15
	Marijuana testing facility								P	P	§3.15
Self-storage Warehouse	Mini-warehouses and mini-storage									P	--
Vehicle Repair	Auto body shops								C	P	§3.7.B.2
	Auto, truck and boat repair								C	P	§3.7.B.2
	Quick lube service								P	P	§3.7.B.2
Warehouse and Freight Movement	Air cargo terminal									P	--
	Outdoor storage, general								C	P	§3.9B.
	Post Office							P	P	P	--
	Recreational vehicle storage								C	P	§3.9B.
	Utility service yards or garages								C	P	§3.9B.
	Warehouses and truck terminals									P	§3.9B.
Waste-Related	Transfer stations									P	--
	Recycling centers									P	--
Wholesale Sales	Mail order houses						P		P	P	--
	Wholesalers of food, clothing, and parts								C	P	--
Other Uses Categories §3.10											
Adult entertainment	Sexually oriented businesses									C	§3.10 C.
Alternative Energy	Solar Voltaic and Wind Turbines	C	C	C	C	C	C	C	C	C	§3.11 D.
Aviation and Surface Transportation	Airports and related facilities, public									P	§3.11 A.

⁴ Ordinance 4, 2014

⁵ Ordinance 5, 2015

⁶ Ordinance 8, 2018

TABLE 2-2 PRINCIPAL USE TABLE												
Use Categories	Specific Uses	RESIDENTIAL ZONING DISTRICTS					NON-RESIDENTIAL ZONING DISTRICTS				Use Standards	
		R-1	R-1M	R-2	RMU	R-3	B-1	CBD	C	I		
Mining	Processing of aggregate mineral or other subsurface resources										C	§3.11 E.
	Asphalt Batch Plant										C	§3.11 E.
Telecommunications Facilities	Telecommunications facilities and towers							C	C		P	§3.11 B.
Temporary Commercial Activity	General retail sales or other commercial use operated outside of a building on a seasonal basis. ⁶						C	C	C	C		§3.13

§2.6 BASE ZONE DISTRICT DIMENSIONAL STANDARDS

A. Intent. The base zone district dimensional standards establish maximum density and intensity, lot sizes, height standards, and lot coverage criteria for all development applications. These standards allow for variety in housing types while maintaining the overall character of neighborhoods and commercial areas of the city. Separate standards are established to regulate development in each base zone district. This approach to zone district development standards promotes development intensities that match existing and proposed infrastructure investments.

B. Dimensional Standards - Residential Zone Districts

- 1. Development Standards.** Development applications shall comply with all applicable development standards as set forth in this *LDC* and other applicable laws.
- 2. Dimensional Standards.** Development applications shall comply with the following dimensional and all other provisions in this *LDC* and other applicable laws.

TABLE 2-3 RESIDENTIAL DIMENSIONAL STANDARDS					
Dimensional Standard	R-1	R-1M	R-2	RMU	R-3
Maximum density (units/acre) ¹	3.5	6 7 + ADU	14 21	16 35	30 80
Minimum lot size (sq. ft.) ⁶	8,000	6,250	6,250	6,250	6,250
Maximum lot coverage of structures / parking and access	50%	60%	60%	70%	85%
Minimum lot coverage landscape area	50%	40%	40%	30%	15%
Minimum lot frontage ^{1 (6)}	50'	50'	50'	50'	50'
Minimum setback front ²	15'	15'	15'	15'	15 10'
Minimum setback side Provided that one additional foot of setback shall be required for each two and one-half feet (a 1:2.5 ratio) of building height over 22.5 feet	10'	5'	5'	5'	5'

TABLE 2-3 RESIDENTIAL DIMENSIONAL STANDARDS					
Dimensional Standard	R-1	R-1M	R-2	RMU	R-3
Minimum setback rear lot line: principal building Provided that one additional foot of setback shall be required for each two and one-half feet (a 1:2.5 ratio) of building height over 22.5 feet	10'	5'	5'	5'	5'
Minimum setback rear lot line: accessory building	10'	5'	5'	5'	5'
Maximum building height	35'	35'	35'	35' ² 48'	35' ² 48'
Maximum building height for detached accessory structure	30'	30'	30'	30'	30'
Minimum building width ⁶	24' ² 20'	24' ² 20'	16'	16' ² 15'	16' ² 15'
Minimum floor area Principal Dwelling (sq. ft.)	480	480	480	300 efficiency	300 efficiency
				480 multi-family	480 multi-family
Floor Area Thresholds Accessory Dwelling (sq.ft.)			720		
Minimum storage area (sq.ft.)			32	32	32
Snow storage (% of parking and access coverage)	15%	15%	15%	15%	15%
¹ Density calculations for residential development may be subject to Slope Protection Standards (§5.2) and Section 13. ² Covered porches and the landings and steps of a covered porch may encroach into the front yard pursuant to §1.7.L.3.d ³ Ordinance #3, Series 2016 ⁶ Ordinance #8, Series 2018					

C. Dimensional Standards - Nonresidential Zone Districts

- 1. Development Standards.** Development applications shall meet all applicable development standards as set forth in this *LDC* and all other applicable laws.
- 2. Nonresidential Dimensional Standards.** Permitted nonresidential uses shall meet the following dimensional standards. Development applications for non-residential uses shall comply with all other provisions of this *LDC* and all other applicable laws.
- 3. Upper-Story Residential Dwellings.** Upper-story residential units are permitted on the upper floors of nonresidential buildings, but shall conform to all lot, yard and bulk requirements of the principal building.

TABLE 2-4 NONRESIDENTIAL ZONE DISTRICT DIMENSIONAL STANDARDS				
STANDARD	B-1	C	CBD	I
DENSITY				
Max. density (units/acre)	740	1470	NA	714
LOT				
Minimum lot size (sq. ft.)	6,2503,125	84,000	--	6,2503,125
Minimum lot frontage (ft.)	5025	5025	--	5025
Maximum lot coverage: (%) structures / parking and access	75	90	100	90
Minimum landscape area (%)	25	10	--	10
BUILDING				
Maximum building height (ft.)	3540 Up to 50	3550	50	3550

	(with setbacks) ⁵			
Minimum building width (ft.)	2420	--	--	--
Minimum floor area: Multi-family (sq. ft.)	480	300 efficiency 480 multi-family	--	--
Minimum floor area: Second story residence (sq. ft.)	300	300	300	300 min 700 max
Minimum storage area (sq. ft.) ¹	32	32	32	--
BUILDING SETBACKS				
Minimum from side lot line (ft.)	50 ⁵	5 ²	no. req.	5 ¹
Minimum from rear lot line (ft.) principal building	50 ⁵	5 ²	no req.	5 ²
Minimum from rear lot line (ft.) accessory building	50 ⁵	5 ²	N/A	N/A
Setback from front lot line (ft.)	15 ^{3,4} Max	15 ^{2,4} Max (50% of frontage)	no req. ⁴	0 ²
Other Standards				
Snow Storage Area (% of parking and access coverage)	15	15	N/A	15
¹ Storage is required for multi-family dwellings) (§3.3D) ² Uses adjacent to residential zone districts shall comply with Zone District Buffer Standards (§4.6 O. 3). ³ Parking not allowed within front setback area in B-1 Zone District ⁴ Frontage area must be designed to engage the sidewalk / street frontage (windows, outdoor seating, etc.) in the B-1, C and CBD zone districts. ⁵ Buildings with a height greater than 40 feet to a maximum of 50 feet in the B-1 zone district shall be setback a minimum of 40 feet on side and/or rear lot lines from any residential zone district property line.				

Section 3. Specific Use Regulations

§3.3 RESIDENTIAL USE STANDARDS

C. Single-Family Residential and Duplex Features

1. Foundation. All homes at the time of construction shall be permanently affixed to a foundation in a manner which complies with the current *Building Code* for residential structures.

2. Dimensions

a. Width. Each home shall comply with the following minimum width requirements on at least two non-opposing (not parallel) walls.

TABLE 3-1 MINIMUM BUILDING WIDTH						
Zone District	R-1	R-1M	R-2	RMU	R-3	B-1
Minimum Building Width ⁶	2420 ft.	2420 ft.	16 ft.	1615 ft.	1615 ft.	2420 ft.
⁶ Ordinance #8, Series 2018						

b. Size. The home shall comply with the minimum floor area standard of the zone district in which it is located, as specified in §2.6.

3. Multiple Detached Single-Family Units. No more than one single-family dwelling shall be permitted on any platted lot of record in the R-2 zone district unless one of the dwelling units is an Accessory Dwelling Unit. No more than one single-family dwelling shall be permitted on any platted lot of record in the RMU and R-3 zone districts unless the dwelling units are part of a Common Interest Community and the development plan is found to be in compliance with the dimensional standards in §2.4 (Principal Use Table) of this *LDC*.

4. Exterior Materials. The side and roof covering materials shall be materials customarily used on conventional dwellings within the city. Reflective finishes shall not be permitted, but metals designed to oxidize quickly (patina) and create a non-metallic luster are permitted. Siding materials shall extend below the foundation mud-sill, or pursuant to *Building Code* requirements.

5. Porches. By relaxing setback criteria, residential dwellings are encouraged to have covered front porches and site-built steps, constructed with exterior materials matching the structure.

J. Cluster Developments. A Cluster Development is characterized by a single site with several small dwellings that share a common, central yard or green space.

1. Cluster Development Types.

- a. **Cottage Cluster.** Cottage Cluster developments are characterized by single detached cottages that may be one or two stories.
- b. **Compact Neighborhood.** Compact Neighborhoods are characterized by detached, attached and multi-unit houses that may incorporate a manufactured housing types.

2. Standards.

- a. Unit Type, Lot and Density.

Standard	Cottage Cluster	Compact Neighborhood
Allowed Unit Type	Detached	Detached and Attached
Maximum Density (du per acre)	36	72
Minimum Total Units per Cluster	3	
Minimum Site Size (sq. ft.)	6,000	
Minimum Unit Lot Size (sq. ft.)	1,000	
Maximum Lot Coverage	65%	80%

- b. Building Form and Design.

Standard	Cottage Cluster	Compact Neighborhood
Maximum Stories Above Ground	2	2.5
Maximum Height to Peak (ft.)	24'	34'
Maximum Unit Footprint (sq. ft.)	1,000	
Minimum Unit Floor Area (sq. ft.)	500	300
Maximum Unit Floor Area (sq. ft.)	2,000	
Minimum Frontage Requirement (ft.)	15'	
Minimum Front Porch Depth (ft.)	8'	

Minimum Porch Width as % of Front Façade	60%	
Orientation of Primary Entrances Required to be Towards:	Commons / ROW, or Pedestrian Path	
Porches Required:	Yes	
Front Door Must Open onto Porch:	Yes	
Area of Porches that must be Covered by Roof:	100%	
Existing non-conforming homes allowed:	No	Yes
Factory / Off-site built homes allowed:	Yes; Must Comply with Section 3.3B Manufactured Housing and Design Standards in this Section	

c. Common Areas

Standard	Cottage Cluster	Compact Neighborhood
Minimum Common Open Space Size (sq ft per unit)	100	50
Minimum Common Open Space Dimension (1 side) (ft.)	20'	
Minimum % of Units Oriented to Commons	50%	
Commons Open to / visible from Street	Yes, 1 Commons Minimum	
Required Enclosure of Commons (# of sides)	3 Sides	
Enclosure Means "Oriented Towards Commons"	Yes	

d. Parking and Access

Standard	Cottage Cluster	Compact Neighborhood
Minimum Parking Spaces per Unit	1	1
On-Street Parking Allowed to Count Towards Minimum:	Yes	
Parking Allowed on Same Lot as Unit:	Yes, if served by alley or if already exists	
Minimum Setback of Parking From Street (ft.)	20'	
Alley Allowed Along Side or Rear Property Lines:	Yes	

e. Pedestrian Access

Standard	Cottage Cluster	Compact Neighborhood
Minimum Width, Internal Sidewalks (ft.)	4'	
Sidewalks must Connect all Units to Commons, Parking and Street	Yes	
Maximum Distance Between any Dwelling Unit and Commons (ft.)	60'	

§3.7

§3.7 ACCOMMODATIONS, RETAIL, SERVICE - COMMERCIAL USE STANDARDS

The standards of this Section shall apply to all permitted Conditional Uses, as set forth in the Principal Use Table (§2.4).

A. All permitted and Conditional Uses within the B-1 zone district. All Conditional Uses within the B-1 zone district with a height of 41 to 50 feet shall also comply with the following standards:

1. **Building Mass and Design.** The building mass and design of the fourth story shall not be visible from a street frontage, shall appear to be integrated into the roof line or no more than 50% of the building footprint shall be over 40 feet in height.
2. **Setback from any Residential Zone District.** Buildings with a height greater than 40 feet to a maximum of 50 feet shall be setback a minimum of 40 feet on side and/or rear property lines from any Residential Zone District property line.

B. Accommodations

1. **Bed and Breakfast.** All bed and breakfast inn uses shall be subject to the following standards.
 - a. Structures shall not be altered in a way that changes the general residential appearance.
 - b. If four or more off-street parking spaces are provided, visual screening from adjacent residential uses shall be required.
 - c. Other than registered guests, no meals shall be served to the general public. No cooking or kitchen facilities shall be allowed in the guest rooms.
2. **Hostels**
 - a. If four or more off-street parking spaces are provided, visual screening from adjacent residential uses shall be required.
 - b. Other than registered guests, no meals shall be served to the general public. No cooking or kitchen facilities shall be allowed in the guest rooms.
3. **Hotels.** All hotel uses shall be subject to the following standards:
 - a. Up to 15 percent of the gross floor area of a hotel may be in nonliving-quarters accessory uses, including management/employee offices, meeting rooms, banquet halls, retail services such as newsstands and gift shops, and similar accessory uses, provided that any incidental business is conducted primarily as a service to guests, and there is no entrance to such places of business except from inside the building.
 - b. In addition to the accessory uses allowed in §2.1. §2.1. above, up to an additional 25 percent of the gross floor area of a hotel may be devoted to eating/drinking establishments as an accessory use.

Section 4. General Development Standards

§4.1 OFF-STREET PARKING AND LOADING

A. Purpose. This Section establishes parking standards for land uses in the City. The standards are intended to lessen congestion on the streets and to ensure an adequate supply of parking spaces within a reasonable distance of uses.

B. Applicability

- 1. Requirements for Certificate of Occupancy.** Unless specifically exempt, all existing and proposed development shall provide off-street parking and loading facilities in accordance with this Section. No certificate of occupancy shall be issued until these parking requirements and regulations have been met.
- 2. Modifications Must Conform.** With the exception of a restriping of a parking area or other vehicular use area which does not result in a reconfiguration of the parking spaces, any modification to existing off-street parking and loading facilities shall conform to the requirements of this Section.
- 3. Site Plan Required.** No land with more than four parking spaces shall be developed as a parking area or parking garage without an approved site plan issued.
- 4. When Existing Off-Street Parking and Loading may be Grandfathered.** Buildings and uses lawfully existing as of the effective date of this *LDC* may be redeveloped, renovated or repaired without providing additional off-street parking and loading facilities, if there is no increase in gross floor area or change in use of existing floor area that would increase parking demand.
- 5. When Additional Off-Street Parking and Loading is Required.** These Off-Street Parking and Loading Standards shall apply when an existing structure is enlarged or the change in use requires additional parking. Additional off-street parking spaces will be required only to serve the enlarged or expanded area, not the entire building or use, provided that in all cases the number of off-street parking spaces approved for the entire use (pre-existing plus expansion) must equal at least 75 percent of the minimum requirements established in this Section.
- 6. Off-Street Parking and Loading in the CBD.** Uses in the CBD zone district are exempt from the parking space demand (minimum number of spaces) and loading requirements set forth in this Section of the *LDC* excluding ~~upper story residential units and bed and breakfasts, hostel or hotel/motel~~ in an approved Conditional Use application developed in the CBD. However, any use in the CBD proposing off-street parking facilities are subject to all Standards of this Section, with the exception of minimum number of space requirements (§4.1 D.)

C. Parking Calculation Provisions

- 1. For Developments Containing More than One Use.** Developments containing more than one use shall provide parking spaces in an amount equal to the total of the requirements for all uses.
- 2. Floor Area Calculation.** The method of measuring floor area shall be as described in §1.7 F.

3. **Fractional Spaces.** Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
4. **Uses Not Listed.** The parking space requirements for a use not specifically listed in the table below shall be the same as for the listed use deemed most similar to the proposed use by the Community Development Director. The Community Development Director shall use the criteria in §2.5 A, to determine how an unlisted use should be treated.
5. **Based on Occupancy.** For the purposes of computing parking requirements based on occupancy, calculations shall be based on the largest number of occupants working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever is applicable, and whichever results in the greater number of spaces.
6. **Garages.** Garages of adequate size serving residential uses shall be applied to parking requirements.

D. Minimum Off-Street Parking. The following minimum schedule establishes the minimum number of off-street parking spaces to be provided for the use categories described in this *LDC*.

TABLE 4-1 OFF-STREET PARKING REQUIREMENTS		
USE CLASSIFICATION	SPECIFIC USE	MINIMUM NUMBER OF SPACES REQUIRED
Residential Use Categories (§3.2)		
Household Living	Single-Family Dwellings, Manufactured Home	2.0 per dwelling unit
	Mobile Home	1.0 per dwelling unit
	Duplex	1.5 per dwelling unit
	Townhome	1.0 per dwelling unit
	Multi-Family Dwellings ²	1.0 per dwelling unit
	Accessory Dwelling Unit	Exempt in all zone districts
Congregate Living	Upper Floor Residential	1.0 per Unit (exempt in CBD and B-1)
	Rooming and boarding houses, dormitories, fraternities or sororities	1.0 per bed
	Nursing Homes	1.0 per employee, plus 1 visitor space per 2 beds
	Assisted Living	1.0 per employee, plus 1 visitor space per 4 beds
Public, Civic and Institutional Use Categories (§3.4)		
Educational Facilities	Elementary and Middle Schools	1.0 per classroom + 1.0 per 300 sq.ft. of office area + 1.0 per 5 seats in any auditorium assembly
	All Other Schools	6.0 per classroom + 1.0 per 300 sq.ft. of office area + 1 per 5 seats in any auditorium or similar facility
Day Care	Day Care Homes, Schools and Centers	1.0 per non-resident employee
Medical	Hospital	1.0 per 2 beds + 1.0 per employee per day shift

TABLE 4-7 (CONTINUED)		
USE CLASSIFICATION	SPECIFIC USE	MINIMUM NUMBER OF SPACES REQUIRED
Accommodation, Retail, Service - Commercial Use Categories (§3.6)		
Accommodations	Hotels and Motels	1.0 per guest room +1 space per 3 employees and 75% of parking required for other associated or accessory uses (restaurants, offices, meeting spaces)
	Hostels ⁷	1.0 per 2 beds
	Bed and Breakfasts	1.0 space per guest room
Low Intensity Commercial	Assembly Areas (Exhibit Rooms, Gyms, Community Centers) Professional Offices, Government Offices, Personal Services, Small / Specialty Retail, Church, Bicycle Repair	1.0 space per 1000 sq. ft. + vehicle stacking for drive-thru Section 4.4 J
High Intensity Commercial	Restaurants, Bars/Tavern's, Large Retail, Coffee Shop, Convenience Store, Assembly Areas (Theaters, Church, Assembly Hall)	1.0 space per 600 sq. ft. + vehicle stacking for drive-thru Section 4.4 J

TABLE 4-7 (CONTINUED)		
USE CLASSIFICATION	SPECIFIC USE	MINIMUM NUMBER OF SPACES REQUIRED
Industrial Use Categories (§3.8)		
Manufacturing and Production	Manufacture or assembly of machinery, equipment, instruments, Contractor Shop, Greenhouse / Nursery	1.0 per 1000 sq. ft.
Vehicle Repair Services	Auto Body Shops, Vehicle Repair, Service Stations	2.0 per service bay
Industrial and Wholesale	Warehousing and Storage, Outdoor Storage, Wholesale and Distribution	1.0 per 3000 sq. ft.

1. Disabled Access Parking

- a. Parking spaces for disabled persons shall be provided per the following schedule:

TABLE 4-2 DISABLED ACCESS PARKING			
TOTAL PARKING SPACES IN LOT	MINIMUM ACCESSIBLE SPACES	MINIMUM VAN-ACCESSIBLE SPACES	MINIMUM CAR-ACCESSIBLE SPACES
0 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of Total		

⁷ Ordinance 3, 2015

² Ordinance #3, Series 2016

Over 1000	20 plus 1 for each 100 over 1,000	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
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- b. Parking spaces for the disabled shall have a minimum stall width of nine feet, unless it is a required van-accessible space, which shall be a minimum of 11 feet. All spaces designated as being for the disabled shall have a raised standard identification sign. The identification sign shall be 12 inches by 18 inches, with a height not to exceed seven feet. The standard colors of the sign shall be white on blue. (Ordinance 4, 2014)

2. ~~Maximum-Minimum Requirement and Shared Use Reduction~~

~~**Maximum-Minimum Parking.** No use shall provide more than 110 percent of The required parking shown in Table 4-17 is a minimum requirement and additional parking may be provided by the applicant to meet the parking demand of their specific use. unless the greater amount is pre-existing from another use or the threshold is part of a structured public parking program.~~