



Roll Call Number

Agenda Item Number

50

Date March 18, 2024

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended, by amending Sections 135-5.1.4, 135-7.1.2, 135-9.1.3, 135-9.2.3, 135-9.2.4, 135-9.3.1, 135-9.3.3, 135-10.3.4 and Tables 135-2.5.3, 135-2.6.3, and 134-3.1-1, relating to expedited Type 2 design alternatives review; value determinations; Type 1 design alternatives; Type 2 design alternatives; and large-scale development requirements",

presented.

(Council Communication No. 24-123)

Moved by _____ that this ordinance be considered and given first vote for passage. Second by _____.

FORM APPROVED:

(First of three required readings)

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk

ORDINANCE NO. _____

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended, by amending Sections 135-5.1.4, 135-7.1.2, 135-9.1.3, 135-9.2.3, 135-9.2.4, 135-9.3.1, 135-9.3.3, 135-10.3.4 and Tables 135-2.5.3, 135-2.6.3, and 134-3.1-1, relating to expedited Type 2 design alternatives review; value determinations; Type 1 design alternatives; Type 2 design alternatives; and large-scale development requirements.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended, by amending Sections 135-5.1.4, 135-7.1.2, 135-9.1.3, 135-9.2.3, 135-9.2.4, 135-9.3.1, 135-9.3.3, 135-10.3.4 and Tables 135-2.5.3, 135-2.6.3, and 134-3.1-1, as follows:

135-5.1 General

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5.1.4 RELIEF

A. Exemption. An exemption from the large-scale development requirements is available upon the determination of the development services director ~~provided that either:~~

- 1. All of the following apply:
 - a. The proposed development does not require or include new streets;
 - b. The proposed development does not require rezoning;
 - c. The proposed development is consistent with the current comprehensive plan; and
 - d. Either the proposed development does not abut any other future development or redevelopment sites or the parcel shape limits the ability of introducing a new street.; or
- 2. That large-scale development requirements would be impractical or infeasible for the proposed site.

- ~~1. that all of the following apply:~~
 - ~~a. The proposed development does not require or include new streets;~~
 - ~~b. The proposed development does not require rezoning;~~
 - ~~c. The proposed development is consistent with the current comprehensive plan; and~~

~~Either the proposed development does not abut any other future development or redevelopment sites or the parcel shape limits the ability of introducing a new street.~~

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135-7.1 General

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7.1.2 APPLICABILITY

A. General. The landscape and streetscape regulations shall be provided and followed in accordance with the provisions of this article. Unless otherwise expressly stated, the regulations apply to all zoning districts and uses.

B. New Uses and Development. The landscape and streetscape regulations of this article apply to all new buildings constructed and all new uses established in all zoning districts.

C. Discontinued Uses; Change of Use. If the use of a property is discontinued for a period of more than six months, or if a new or amended site plan is required by a change of use on the premises, the landscape and streetscape regulations of this article shall apply.

D. Enlargements and Expansions

1. Structures. The landscape and streetscape regulations of this article apply whenever a building is enlarged by over 50% of the existing building gross floor area, or when renovations to an existing building, including a building addition, have an estimated cost for building permit purposes that exceeds 50% of the ~~total assessed property value~~value of the existing building. Estimated building permit valuation is cumulative from March 22, 2004, using all building permits issued by the city's permit and development center, county assessor's records, insurance records if no assessor's records are available, and other documentation as determined by the development services director.

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135-9.1 General

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9.1.3 EXEMPTIONS

A. The following are exempt from submitting a formal site plan in accordance with this article:

1. Projects that comply with all applicable zoning and design regulations and that will result in the cumulative addition of no more than 500 square feet of floor area, not to exceed 10% of the existing floor area;
2. Interior alterations that do not alter the footprint, height, exterior or use of a building, except if the cumulative valuation of interior alterations, not including fire suppression systems, exceeds 50% of the ~~total assessed property~~ value of the structure at the date of adoption of this chapter, conformance with the landscape requirements is required and, therefore, a new site plan would be needed;

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135-9.2 Site Design and Design Alternatives

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9.2.3 TYPE 1 DESIGN ALTERNATIVES

During the site plan or alternate design documentation review process, as applicable, the development services director is authorized to approve the Type 1 design alternatives of this section and those expressly authorized elsewhere in this chapter, based on consideration of the general intent statement of section 135-9.2.2.B of this article:

A. Specific Building Type Design Alternatives. The following design alternatives apply to the regulations in Article 2 of this chapter:

1. Build-to Zone
 - a. Increase the maximum primary frontage build-to-zone or setback requirement by ~~30~~50% or one foot, whichever is greater.
 - b. Increase the maximum non-primary frontage build-to-zone or setback requirement by ~~30~~50% or 2.5 feet, whichever is greater.
2. Primary Frontage Lot Line Coverage. Decrease the minimum primary frontage lot line coverage requirement by ~~30~~50% or three feet, whichever is greater.
3. Building Setbacks.
 - a. Decrease the minimum interior side setback by up to ~~30~~50% or one foot, whichever is greater.
 - b. Decrease the minimum rear setback by up to ~~30~~50% or one foot, whichever is greater.
4. Building Coverage. Increase the maximum total impervious coverage allowance by up to ~~30~~50%, provided that such increase does not result in impervious coverage that exceeds the total permitted impervious plus semi-pervious coverage.
5. Height.
 - a. Increase or decrease the ground story minimum or maximum height for House A, B, C and D building types by up to 1.5 feet.
 - b. Increase or decrease the non-ground floor stories minimum or maximum height for House A, B, C and D building types by up to one foot.
 - c. Decrease the ground story minimum height up to 10% for all Building Types other than House A, B, C and D building types.
 - d. Decrease the non-ground story minimum height by up to 10% for all Building Types other than House A, B, C and D building types.
6. Transparency. Reduce minimum transparency requirements by up to ~~30~~50%.
7. Roof Type. Allow any roof type on a building.
8. Reduce applicable minimum square footage requirement for House Type A, B, C or D by up to 18%; provided, however, that no House building shall be allowed by a Type 1 design alternative to contain less than 1,000 square feet of above grade finished floor area for House Type A or less than 1,000 square feet of finished floor area for House Types B, C and D.
9. Reduction in size of garage or waiver of garage requirement for House Types B, C and D, subject to provision, in lieu of the required garage, of a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property.
10. Reduction or waiver of the full depth basement requirement for House Type A for property located in an A, N1a, N1b or N2a district.
 - a. in the event of topography, soil, groundwater, sewer connection, or drainage constraints as demonstrated by the applicant and confirmed by the city engineer, or

- b. for expansion or enlargement of a House Type A building with no basement, or with a partial basement that does not adjoin the added area.
11. Reduce minimum overall height requirement by 0.5 story for House C and D building types in zoning districts N4, N5 and NX1, if a design alternative has not been granted pursuant to section 135-9.2.3.A.8 or requested pursuant to section 135-9.2.4.A.10 of this article for the same project or property.
12. Garage Door Front Façade. Allow garage door(s) to represent up to 50% of the front façade for House Type A in the N1a, A and N1b Districts; and for House Type B in any district.

B. Other Type 1 Design Alternatives

1. Except as noted above in this section, reduce by up to ~~30~~50% any minimum requirements of the building type regulations of Article 2 of this chapter and design regulations of Article 4 of this chapter that are expressed as a dimension or distance.
2. Except as noted above in this section and excluding maximum overall building height for property within the Capitol Dominance Area, increase by up to 30% any maximum requirements included in the building type regulations of Article 2 of this chapter and design regulations of Article 4 of this chapter that are expressed as a dimension or distance.
3. Modify building type regulations of Article 2 of this chapter and design regulations of Article 4 of this chapter that are expressly identified as eligible Type 1 design alternatives within the text of this chapter.
4. Waive or modify regulations of Article 2 that apply to an enlargement or expansion pursuant to section 135-10.3.4 of this chapter when complying is determined not practical by the development services director due to placement, size or layout of an existing building.
45. Allow the owner of an existing, lawfully established single-household use to carry out building expansions and renovations following the House type regulations that most closely match the existing building, regardless of whether that House type, or the most closely matching House type, is permitted within the subject district.
56. Allow an addition to a pre-existing building design or off-street parking area or lot to extend along the same building line or off-street parking area or lot as the pre-existing building or surface parking lot.
67. Waive or modify applicable building type regulations of Article 2 of this chapter related to garage and facade requirements when the existing location does not comply with applicable building type regulations.
78. Waive or modify regulations of this chapter when the development services director determines that requiring strict compliance would result in a violation of federal legislation, including but not limited to the Americans with Disabilities Act, and the design alternative would be the minimum design alternative necessary to provide relief and any impacts will be mitigated to the maximum extent feasible.
89. Design alternatives to the accessory utility structure regulations for electric vehicle charging stations in section 135-2.22.4.B of this chapter and for building-mounted solar regulations in section 135-2.22.4.E of this chapter and freestanding solar regulations in section 135-2.22.4.F of this chapter.

109. Design alternatives to minimum bicycle parking ratios and to bicycle parking location and design regulations.
110. Design alternatives to minimum or maximum motor vehicle off-street parking ratios pursuant to section 135-6.1 of this chapter.
121. Design alternatives to parking lot geometrics not to exceed ~~50~~30% of a numerical standard subject to review by the development services director and city engineer.
132. Design alternatives to the landscape regulations of Article 7 of this chapter.
143. Allow replacement of an existing parking lot in a front yard when no reasonable alternative is available on the lot, as determined by the development services director.
154. Allow placement of a dumpster enclosure in a front or street-side yard when no reasonable alternative is available on the lot, as determined by the development services director.
165. Waive the requirement in sections 135-2.21.1.K and 135-8.2.3 of this chapter of this chapter to place utility transmission system(s) underground when all of the following criteria are met:
 - a. The subject property is not located in an underground district designated by resolution of the city council; and
 - b. The development services director determines waiver is appropriate based on his/her character analysis of the subject lot and surrounding area, such as review of the street typologies map in MoveDSM: Transportation Master Plan, whether the location of the subject lot is within the “Connect Downtown Plan” area in said street typologies map and the city’s Connect Downtown Plan, whether the location of the subject lot is within a node set forth in PlanDSM as determined by the development services director, any existing or planned streetscape projects, or other relevant factors; and
 - c. Placement of the utility transmission system(s) underground is not reasonably practicable, as determined by the development services director for one or more of the following reasons:
 - i. The estimated cost of placing the utility transmission system(s) underground, as documented in a written estimate from the applicable utility company(ies) or utility contractor(s), exceeds ten percent (10%) of the estimated budget for the proposed project that requires site plan or alternate design documentation review, as demonstrated by the applicant to the satisfaction of the development services director;
 - ii. The existing utility transmission system(s) required to be placed underground include major transmission electrical lines or other utility lines that are impractical to place underground;
 - iii. Placing the utility transmission system(s) underground would negatively impact one or more adjoining property owner(s); or
 - iv. Physical constraint(s) of the subject property make placing the utility transmission system(s) underground impractical.

17. Design alternatives to entryway configuration, primary frontage entrance-ground story elevation, horizontal façade division, and vertical façade division regulations.

18. Design alternatives to blank wall segments design regulations found in Article 3 of this chapter.

- 19. Design alternatives to the number of principal entrance requirements to be reduced to no less than one (1) principal entrance per building.
- 20. Allow reduction of minimum accessory buildings side and rear yard setback requirements from 5 feet up to 2 feet.
- 21. Design alternatives to light pole regulations and requirements pursuant to Article 2 and section 135-8.2.1 of this chapter not to exceed 50% of a numerical standard subject for all zoning districts, except for EX, I1 and I2 districts in which such design alternatives are allowable in excess of 50% of numerical standard.
- 22. Design alternatives to the quantity of curb drops and driveways regulations and requirements pursuant to Article 2 and section 135-6.12.2 of this chapter, subject to and as limited by chapter 102 of this code and requirements of the city engineer.
- 2318. Any other design alternatives identified in this chapter as a Type 1 design alternative.

9.2.4 TYPE 2 DESIGN ALTERNATIVES

- A. Unless otherwise allowed in this chapter, only the following may be approved as Type 2 design alternatives:
 - 1. Except as noted in subsection 135-9.2.3.A of this article, a reduction by more than ~~30~~50% of any minimum requirements of the building type regulations of Article 2 of this chapter and design regulations of Article 4 of this chapter that are expressed as a dimension or distance.
 - 2. Except as noted in subsection 135-9.2.3.A of this article, an increase by more than ~~30~~50% of any maximum requirements included in the building type regulations of Article 2 of this chapter and design regulations of Article 4 of this chapter that are expressed as a dimension or distance.

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135-9.3 Review Process

9.3.1 REVIEW AND DECISION-MAKING AUTHORITY

- A. **Administrative Site Plans.** All site plan applications that are not classified as public hearing site plans, including those that include alternate design documentation for activities that are exempt pursuant to section 135-9.1.3 of this article or that include one or more requests for a Type 1 design alternative, pursuant to section 135-9.2.3 of this article, are referred to as “administrative site plans” and must follow a one-step approval process: review and final action by the development services director.
- B. **Public Hearing Site Plans.** All site plan applications that include one or more requests for a Type 2 design alternative, pursuant to section 135-9.2.4 of this article, are referred to as “public hearing site plans” and must follow a two-step approval process:
 - 1. Review by the development services director as an administrative site plan; and
 - 2. Review and final action by the plan and zoning commission as a public hearing site plan.
- C. Expedited Type 2 Design Alternatives Review. The development services director may expedite the public hearing site plan requirements within section 135-9.3.1.B of this chapter, excluding review and final action by the plan and zoning commission, if the development services director determines such expedition is to provide a preemptive

determination of Type 2 design alternatives or is to provide a determination of Type 2 Design alternatives associated with development activities that are subject to the regulations of Chapter 135 but that do not require a site plan, such as but not limited to, plats and certain construction permits.

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9.3.3 APPLICATION SUBMITTAL

A. Applications for site plan review may be filed only with the consent of all record titleholders, or with the consent of all record contract purchasers when applicable, of the real property on which the review is requested. Applications for site plan review may also be filed upon determination by the development services director, following consultation with the legal department, that a majority but not all of the record titleholders and contract purchasers of the lot(s) involved in the application have consented to the application; any such application shall require:

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- C. To be considered a complete submittal, a site plan must show all major information, such as dimensions, setbacks, square footage, number of employees, proposed use, contours, detention calculations, and hazardous materials to be stored on site, unless specifically waived by the preapplication conference.
- D. If board of adjustment review is required pursuant to chapter 134 of this code for a use requiring a site plan, the site plan shall not be processed until all necessary relief has been approved unless authorized by the development services director.
- E. The development services director must make a determination of application completeness within 10 business days of application filing.
- F. If a site plan application is determined to be incomplete, the development services director must provide notice to the applicant along with a written explanation of the application's deficiencies. Notice of an incomplete application may be provided in person or by electronic mail or regular mail.

G. The development services director may waive the application submittal completeness requirements within sections 135-9.3.3.B and 135-9.3.3.C of this chapter if the development services director determines such waiver is to provide a determination of Type 2 design alternatives under the expedited Type 2 design alternatives process defined within section 135-9.3.1.C of this chapter.

135-10.3 Pre-Existing Buildings

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135-10.3.4 ENLARGEMENT OR EXPANSION

A. For purposes of this subsection, the area and valuation of pre-existing buildings and of enlargements and expansions to pre-existing buildings shall be determined using all building permits issued by the city's permit and development center, county assessor's records, insurance records if no assessor's records are available, and other documentation as determined by the development services director. The applicable building type or design regulations of this chapter shall be fulfilled as follows:

1. When any pre-existing building is expanded in gross floor area by less than 50% of the original building area, or the expansion has an estimated cost for building permit purposes that does not exceed 50% of the total assessed property value ~~of the pre-existing~~

building, the area of expansion shall comply with the applicable building type or design regulations of this chapter.

2. When any pre-existing building is expanded in gross floor area by 50% or more of the original building area, or the expansion has an estimated cost for building permit purposes that equals or exceeds 50% of the **total assessed property** value ~~of the pre-existing building~~, the pre-existing building and the area of expansion shall comply with the applicable building type or design regulations of this chapter.

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Table 135-2.5.3. Storefront Regulations.

Remove "limited side yard only" from "MX3" and "CX, EX, I1" from Surface Parking/Loading Location; Garage /Loading Entrance Location (135-2.5.3-A.8)

Table 135-2.6.3. Commercial Cottage Regulations.

Remove "limited side yard only" and Add "side yard" from "MX3" and "EX, I1" from Surface Parking/Loading Location; Garage/Loading Entrance Location (135-2.6.3-A.8)

Table 134.3.1-1.

Amend Household Living, 5 to 8 households (per lot) and 9 or more households (per lot) in "MX1" and "MX2" districts from "permitted on upper floors only within primary footage, and in ground floor with non-primary frontage or corner lot" (☐) to "permitted by right" (●).

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

/s/ Chas M. Cahill
Chas M. Cahill
Assistant City Attorney

February 23, 2024

Communication from the City Plan and Zoning Commission advising that at their February 15, 2024 meeting, the following action was taken for consideration of the following amendments to Chapter 134 and Chapter 135 of the Municipal Code

- A) Amendment to Table 134-3.1-1 allowing ground floor dwelling units in the “MX1” and “MX2” Districts for buildings with 5 or more units.
- B) Amendments to Chapter 135 that address the timing of Type 2 Design Alternative requests, replace the use of assessed building value with total assessed property value as a trigger for requirements, increase the number of items eligible for Type 1 Design Alternative consideration, and expand exemptions from the Large Scale Development Plan regulations.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0-2 as follows.

Commission Action:	Yes	Nays	Pass	Abstain	Absent
Francis Boggus	X				
Leah Rudolphi	X				
Abby Chungath					X
Kayla Berkson	X				
Chris Draper			X		
Laura Kessel	X				
Todd Garner	X				
Johnny Alcivar	X				
Justyn Lewis			X		
Carolyn Jenison	X				
William Page	X				
Andrew Lorentzen	X				
Emily Webb					X
Katie Gillette	X				
Rick Trower	X				

APPROVAL of the following amendments to Chapter 134 and Chapter 135 of the Municipal Code:

- A) Amendment to Table 134-3.1-1 allowing ground floor dwelling units in the “MX1” and “MX2” Districts for buildings with 5 or more units.
- B) Amendments to Chapter 135 that address the timing of Type 2 Design Alternative requests, replace the use of assessed building value with total assessed property value as a trigger for requirements, increase the number of items eligible for Type 1 Design Alternative consideration, and expand exemptions from the Large Scale Development Plan regulations

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the proposed Zoning Ordinance and Planning and Design Ordinance text amendments.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

Staff is proposing amendments to revise sections of the Municipal Code based on feedback from the development and design community. The proposed amendments would improve the efficiency of the development review process. Summaries of the amendments are outlined below. The specific amendments within the code sections and tables are attached to the staff report.

The proposed amendments to Section 135-9.3.1 1 and Section 135-9.3.3 would allow the Development Services Director to permit the consideration of a Type 2 Design Alternative before formal site plan submittal. It is expected that most Type 2 requests will continue to be heard during the formal review process. This mechanism would only be utilized when staff believes the project would not move forward without the relief.

The amendments to Section 135-7.1.2, Section 135-9.1.3, and Section 135-10.3.4 would modify the benchmark value that determines when a project must comply fully with site plan requirements. Currently, assessed building value is utilized as the benchmark. The proposed amendments would base compliance on total assessed property value. The total assessed property value consists of the combined land and building values.

The proposed amendments to Section 135-9.2.3 and Section 135-9.2.4 would increase the amount of relief that can be granted administratively through the Type 1 Design Alternative process.

The amendment to Section 135-5.1.4 would allow the Development Services Director to waive the Large Scale Development Plan requirement should it be determined by staff that compliance would be impractical or infeasible.

The proposed amendment to Table 134-3.1-1 would allow ground floor dwelling units in the “MX1” and “MX2” Districts for buildings with 5 or more units. Currently, buildings in these zoning districts are required to have ground floor commercial space or lobbies for

upper floor units. Chapter 135 will continue to have building types that limit ground floor dwelling units. These requirements are eligible for waiver by the Plan and Zoning Commission. The proposed amendment eliminates the step of having to rezone the property and allows the Commission to directly consider the issue through the site plan review process.

II. PLANDSM: CREATING OUR TOMORROW COMPREHENSIVE PLAN

PlanDSM: Creating Our Tomorrow is the City's Comprehensive Plan. The proposed amendment to Chapter 134 (Zoning Ordinance) is consistent with many of the goals and policies of PlanDSM including the following:

Land Use Goal 1

Develop new land development regulations consistent with this Comprehensive Plan, include development standards, provide for a mixture of land uses, mandate protection of natural resources, and promote flexible approaches to implementing the Plan.

LU1: Develop a new Zoning Ordinance and other land development regulations consistent with the goals and policies of PlanDSM.

LU3: Ensure new zoning and land use regulations promote development and redevelopment that is compatible with the neighborhood character and reduces negative impacts between incompatible uses.

Land Use Goal 2

Direct new growth and redevelopment to areas with existing infrastructure and nodes and corridors based on proximity to transit, shopping, services, and public amenities.

LU13: Encourage high-density housing in identified nodes and along corridors that provide convenient access to public transit, public amenities and services, schools and open space, and are in close proximity to job centers.

Housing Goal 4

Preserve, maintain, and improve the existing inventory of single-family and multi-family housing.

H15: Evaluate existing occupancy standards, zoning codes, and design standards to remove barriers that impact access, development, and maintenance of safe and affordable housing for all residents.

H16: Streamline permit and development processes to encourage development in accordance with applicable regulations.

Economic Development Goal 4

Foster a sustainable economy.

ED18: Assist redevelopment and infill development on sites with adequate infrastructure through incentives, intergovernmental coordination, and facilitated processes.

SUMMARY OF DISCUSSION

Johnny Alcivar asked if any member of the public or commission desired to speak on the item. No one requested to speak.

COMMISSION ACTION:

Jason Van Essen and Kathryn Drahos presented staff report and recommendations.

Chris Draper asked if there has been an economic analysis of the changes and what are the benefits.

Jason Van Essen stated an economic analysis has not been conducted. Changes are based on experience from cases seen over the past few years.

Chris Draper asked how many cases would be eliminated from coming to hearings based on the changes. Was there an efficiency matrix provided.

Jason Van Essen did not have statistics to share but stated that certain items they felt were easily adjusted to staff review rather than requiring a hearing before the Commission.

Todd Garner asked about the cumulative permit value site plan trigger and proposed changes.

Jason Van Essen noted that the site plan triggers that apply today predate the current code and have been used for an extended period of time. The proposed amendment would change the value-based trigger from being based on assessed building value to total assessed property value, which will reduce the amount of items being reviewed.

Todd Garner asked if developers were involved in the decision making process.

Jason Van Essen stated that they did work with developers on this change.

Todd Garner states that the problem sometimes come from owners not knowing what the cumulative value of improvements done by previous ownerships. How will staff help with this process.

Jason Van Essen stated staff is always available to research permit history for properties. In addition, staff can issue a warning letter if the triggering project is small in scale that allows that project to move forward but warns the owner of the requirements that will be applied with their next permit request. Phasing is also allowed in cases where it makes sense, which allows a property owner to make improvements over time.

CHAIRPERSON OPENED THE PUBLIC HEARING

Carol Maher from Ward 3, noted she came to speak in neutrality. Expressed disappointment that these developer friendly changes were discussed individually with developers and City Council members and did not trigger an open meeting where the public could hear the feedback from a work session. She also noted that she was there to represent the earth and expressed disappointment that the new climate action plan known

as Adapt DSM, had not been included in these changes that had already been approved by City Council. She would also like a review of parking standards to reflect like downtown with no parking minimums and let the market drive the need. She mentioned more standards for clean energy sustainability, recycling, mixed use in multifamily buildings, single family zoning codes change to add multifamily, and hoped that curb stops did not interfere with the Vision Zero plan.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Andrew Lorenzen asked about the scope of the Commission and the ability to change language.

Jason Van Essen stated the Commission can recommend changes to the presented language.

Laura Kessler asked what the frequency is of making changes in the code to address additional items such as climate.

Jason Van Essen stated staff hoped to be routinely processing code amendments, but he could not commit to an exact timeframe. The Neighborhood Services Department has Chapter 134 amendments that will be processed next. Expressed hope that amendments will now become routine and more frequent. Noted that Chapter 134 and 135 are now hosted on a dynamic web-based platform, which should make the amendment process easier.

Chris Draper is the turnaround time on changes being made now indicative of what turnaround times on future changes.

Jason Van Essen stated that it varies based on what is being changed. There is a big difference between vetting new concepts as compared to making adjustments to existing language.

COMMISSION ACTION

Todd Garner made a motion for approval of the proposed Zoning Ordinance and Planning and Design Ordinance text amendments.

THE VOTE 11-0-2 (Chris Draper and Justyn Lewis passed)

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:mrw

AMENDMENT #1

9.3.1 REVIEW AND DECISION-MAKING AUTHORITY

A. **Administrative Site Plans.** All site plan applications that are not classified as public hearing site plans, including those that include alternate design documentation for activities that are exempt pursuant to section 135-9.1.3 of this article or that include one or more requests for a Type 1 design alternative, pursuant to section 135-9.2.3 of this article, are referred to as “administrative site plans” and must follow a one-step approval process: review and final action by the development services director.

B. **Public Hearing Site Plans.** All site plan applications that include one or more requests for a Type 2 design alternative, pursuant to section 135-9.2.4 of this article, are referred to as “public hearing site plans” and must follow a two-step approval process:

1. Review by the development services director as an administrative site plan; and
2. Review and final action by the plan and zoning commission as a public hearing site plan.

C. Expedited Type 2 Design Alternatives Review. The development services director may expedite the public hearing site plan requirements within section 135-9.3.1.B of this chapter, excluding review and final action by the plan and zoning commission, if the development services director determines such expedition is to provide a preemptive determination of Type 2 design alternatives or is to provide a determination of Type 2 Design alternatives associated with development activities that are subject to the regulations of Chapter 135 but that do not require a site plan, such as but not limited to, plats and certain construction permits.

135 - 9.3.3 APPLICATION SUBMITTAL

A. Applications for site plan review may be filed only with the consent of all record titleholders, or with the consent of all record contract purchasers when applicable, of the real property on which the review is requested. Applications for site plan review may also be filed upon determination by the development services director, following consultation with the legal department, that a majority but not all of the record titleholders and contract purchasers of the lot(s) involved in the application have consented to the application; any such application shall require:

.....

C. To be considered a complete submittal, a site plan must show all major information, such as dimensions, setbacks, square footage, number of employees, proposed use, contours,

detention calculations, and hazardous materials to be stored on site, unless specifically waived by the preapplication conference.

- D. If board of adjustment review is required pursuant to chapter 134 of this code for a use requiring a site plan, the site plan shall not be processed until all necessary relief has been approved unless authorized by the development services director.
- E. The development services director must make a determination of application completeness within 10 business days of application filing.
- F. If a site plan application is determined to be incomplete, the development services director must provide notice to the applicant along with a written explanation of the application's deficiencies. Notice of an incomplete application may be provided in person or by electronic mail or regular mail.

F.G. The development services director may waive the application submittal completeness requirements within sections 135-9.3.3.B and 135-9.3.3.C of this chapter if the development services director determines such waiver is to provide a determination of Type 2 design alternatives under the expedited Type 2 design alternatives process defined within section 135-9.3.1.C of this chapter.

AMENDMENT #2

135-7.1.2 APPLICABILITY

A. General. The landscape and streetscape regulations shall be provided and followed in accordance with the provisions of this article. Unless otherwise expressly stated, the regulations apply to all zoning districts and uses.

B. New Uses and Development. The landscape and streetscape regulations of this article apply to all new buildings constructed and all new uses established in all zoning districts.

C. Discontinued Uses; Change of Use. If the use of a property is discontinued for a period of more than six months, or if a new or amended site plan is required by a change of use on the premises, the landscape and streetscape regulations of this article shall apply.

D. Enlargements and Expansions

1. Structures. The landscape and streetscape regulations of this article apply whenever a building is enlarged by over 50% of the existing building gross floor area, or when renovations to an existing building, including a building addition, have an estimated cost for building permit purposes that exceeds 50% of the total assessed property valuevalue of the existing building. Estimated building permit valuation is cumulative from March 22, 2004, using all building permits issued by the city's permit and development center, county assessor's records, insurance records if no assessor's records are available, and other documentation as determined by the development services director.

2. Parking Lots. The landscape and streetscape regulations of this article shall be fulfilled as follows:

- a. When any existing surface parking lot is reconfigured or reconstructed, the lot shall comply with this article.

- b. When any existing surface parking lot is expanded in area or number of stalls by less than 50% of the original lot area, the area of expansion shall comply with this article.
- c. When any existing surface parking lot is expanded in area or number of stalls by 50% or more of the original lot area, the original lot area and the area of expansion shall comply with this article.
- d. When compliance is triggered for existing parking lots, landscape improvements shall take precedence over parking requirements of this chapter.

135 - 9.1.3 EXEMPTIONS

- A. The following are exempt from submitting a formal site plan in accordance with this article:
 - 1. Projects that comply with all applicable zoning and design regulations and that will result in the cumulative addition of no more than 500 square feet of floor area, not to exceed 10% of the existing floor area;
 - 2. Interior alterations that do not alter the footprint, height, exterior or use of a building, except if the cumulative valuation of interior alterations, not including fire suppression systems, exceeds 50% of the total assessed property value ~~of the structure at the date of adoption of this chapter~~, conformance with the landscape requirements is required and, therefore, a new site plan would be needed;
-

135 - 10.3.4 ENLARGEMENT OR EXPANSION

- A. For purposes of this subsection, the area and valuation of pre-existing buildings and of enlargements and expansions to pre-existing buildings shall be determined using all building permits issued by the city's permit and development center, county assessor's records, insurance records if no assessor's records are available, and other documentation as determined by the development services director. The applicable building type or design regulations of this chapter shall be fulfilled as follows:
 - 1. When any pre-existing building is expanded in gross floor area by less than 50% of the original building area, or the expansion has an estimated cost for building permit purposes that does not exceed 50% of the total assessed property value ~~of the pre-existing building~~, the area of expansion shall comply with the applicable building type or design regulations of this chapter.
 - 2. When any pre-existing building is expanded in gross floor area by 50% or more of the original building area, or the expansion has an estimated cost for building permit purposes that equals or exceeds 50% of the total assessed property value ~~of the pre-existing building~~, the pre-existing building and the area of expansion shall comply with the applicable building type or design regulations of this chapter.
-

AMENDMENT #3, #4, #5, #6, #7, #8, #9, #10, and #11

135 - 9.2.3 TYPE 1 DESIGN ALTERNATIVES

During the site plan or alternate design documentation review process, as applicable, the development services director is authorized to approve the Type 1 design alternatives of this section and those expressly authorized elsewhere in this chapter, based on consideration of the general intent statement of section 135-9.2.2.B of this article:

A. Specific Building Type Design Alternatives. The following design alternatives apply to the regulations in Article 2 of this chapter:

1. Build-to Zone
 - a. Increase the maximum primary frontage build-to-zone or setback requirement by ~~30~~50% or one foot, whichever is greater.
 - b. Increase the maximum non-primary frontage build-to-zone or setback requirement by ~~30~~50% or 2.5 feet, whichever is greater.
2. Primary Frontage Lot Line Coverage. Decrease the minimum primary frontage lot line coverage requirement by ~~30~~50% or three feet, whichever is greater.
3. Building Setbacks.
 - a. Decrease the minimum interior side setback by up to ~~30~~50% or one foot, whichever is greater.
 - b. Decrease the minimum rear setback by up to ~~30~~50% or one foot, whichever is greater.
4. Building Coverage. Increase the maximum total impervious coverage allowance by up to ~~30~~50%, provided that such increase does not result in impervious coverage that exceeds the total permitted impervious plus semi-pervious coverage.
5. Height.
 - a. Increase or decrease the ground story minimum or maximum height for House A, B, C and D building types by up to 1.5 feet.
 - b. Increase or decrease the non-ground floor stories minimum or maximum height for House A, B, C and D building types by up to one foot.
 - c. Decrease the ground story minimum height up to 10% for all Building Types other than House A, B, C and D building types.
 - d. Decrease the non-ground story minimum height by up to 10% for all Building Types other than House A, B, C and D building types.
6. Transparency. Reduce minimum transparency requirements by up to ~~30~~50%.
7. Roof Type. Allow any roof type on a building.

8. Reduce applicable minimum square footage requirement for House Type A, B, C or D by up to 18%; provided, however, that no House building shall be allowed by a Type 1 design alternative to contain less than 1,000 square feet of above grade finished floor area for House Type A or less than 1,000 square feet of finished floor area for House Types B, C and D.
9. Reduction in size of garage or waiver of garage requirement for House Types B, C and D, subject to provision, in lieu of the required garage, of a minimum 120 square foot storage shed constructed with a foundation or concrete slab and with building materials matching the principal household dwelling on the property.
10. Reduction or waiver of the full depth basement requirement for House Type A for property located in an A, N1a, N1b or N2a district.
 - a. in the event of topography, soil, groundwater, sewer connection, or drainage constraints as demonstrated by the applicant and confirmed by the city engineer, or
 - b. for expansion or enlargement of a House Type A building with no basement, or with a partial basement that does not adjoin the added area.
11. Reduce minimum overall height requirement by 0.5 story for House C and D building types in zoning districts N4, N5 and NX1, if a design alternative has not been granted pursuant to section 135-9.2.3.A.8 or requested pursuant to section 135-9.2.4.A.10 of this article for the same project or property.
12. Garage Door Front Façade. Allow garage door(s) to represent up to 50% of the front façade for House Type A in the N1a, A and N1b Districts; and for House Type B in any district.

B. Other Type 1 Design Alternatives

1. Except as noted above in this section, reduce by up to ~~30~~50% any minimum requirements of the building type regulations of Article 2 of this chapter and design regulations of Article 4 of this chapter that are expressed as a dimension or distance.
2. Except as noted above in this section and excluding maximum overall building height for property within the Capitol Dominance Area, increase by up to 30% any maximum requirements included in the building type regulations of Article 2 of this chapter and design regulations of Article 4 of this chapter that are expressed as a dimension or distance.
3. Modify building type regulations of Article 2 of this chapter and design regulations of Article 4 of this chapter that are expressly identified as eligible Type 1 design alternatives within the text of this chapter.
- ~~3.~~4. Waive or modify regulations of Article 2 that apply to an enlargement or expansion pursuant to section 135-10.3.4 of this chapter when complying is determined not practical by the development services director due to placement, size or layout of an existing building.

4. Allow the owner of an existing, lawfully established single-household use to carry out building expansions and renovations following the House type regulations that most closely match the existing building, regardless of whether that House type, or the most closely matching House type, is permitted within the subject district.
5. Allow an addition to a pre-existing building design or off-street parking area or lot to extend along the same building line or off-street parking area or lot as the pre-existing building or surface parking lot.
6. Waive or modify applicable building type regulations of Article 2 of this chapter related to garage and facade requirements when the existing location does not comply with applicable building type regulations.
7. Waive or modify regulations of this chapter when the development services director determines that requiring strict compliance would result in a violation of federal legislation, including but not limited to the Americans with Disabilities Act, and the design alternative would be the minimum design alternative necessary to provide relief and any impacts will be mitigated to the maximum extent feasible.
8. Design alternatives to the accessory utility structure regulations for electric vehicle charging stations in section 135-2.22.4.B of this chapter and for building-mounted solar regulations in section 135-2.22.4.E of this chapter and freestanding solar regulations in section 135-2.22.4.F of this chapter.
9. Design alternatives to minimum bicycle parking ratios and to bicycle parking location and design regulations.
10. Design alternatives to minimum or maximum motor vehicle off-street parking ratios pursuant to section 135-6.1 of this chapter.
- ~~11.~~ Design alternatives to parking lot geometrics not to exceed ~~50~~30% of a numerical standard subject to review by the development services director and city engineer.
- ~~12.~~11. _____
- ~~13.~~12. _____ Design alternatives to the landscape regulations of Article 7 of this chapter.
- ~~14.~~13. _____ Allow replacement of an existing parking lot in a front yard when no reasonable alternative is available on the lot, as determined by the development services director.
- ~~15.~~14. _____ Allow placement of a dumpster enclosure in a front or street-side yard when no reasonable alternative is available on the lot, as determined by the development services director.
- ~~16.~~15. _____ Waive the requirement in sections 135-2.21.1.K and 135-8.2.3 of this chapter of this chapter to place utility transmission system(s) underground when all of the following criteria are met:
 - a. The subject property is not located in an underground district designated by resolution of the city council; and
 - b. The development services director determines waiver is appropriate based on his/her character analysis of the subject lot and surrounding area, such as review of the street typologies map in MoveDSM: Transportation Master Plan, whether

the location of the subject lot is within the “Connect Downtown Plan” area in said street typologies map and the city’s Connect Downtown Plan, whether the location of the subject lot is within a node set forth in PlanDSM as determined by the development services director, any existing or planned streetscape projects, or other relevant factors; and

- c. Placement of the utility transmission system(s) underground is not reasonably practicable, as determined by the development services director for one or more of the following reasons:
 - i. The estimated cost of placing the utility transmission system(s) underground, as documented in a written estimate from the applicable utility company(ies) or utility contractor(s), exceeds ten percent (10%) of the estimated budget for the proposed project that requires site plan or alternate design documentation review, as demonstrated by the applicant to the satisfaction of the development services director;
 - ii. The existing utility transmission system(s) required to be placed underground include major transmission electrical lines or other utility lines that are impractical to place underground;
 - iii. Placing the utility transmission system(s) underground would negatively impact one or more adjoining property owner(s); or
 - iv. Physical constraint(s) of the subject property make placing the utility transmission system(s) underground impractical.

16. Design alternatives to entryway configuration, primary frontage entrance-ground story elevation, horizontal façade division, and vertical façade division regulations.

17. Design alternatives to blank wall segments design regulations found in Article 3 of this chapter.

18. Design alternatives to the number of principal entrance requirements to be reduced to no less than one (1) principal entrance per building.

19. Allow reduction of minimum accessory buildings side and rear yard setback requirements from 5 feet up to 2 feet.

20. Design alternatives to light pole regulations and requirements pursuant to Article 2 and section 135-8.2.1 of this chapter not to exceed 50% of a numerical standard subject for all zoning districts, except for EX, I1 and I2 districts in which such design alternatives are allowable in excess of 50% of numerical standard.

17.21. Design alternatives to the quantity of curb drops and driveways regulations and requirements pursuant to Article 2 and section 135-6.12.2 of this chapter, subject to and as limited by chapter 102 of this code and requirements of the city engineer.

18.22. Any other design alternatives identified in this chapter as a Type 1 design alternative.

135 - 9.2.4 TYPE 2 DESIGN ALTERNATIVES

- A. Unless otherwise allowed in this chapter, only the following may be approved as Type 2 design alternatives:
1. Except as noted in subsection 135-9.2.3.A of this article, a reduction by more than ~~30~~50% of any minimum requirements of the building type regulations of Article 2 of this chapter and design regulations of Article 4 of this chapter that are expressed as a dimension or distance.
 2. Except as noted in subsection 135-9.2.3.A of this article, an increase by more than ~~30~~50% of any maximum requirements included in the building type regulations of Article 2 of this chapter and design regulations of Article 4 of this chapter that are expressed as a dimension or distance.
-

AMENDMENT #14

135 - 5.1.4 RELIEF

A. Exemption. An exemption from the large-scale development requirements is available upon the determination of the development services director ~~provided that either:~~

1. All of the following apply:
 - a. The proposed development does not require or include new streets;
 - b. The proposed development does not require rezoning;
 - c. The proposed development is consistent with the current comprehensive plan; and
 - d. Either the proposed development does not abut any other future development or redevelopment sites or the parcel shape limits the ability of introducing a new street.; or
2. That ~~large-scale development requirements would be impractical or infeasible for the proposed site.~~
- ~~1. that all of the following apply:~~
 - ~~2. The proposed development does not require or include new streets;~~
 - ~~3. The proposed development does not require rezoning;~~
 - ~~4. The proposed development is consistent with the current comprehensive plan; and~~

~~Either the proposed development does not abut any other future development or redevelopment sites or the parcel shape limits the ability of introducing a new stre_et.~~

.....

134-3. USES

Principal Uses

TABLE 134-3.1-1. PRINCIPAL USE TABLE

USE CATEGORY Use Subcategory Specific Use Type	DISTRICTS																	Reference				
	A	DX1	DX2	DXR	MX1	MX2	MX3	RX1	RX2	CX	EX	I1	I2	N1, N2, N3, N4, N5	NX1	NX2, NX2a	NX3		NM	P1	P2	F
RESIDENTIAL																						
Household Living																						
1 household (per lot)	●	●	●	●	●	●	●	●	●	●	-	-	-	●	●	●	●	●	-	-	-	134-3.3.1
2 households (per lot)	-	●	●	●	●	●	●	●	●	●	-	-	-	②	●	●	●	-	-	-	-	134-3.3.1
3 to 4 households (per lot)	-	●	●	●	●	●	●	●	●	●	-	-	-	④	●	●	●	-	-	-	-	134-3.3.1
5 to 8 households (per lot)	-	●	●	●	●	●	●	●	●	●	-	-	-	-	●	●	●	-	-	-	-	134-3.3.1
9 or more households (per lot)	-	●	●	●	●	●	●	●	●	●	-	-	-	-	●	●	●	-	-	-	-	134-3.3.1
Mobile home park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	-	-	-	134-3.3.1
Group Living																						
Assisted living facility	-	●	●	●	●	●	●	●	●	●	-	-	-	-	●	●	-	-	-	-	-	134-3.3.2
Correctional placement residence	-	○*	○*	○*	○*	○*	○*	○*	○*	○*	-	-	-	-	○*	○*	-	-	-	-	-	134-3.3.2
Family home	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	●*	●*	●*	●*	●*	-	-	-	134-3.3.2
Home and community-based services waiver recipient residence	●*	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	●*	●*	●*	●*	-	-	-	-	134-3.3.2
Shelter, temporary	-	●*	●*	●*	●*	●*	●*	●*	●*	●*	-	-	-	-	●*	●*	-	-	-	-	-	134-3.3.2
Group living not otherwise classified	-	○	○	○	○	○	○	○	○	○	-	-	-	-	○	○	-	-	-	-	-	134-3.3.2
PUBLIC, CIVIC AND INSTITUTIONAL																						
Airport	-	-	-	-	-	-	-	-	-	-	-	●	●	-	-	-	-	-	-	●	○	134-3.4.1
Assembly																						
Place of Worship	-	●	●	●	○	●	●	○	●	●	●	-	-	-	-	○	○	-	-	●	-	134-3.4.2
Place of Assembly	-	●	●	●	○	●	●	○	●	●	●	-	-	-	-	○	○	-	-	●	-	134-3.4.2
Cemetery																						
City-owned	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	-	-	134-3.4.3
Non-city-owned	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	○*	-	134-3.4.3
College or University	-	●	●	●	-	-	-	●	●	●	●	-	-	-	-	-	-	-	-	●	-	134-3.4.4
Fraternal Organization	-	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	●	-	134-3.4.5
Government Administration	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	-	134-3.4.6
Hospital	-	●	●	●	-	-	-	●	●	●	●	●	-	-	-	-	-	-	-	●	-	134-3.4.7
Library or Cultural Exhibit	-	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	●	-	134-3.4.8
Public Recreation Areas	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	●	●	○	134-3.4.9
Postal Service	-	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	●	-	134-3.4.10
Safety Service	●	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	●	-	134-3.4.11
School	-	●	●	●	●	●	●	●	●	●	●	●	-	-	-	-	-	-	-	●	-	134-3.4.12

KEY: ●=permitted by right | ●=permitted on upper floors only within primary footage, and in ground floor within non-primary frontage or corner lot
 | ○=requires conditional use approval | *supplemental use regulations apply | --prohibited
 ②=permitted by right where district includes "-2" extension | ④=permitted by right where district includes "-4" extension
 ⑤ = permitted except where district includes "-V" extension | ⑥ = permitted with conditional use approval in NX2a district only
 ⑦ = permitted on major commercial corridors only

Modification of Household Living: 5 to 8 households (per lot) and 9 or more households (per lot) in "MX1" and "MX2" from "Permitted on Upper Floors Only within Primary Footage, and In Ground Floor within Non-Primary Frontage or Corner Lot" to "Permitted by Right".

135-2. BUILDING TYPES

Storefront

2.5.3 STOREFRONT REGULATIONS

	MX1	MX2	MX3	CX, EX, I1	REFERENCES
A. Building Siting Refer to Figure 135-2.5-B					
1 Multiple Principal Buildings	Not permitted	Permitted	Permitted	Permitted	See Note 1 for double frontage lots adjacent to N districts.
2 Minimum Primary Frontage Coverage	85%	90%	60%	60%	See 135-3.2 for measurement information. See Note 1 for double frontage lots adjacent to N districts.
3 Primary Frontage Build-to Zone (ft)	0-5	0-5	0-5	0-10	Minimum pedestrian area is required per Note 2 . See 135-3.3 for measurement information.
4 Non-Primary Frontage Build-to Zone (ft)	0-10	0-10	0-10	0-20	
5 Minimum Interior Side Setback (ft)	0, 5 abutting a district that does not permit a Storefront building			5	See 135-7.8 for landscape buffer.
6 Minimum Rear Setback (ft)	5 except 0 at alley			15 except 0 at alley	See Note 1 for double frontage lots adjacent to N districts.
7 Maximum Impervious Area Additional Semi-Pervious Area	85% 10%	85% 15%	80% 10%	65% 15%	See 135-3.6 for measurement information.
8 Surface Parking/Loading Location; Garage/Loading Entrance Location	Rear yard, limited side yard only; Any non-primary street or rear façade		Rear yard, side yard; Any non-primary street or rear façade		See Note 3 for limited side yard parking; See 135-4.3.8 for additional garage door requirements.
9 Permitted Driveway Access	Improved alley; if no improved alley exists or is planned, one driveway off each non-primary street; if no alley or non-primary street exists, one driveway off a primary street with approval of city engineer				See 135-6.12 for additional driveway regulations.
B. Height Refer to Figure 135-2.5-C					
10 Minimum Overall Height	1 story	3 stories	1 story	1 story	See 135-3.7 for measurement information.
11 Maximum Overall Height	3 stories	5 stories	5 stories	3 stories	
12 Primary Frontage Ground Story: Minimum Height (ft) Maximum Height (ft)	12 18	15 20	12 18	12 20	Story heights are measured floor to floor. See Note 5 for large format-retail heights. See 135-3.7 for measurement information.
13 All Other Stories: Minimum Height (ft) Maximum Height (ft)	9 12	9 14	9 12	9 12	

Modification of Surface Parking/ Loading Location in "MX3" and "CX, EX, I1" to remove "limited side yard only".

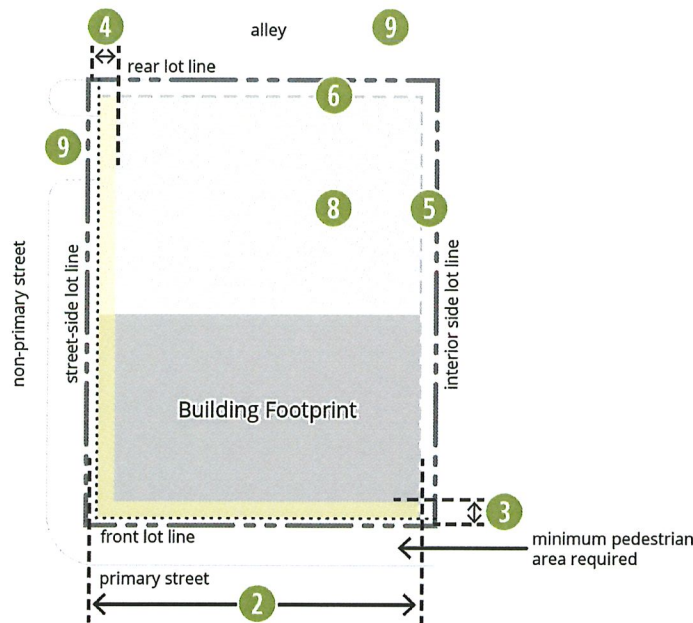


Figure 135-2.5-B. Storefront: Building Siting

135-2. BUILDING TYPES

Commercial Cottage

2.6.3 COMMERCIAL COTTAGE REGULATIONS

	MX1	MX3	RX1, RX2	EX, I1	REFERENCES
A. Building Siting Refer to Figure 135-2.6-B					
1 Multiple Principal Buildings	Permitted	Permitted	Permitted	Permitted	See Note 1 for double frontage lots adjacent to N districts. See Note 3 for requirements of multiple buildings.
2 Maximum Building Width	45	60	60	60	See 135-3.5 for measurement information.
3 Primary Frontage Build-to Zone (ft)	5 - 15	5 - 20	5 - 20	5 - 20	Minimum pedestrian area is required per Note 2 . See 135-3.3 for measurement information.
4 Non-Primary Frontage Build-to Zone (ft)	5 - 10	5 - 10	5 - 10	5 - 10	
5 Minimum Interior Side Setback (ft)	7.5, 10 abutting another zone				See 135-7.8 for landscape buffer.
6 Minimum Rear Setback (ft)	25, 15 at alley	25, 15 at alley	25, 15 at alley	25, 15 at alley	See Note 1 for double frontage lots adjacent to N districts.
7 Maximum Impervious Area Additional Semi-Pervious Area	65% 10%	65% 10%	65% 10%	65% 10%	See 135-3.6 for measurement information.
8 Surface Parking/Loading Location; Garage/Loading Entrance Location	Rear yard, limited side yard only; not permitted	Rear yard, side yard; not permitted	Rear yard, limited side yard only; not permitted	Rear yard, side yard; not permitted	See Note 4 for limited side yard parking; See 135-4.3.8 for additional garage door requirements.
9 Permitted Driveway Access	Improved alley; if no improved alley exists or is planned, one driveway off each non-primary street; if no alley or non-primary street exists, one driveway off a primary street with approval of city engineer				See 135-6.12 for additional driveway regulations.
B. Height Refer to Figure 135-2.6-C					
10 Minimum Overall Height	1.5 stories	1 story	1 story	1 story	See 135-3.7 for measurement information.
11 Maximum Overall Height	3 stories	3 stories	3 stories	3 stories	
12 All Stories: Minimum Height (ft) Maximum Height (ft)	8.5 12	8.5 12	8.5 12	8.5 12	Story heights are measured floor to floor. See 135-3.7 for measurement information.

Addition of 5th column to allow division of former 4th column from "RX1, RX2, EX, I1" into two columns of "RX1, RX2" and "EX, I1".

All regulations within 4th column "RX1, RX2" remain unchanged. The regulation "Surface Parking: Limited Side Yard Only" in "EX, I1" and "MX3" updated to "Surface Parking: Side Yard".

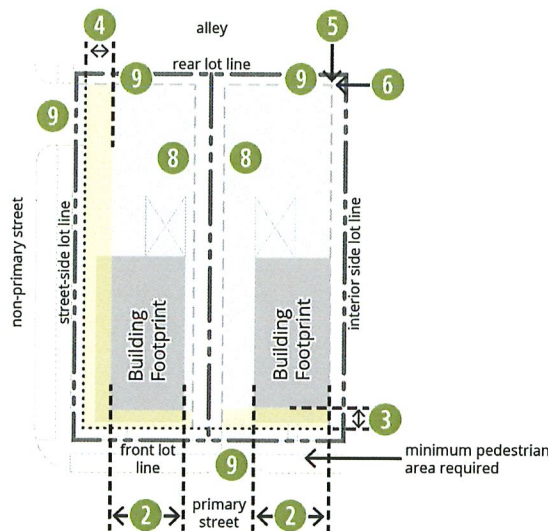


Figure 135-2.6-B. Commercial Cottage: Building Siting

135-2. BUILDING TYPES

Commercial Cottage

	MX1	MX3	RX1, RX2	EX, I1	REFERENCES
C. Uses Refer to Figure 135-2.6-C					
13 Primary Frontage Facade Ground Story First 30 ft of depth along frontage	Any permitted use category except residential				See chapter 134, article 3 for permitted uses per zoning district and definition of uses.
14 Non-Primary Frontage, All Upper Stories, & Basement	Any permitted use				
15 Required Occupied Space	Minimum 20ft depth on all full height floors of primary frontages				See 135-12.1 for definition of occupied space.
16 Parking/Loading within Principal Building	Permitted fully in any basement and rear of ground story behind occupied space as required above.				Refer to 135-2.17 for design on street frontages.
D. Street & Public Way Facades and Roof Requirements Refer to Figure 135-2.6-D					
17 Minimum Primary Frontage Ground Story Transparency Ground story requirements supersede requirements per story, below.	55%, measured between 2 ft and 8 ft; blank wall limitations apply	45%, measured between 2 ft and 8 ft; blank wall limitations apply	15%; blank wall limitations apply	15%; blank wall limitations apply	See 135-3.8 for measurement information and the definition of transparency and blank wall limitations.
18 Minimum Transparency per Each Story & any Half Story	15%; blank wall limitations apply				
19 Entrance Location & Number	Principal entrance required on primary frontage facade				See 135-4.3.6 for principal entryway design requirements.
20 Primary Frontage Entryway(s) Configuration	Entrance must transition from the sidewalk via a stoop, minimum 4 ft deep by 4 ft wide, or a porch, minimum 6 ft deep by 6 ft wide				See 135-4.3.6 for principal entryway design requirements. See 135-12.1 for definition of stoop and porch.
21 Primary Frontage Entrance & Ground Story Elevation	Ground story shall be within 30 inches vertically of adjacent sidewalk elevation OR between 30 inches and 5 ft with visible basement (transparency required)				See 135-12.1 for definition of visible basement.
22 Primary Frontage Ground Story Vertical Facade Divisions	None required				See 135-12.1 for definition of shadow line.
23 Horizontal Facade Divisions	None required				See 135-12.1 for definition of shadow line.
24 Permitted Roof Types	Pitched only				See 135-2.20 for roof types.

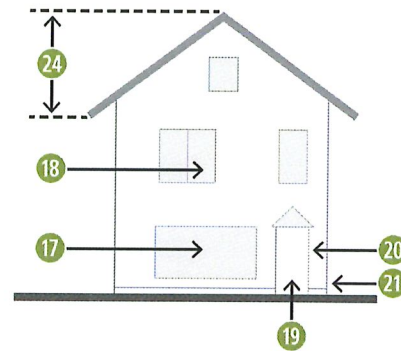
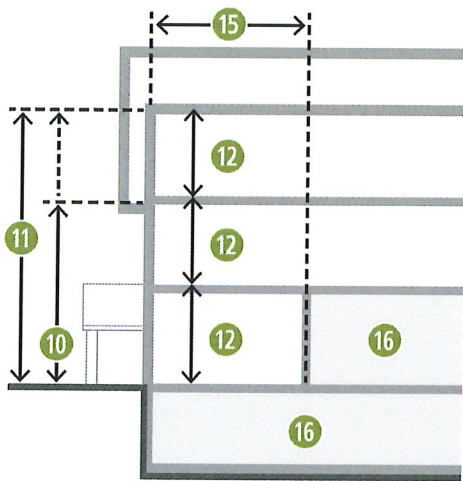


Figure 135-2.6-D. Commercial Cottage: Facade Requirements

Figure 135-2.6-C. Commercial Cottage: Height & Uses Requirements