

AGENDA SECTION	CONSENT AGENDA
MEETING DATE	FEBRUARY 24, 2025

ITEM:	Second Reading of Ordinance No. 1711, an Ordinance to Amend Chapter 9 - Land Use: 9.101 Purpose, 9.103 Definitions, 9.106 General Development Standards, 9.107 Specific Development Standards, 9.109 Residential Districts, 9.110 Commercial Districts, 9.111 Industrial Districts, 9.113 Planned Unit Development Districts, 9.114 Overlay Districts, and 9.115 Public and Open Space Districts.
DEPARTMENT: Community Development	BY/DATE: Andrew Boucher, City Planner, February 11, 2025
CORE CITY STRATEGIES: (please indicate areas that apply by adding an “X” in front of the selected text below)	
<input checked="" type="checkbox"/> Healthy and Safe Community	<input type="checkbox"/> Thriving and Vibrant Destination Community
<input type="checkbox"/> Equitable, Diverse, Inclusive, and Friendly	<input type="checkbox"/> Strong Infrastructure and Public Services
<input checked="" type="checkbox"/> Trusted and Engaged Leadership	<input type="checkbox"/> Sustainable

INTRODUCTION:

Staff discussed potential updates to City Zoning Code – Chapter 9 Land Use at the January 7, 2025 Planning Commission Workshop based on the work related to the City’s efforts to implement a Complete Streets Policy for public and private development, SolSmart technical review and progress through their designation program, and incorporating these along with other recent zoning code updates into the City’s Design Standards. These amendments are described in each applicable zoning section as follows:

- A.** 9.101 Purpose, Authority and Jurisdiction (B) *Purpose* amended to include (B)(11) “Encourage and strengthen solar development and use of renewable energy while protecting public health, safety, and welfare of its residents and furthering progress towards specific community goals and plans.”; amend (B)(2) to reflect other specific goals defined in plans such as the Energy Action Plan and other guiding documents.
- B.** 9.103 Definitions amended to include the following definitions:
 - a. Amending *Accessory Building/Structure, Building and Structure* definitions to explicitly state that solar equipment and installations are not considered to be structures.
 - b. Adding *Community-scale solar energy system; Grid-connected solar energy system; Ground-mounted solar energy system (Accessory Use) and (Primary Use); roof-mounted solar energy system; Solar energy system; and Solar photovoltaic system.*
- C.** 9.106 General Development Standards amended to include the following provisions:
 - a. Amending (B) Lot Controls (13) Height limitations adding language to include solar and other renewable energy equipment to allow equipment to exceed the maximum height limitation by up to 50%.
 - b. Amending (C) Accessory uses and structures (1)(c) to include solar and other renewable energy equipment are subject to the setback requirements for accessory structures but are not considered buildings or structures.

- c. Amending (H) Performance Standards (1) Purpose to exempt solar and renewable energy equipment and installations from performance standards.
 - d. Amending (P) Sign Regulations to include (8) Sign Design Standards Table containing standards related to types of signage allowed by zoning district, maximum area, height, illumination, setbacks, and any other applicable information in a form-based table.
 - e. Including (S) Table of Uses showing the permitted, conditional, and accessory uses for all residential, commercial, industrial, and public districts.
- D. 9.107 Specific Development Standards amended to include the following provisions:**
- a. Including Roof-mounted solar energy system as a use and including as a specific development standard that the system “shall comply with applicable state and local fire codes to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide areas for smoke ventilation, and provide emergency egress from the roof.
 - b. Include Ground-mounted solar energy systems (accessory use) as a use and including as a specific development standard that “if the area under the system contains vegetative ground cover such as grass, native planting and vegetations, or pollinator habitats as the tilt and spacing allows for precipitation to drain into the pervious ground cover.”
- E. 9.109 Residential Districts, 9.110 Commercial Districts, 9.111 Industrial Districts, and 9.115 Public and Open Space Districts are all amended to remove the permitted, conditional, and accessory uses and relocating these into a form-based table in 9.106 General Development Standards (S) Table of Uses.**
- F. 9.113 Planned Unit Development amended to include “solar, renewable energy systems, and beneficial electrification” as part of (C) Areas of Flexibility as well as (D) Review Procedure to include references to guiding documents in Planned Unit Development consideration.**
- G. 9.114 Overlay Districts (D) Design Overlay District is amended to include reference in (1) Purpose, supporting the goals of the comprehensive plan, Energy Action Plan, Safe Streets for All, and the City’s Complete Streets Policy. Other amendments included are to (2) Establishment and (3) Design Guidelines of the Design Overlay Districts to read as follows:**
- a. Central Avenue Design District. The Central Business District, extending from 37th to 42nd Avenues, includes a number of historic or architecturally interesting buildings, including the Heights Theatre. Most office and storefront buildings meet the sidewalk, while shopping centers and franchise buildings are set back behind parking lots. Architectural styles are diverse, from historic commercial or Mediterranean Revival (the theater) to 20th century modern. Several off-street ramps help to reduce the need for surface parking. Recent streetscape improvements and developments of the Public Safety building as well as the mixed-use City Hall redevelopment project have enhanced the pedestrian character of this district. This district contains numerous neighborhood oriented multi-tenant shopping centers including restaurants, personal and professional services, retail, and multi-family developments. Redevelopment of the City’s Public Safety and City Hall has contributed to the character of this district.
 - b. 40th Avenue Design District. Fortieth Avenue has its own character, combining housing with institutions such as City Hall John P. Murzyn Hall, smaller commercial businesses including restaurants, multi-tenant buildings with professional and personal services, as well as housing and places of worship. Commercial buildings tend to be single-story, set back 5 to 10 feet from the sidewalk, and have extremely limited parking options that causes some properties to have

- legal nonconforming status. Housing is predominantly single-family, although additional townhouse and multifamily development is envisioned in the Downtown Master Plan (2000). Future redevelopment and reconfiguration of 40th should take into consideration of the parking needs of the existing businesses and seek opportunities to enhance street parking.
- c. Highway Design District. The Highway District extends along Central Avenue from 42nd Avenue north to the City boundary. This segment has a distinctly different character than the CBD: most buildings are set far back from the street behind large parking lots or along frontage roads. Central Avenue is a six-lane highway through most of this area, and the road width and traffic speeds combine to make the area less pedestrian-friendly. The Highway District has issues related to stormwater quality and quantity that are apparent when there is significant or torrential rainfall. With these conditions in mind for future redevelopment and reconfiguration of Central Avenue, Complete Streets elements shall be implemented when these are feasible and there are identified conflict points, stormwater issues, areas that are “under-lit”, barriers to pedestrian/bicyclist movements, or referenced in guiding documents such as Complete Streets, ADA Transition Plan, and Safe Streets for All.
- (3)(c). Support the implementation of city-wide guiding documents and standards.

The Planning Commission held a public hearing on the proposed zoning text amendment on February 4, 2025, and gave a positive recommendation (4-0) as presented. The City Council approved the First Reading of Ordinance 1711 (5-0) at their February 10, 2025, Council meeting.

RECOMMENDATION

Staff recommends approval of Ordinance No. 1711, on first consideration:

<p>RECOMMENDED MOTION(S):</p> <p>MOTION: Move to waive the reading of Ordinance No. 1711, there being ample copies available to the public.</p> <p>MOTION: Move to approve Ordinance 1711, being an ordinance to amend Chapter 9 - Land Use: 9.101 Purpose, 9.103 Definitions, 9.106 General Development Standards, 9.107 Specific Development Standards, 9.109 Residential Districts, 9.110 Commercial Districts, 9.111 Industrial Districts, 9.113 Planned Unit Development Districts, 9.114 Overlay Districts, and 9.115 Public and Open Space Districts, and direct staff to send the summary ordinance for publication in the legal newspaper.</p>
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ATTACHMENT(S):
 Ordinance No. 1711
 Summary Ordinance No, 1711