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Barney S. Heath  
Director

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**MEMORANDUM**

**DATE:** June 5, 2020

**TO:** Councilor Deborah Crossley, Chair, Zoning & Planning Committee  
Members of the Zoning & Planning Committee

**FROM:** Barney Heath, Director, Department of Planning and Development  
Zachery LeMel, Chief of Long Range Planning

**RE:** **#88-20 Discussion and review relative to the draft Zoning Ordinance**  
DIRECTOR OF PLANNING requesting review, discussion, and direction relative to the draft Zoning Ordinance.  
**Other docket items to be taken up within the context of Zoning Redesign include #30-20, #38-20, and #148-20**

**MEETING:** June 15, 2020

**CC:** City Council  
Planning Board  
John Lojek, Commissioner of Inspectional Services  
Alissa O. Giuliani, City Solicitor  
Jonathan Yeo, Chief Operating Officer

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At the June 1, 2020 ZAP meeting, the Planning Department held the fifth *workshop* on Article 3 – Residence Districts. The discussion focused on Building Components (sec. 3.3), with additional time devoted to the overall Article 3 review schedule and responses to Councilor questions received regarding Garage Design Standards and Driveway Access presented at the May 19 meeting.

Staff takeaways from the meeting include general support for the Building Component goals, objectives, and proposed changes laid out within the meeting presentation. These included:

- Building Components could be developed as by-right incentives that do not count towards the overall building footprint, though they must comply with lot coverage, setbacks, and their individual standards
- Building Components should not imply or limit style, rather they should create an appropriate volume for architects and builders to create and design within
- Building components could serve as the mechanism allowing controlled flexibility (i.e. buildings to evolve as the needs of the owners change) by replacing the currently proposed mechanism of increasing the Building Footprint by Special Permit

Of course, the above can only happen if the proposed ordinance develops the appropriate standards for not only each building component, but also the district and building type standards since all interact together in determining the potential development size. Staff is working with our consultant, local architects and builders, and other City departments to develop these standards and plan to present case studies highlighting outcomes of these proposed changes to ZAP at future meetings.

At the upcoming ZAP meeting on June 15, 2020 staff plan to focus the discussion on the remaining sections of Article 3 yet to be discussed in committee. These include Alternative Lot/Building Configurations (sec. 3.5), Allowed Uses (sec. 3.6), and Parking Requirements (sec. 3.7). Following this sixth *workshop*, the ZAP Committee will have reviewed all sections, to varying degrees, within Article 3.

### **Alternative Lot/Building Configurations (sec. 3.5)**

At previous ZAP meetings staff presented on Courtyard Cluster (sec. 3.5.3) and Rear Lot (sec. 3.5.1) development. Remaining sections to be discussed include:

Multi-Unit Conversions (Sec 3.5.2): Allowing a large single-family house to be converted into multiple units is a strategy employed in the current ordinance to promote preservation of these large houses. The proposed ordinance carries this strategy forward with a more generous allowance for the number of units and a slightly less strict historic preservation standard. These standards are meant to increase the likelihood that this option is more attractive than tearing down the structure.

Questions moving forward is if the proposed ordinance should go further in allowing Multi-Unit Conversions in more Building Types to further incentivize home preservation, often historic, in ways that allow the owners to realize additional value in their property. Allowing more Building Types will help the City simultaneously achieve its goals of promoting more housing opportunity/diversity and preserving and protecting the physical characteristics of neighborhoods. Second, the proposed ordinance requires a Special Permit to perform these conversions, a major hurdle for these alternative developments. Should we allow certain conversions by-right in the same way that Internal Accessory Apartments (sec. 6.7.1.D – current code) are allowed by-right?

Multi-Building Assemblage (Sec 3.5.4): The intent of this section is to allow multiple principal building types to be built on a single lot. Buildings in an assemblage present and function as individual structures with varied character in order to lend visual interest and vibrancy to the mixed-use areas in which they are built. As proposed, these assemblages are further meant to aid in the smooth transition between Village Centers and the surrounding neighborhoods. Because of this, the proposed ordinance only allows this type of development within the Neighborhood General District (N). Moving forward, a question is if assemblages should be allowed in R4, which is a new district created to further serve as a transition zone after releasing the first draft.

### **Allowed Uses (Sec. 3.6)**

General (Sec 3.6): Broadly, the uses allowed in the proposed zoning ordinance for the Residence Districts are the same as are currently allowed. The key differences are in the sections identified below and in the addition of the Bed & Breakfast use category.

The N district is a new kind of mixed-use district, transitioning from the purely residential neighborhoods to the mixture of uses found in the village centers. As mapped, the neighborhood general district is replacing business district zoned areas on the existing zoning map. This district has a more limited range of allowed commercial uses than the adjacent village districts and features building types meant to be in scale with the adjacent neighborhoods.

Adaptive Reuse (Sec 3.6.1.B): The adaptive reuse section of the proposed zoning ordinance identifies a limited range of uses that might be allowed in an existing building by special permit to allow for its adaptive reuse. The section targets existing civic or house type buildings. Most commonly, these types of buildings have been converted into museum, arts, or educational uses, including such examples as the Durant-Kenrick House, the New Art Center, and the Allan House. The draft ordinance proposes to expand the menu of potential reuse uses to include other arts related uses, general office space, and restaurant/cafes. This idea expands the opportunities for new commercial space, sensitively incorporated into an otherwise residential area and creating an opportunity for a neighborhood-based restaurant or allowing an expanding home business to stay in location. The idea is in line with how neighborhoods historically evolved, created walkable areas with neighborhood serving uses, and this provision allows a certain degree of evolution, in a way that is highly controlled, based on the special permit process. Are there additional uses to consider within the adaptive reuse framework? Should certain adaptive reuse uses be allowed by-right?

### **Parking Requirements (Sec. 3.7)**

The proposed ordinance formats parking requirements somewhat differently than the current ordinance. Instead of a standalone section on parking, the proposed ordinance contains parking requirements within each of the relevant articles, specific to that article. Article 8 – Development Standards, contains additional standards on parking requirements.

The proposed ordinance parking requirements differ in other way by more proactively addressing the transportation impacts of development. The minimum parking requirements are reduced and maximum parking requirements are introduced. This approach derives from the recognition that minimum parking requirements generally have been demonstrated to produce a range of unintended consequences ranging from environmental impacts and increased traffic. These impacts were partly the result of minimum parking requirements creating an environment that favors automobile use over any other mode. Specific to Article 3, one- and two-family homes and small non-residential development are exempt from parking requirements. In this way, the proposed ordinance allows the market to determine the number of spaces required will also removing that additional cost of requiring parking for those who do not need it or want it.

Updates staff are looking into include the currently docketed item to remove parking minimums altogether and changing on-street parking spaces to count towards any parking minimum requirement for non-residential uses only (sec. 3.7.1.A.5).

### **Looking Ahead**

Per the schedule presented at the last ZAP meeting, staff hopes to wrap up the workshops for Article 3 by the end of July. These workshops will include the revised mechanisms and standards based on the ZAP workshops, office hours, professional focus groups, and inter-departmental meetings to best achieve the goals adopted by the Committee in April. Staff hopes that members of the professional focus group will be able to speak directly to the ZAP Committee at some of these upcoming meetings before moving into draft text review and editing.

### **Attachments**

Attachment A Article 3 – Residence Districts, Section 3.5 – 3.7