


Review and Possible Amendments to Section 4.2.5.A



Docket #180-21
Zoning & Planning Committee
November 18, 2021

Agenda

- Summary
- Current Language and Proposed Revisions
- Expected Outcomes

Summary

Docket Item Background Information

- Amendments proposed to Sec 4.2.5.A, additional standards in the MU-4 district
- Recent confusion from an interpretation that any creation of a shadow or blocked view is considered an adverse effect
- Not a substantive change – bring zoning text into alignment with City Council application

Sec. 4.2.5.A.1 Height

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Existing Language

Height. Buildings in the Mixed Use 4 district shall be a minimum of 2 stories and shall conform to the limits for building height and stories established in Sec. 4.2.3. The City Council may grant a special permit to allow up to 4 stories and 48 feet of building height by finding that the proposed structure is compatible in visual scale to its surroundings, **does not adversely affect its surroundings by creating shadows or blocking views**, and advances the purposes of this district.

Proposed Revision

Height. Buildings in the Mixed Use 4 district shall be a minimum of 2 stories and shall conform to the limits for building height and stories established in Sec. 4.2.3. The City Council may grant a special permit to allow up to 4 stories and 48 feet of building height by finding that the proposed structure is compatible in visual scale to its surroundings, **does not create shadows or blocked views that have material and adverse effects on its surroundings** ~~does not adversely affect its surroundings by creating shadows or blocking views~~, and advances the purposes of this district.

Sec. 4.2.5.A.2 Mixed-Use Residential Incentive

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Existing Language

Mixed-Use Residential Incentive. Buildings that meet the definition of mixed-use residential buildings shall conform to the specific limits for building height and stories established in Sec. 4.2.3. The City Council may grant a special permit to allow up to 5 stories and 60 feet of building height by finding that the proposed structure is compatible in visual scale to its surroundings, **does not adversely affect its surroundings by creating shadows or blocking views**, and advances the purposes of this district.

Proposed Revision

Mixed-Use Residential Incentive. Buildings that meet the definition of mixed-use residential buildings shall conform to the specific limits for building height and stories established in Sec. 4.2.3. The City Council may grant a special permit to allow up to 5 stories and 60 feet of building height by finding that the proposed structure is compatible in visual scale to its surroundings, **does not create shadows or blocked views that have material and adverse effects on its surroundings** ~~does not adversely affect its surroundings by creating shadows or blocking views~~, and advances the purposes of this district.

Sec. 4.2.5.A.4 Setbacks

Existing Language

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Setbacks. The City Council may grant a special permit to waive the following setback requirements by finding **the proposed plan can better protect the surrounding community from shadows and blocked views**, support pedestrian vitality, and encourage the purposes of this district than strict compliance with the following Standards:

Proposed Revision

Setbacks. The City Council may grant a special permit to waive strict compliance with the following setback requirements by finding the proposed plan does not create shadows or blocked views that have material and adverse effects on its surroundings ~~can better protect the surrounding community from shadows and blocked views~~, supports pedestrian vitality, and advances encourage the purposes of this district: ~~than strict compliance with the following Standards:~~

Sec. 4.2.5.A.4 Setbacks

Existing Language

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Setbacks. The City Council may grant a special permit to waive the following setback requirements by finding **the proposed plan can better protect the surrounding community from shadows and blocked views**, support pedestrian vitality, and encourage the purposes of this district than strict compliance with the following Standards:

- No defined baseline for how a plan can “better protect” surrounding area
- Vagueness is limiting, and prevents approval of a project where the impact of shadows is neutral
- The lack of flexibility for the City Council is inconsistent with the *Comprehensive Plan* intent

Expected Outcomes

- Clarifying update / align with existing practice
- Impact of any shadows or blocked views will be analyzed through a shadow study (shadow extent, duration, seasonal reach, and the ground level uses it affects, among others)
- Standard Special Permit criteria remain, and Planning can bring in a peer-reviewer as needed
- Determination of adverse impact of shadows and blocked views can be specific to each site and project