



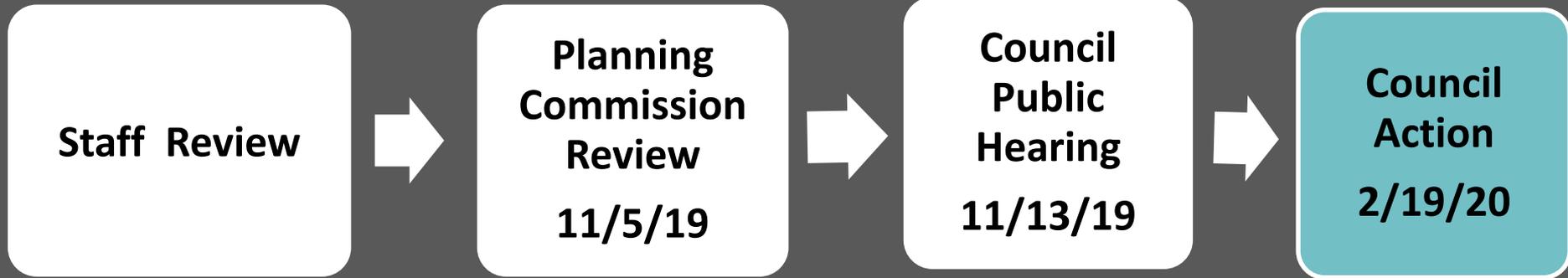
Land Use Management Ordinance Text Amendment: Conditional Zoning

Town Council Meeting
February 19, 2020

RECOMMENDATION

- Close public hearing
- Adopt Resolution of Consistency (R-9)
- Enact Ordinance A (O-2)

Text Amendment Process



Outline

- Background
- Proposed text amendment
 - Conditional zoning path for multifamily development
 - Concept plan review consistency
 - Ordinance clean up
- Recommended action

Conditional Zoning Background

Conditional Zoning: a legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment

- Creates a new, parallel zoning district
- Conditions are mutually agreed to by applicant and Town
- Accompanying site plan

Conditional Zoning Background | Notification & Participation

- Notifications same as conventional rezoning and special use permits
 - Mailed notices to 1000' of property, newspaper, website, property sign
- Public Information Meeting, Advisory Board Meetings, Council Meetings

Conditional Zoning Background

Conditional Zoning	Special Use Permit
Legislative	Quasi-judicial
Discretionary	Findings of fact
Communication outside of public hearing allowed	No ex-parte communication
Anyone	Parties with standing or witnesses
Fact or opinion based information	Fact-based evidence only

Conditional Zoning Text Amendment Background

Current multifamily over seven dwelling units approval paths:

Commercial and office districts 20/40 Rule →	Special Use Permit
Planned Development →	
Conditional Use Zoning →	
Some office/institutional districts	Site Plan

Path for multifamily development through Conditional Zoning

Proposed Text Amendments - Conditional Zoning

- Conditional zoning path for multifamily development
- Concept plan review consistency
- Ordinance clean up related to conditional zoning

Conditional Zoning Text Amendment | *Section 3.7.2 Use Matrix*

	Zoning District											
Uses	R-LD5	RT	R-LD1	R-1A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-SS-C
Dwelling units, multifamily, over 7 dwelling units	—	—	—	—	—	—	—	—	—	—	CZ	S

Proposed amendment adds “CZ” to the R-6 district in the use table

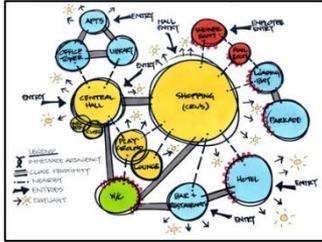
Would allow multifamily over seven dwelling units in R-6-CZ district

Conditional Zoning Text Amendment | *Section 3.7.2 Use Matrix*

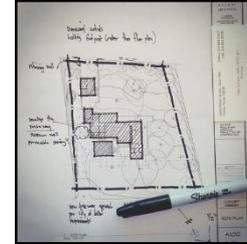
- No zoning map amendments are proposed with this **text amendment**
- No changes to existing R-6 zoned parcels



Conditional Zoning Amendment | *Section 4.3.1 Concept Plan Review Applicability*



Concept Plans



- All concept plans for conditional zoning (except LI-CZD) reviewed by Council
- Different review thresholds contribute to confusion
- Proposed amendment would make thresholds consistent for all types of development approvals

- Housekeeping of LUMO
- Reference to conditional zoning as approval process in other development application procedure sections:
 - Subdivision
 - Site Plan
 - Zoning Compliance Permit

RECOMMENDATION

- **Close public hearing**
- **Adopt Resolution of Consistency (R-9)**
- **Enact Ordinance A (O-2)**
 - Conditional zoning path for multifamily development over seven dwelling units
 - Concept plan review consistency
 - Ordinance clean up related to conditional zoning

Table 3.7-1: Use Matrix

Uses	Use Group	Rural Transition (RT)	Residential Districts (R-)											Commercial Zoning Districts				Industrial				Planned Development (PD-)														
			Rural Low Density (RLD-)		R-1A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-Special Standards-Conditional (R-SS-C)	Town Center (TC)	Community Commercial (CC)	Neighborhood Commercial (NS)	Office/Institutional (OI-)				Industrial (I)	Innovative Light Industrial Conditional (LICZ)	Materials Handling (MH)	Housing (H)	Shopping Center Neighborhood (SC(N))	Shopping Center	Community and Institutional (CI)	Mixed Use (MU)	Industrial (I)	Subsequent Approval (SA)						
			R-LDS	R-LD1													OI-1	OI-2	OI-3	OI-4																
Accessory use customarily incidental to a permitted principal or special use	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
Adult day care facility (See also Article 6)	B	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	
Agriculture, Female Chickens	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Agriculture, livestock	A	P,A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Agriculture, non-livestock	A	P,A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Automated teller machines (ATM) (Walk-up)	C	—	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Automated teller machines (ATM) (Drive-up)	C	—	—	—	—	—	—	—	—	—	—	—	—	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Automotive Repair	C	—	—	—	—	—	—	—	—	—	—	—	P,A	P,A	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Automotive repair (less collision, service and painting)	C	—	—	—	—	—	—	—	—	—	—	—	P,A	P,A	P,A	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Automotive, trailer, and farm implement sales or rental	C	—	—	—	—	—	—	—	—	—	—	—	P,A	P,A	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Bank	C	—	—	—	—	—	—	—	—	—	—	—	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	
Barber shop/beauty salon	C	—	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Business—Convenience	C	—	—	—	—	—	—	—	—	—	—	—	P,A	P,A	P,A	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Business—General	C	—	—	—	—	—	—	—	—	—	—	—	P,A	P,A	P,A	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Business—Wholesale	C	—	—	—	—	—	—	—	—	—	—	—	A	P,A	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Business, office-type	B	—	—	—	—	—	—	—	—	—	—	—	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A
Car wash (See also Article 6)	C	—	—	—	—	—	—	—	—	—	—	—	—	S	S	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Cemetery (See also Article 6)	A	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Child day care facility (See also Article 6)	B	P,A	P,A	PA	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A
Clinic	B	—	—	—	—	—	—	—	—	—	—	—	P	P,A	P,A	P	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A
Club	B	—	—	—	—	—	—	—	—	—	—	—	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA
College or University	B	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Drive-in window (See also Article 6)	C	—	—	—	—	—	—	—	—	—	—	—	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Dwelling Units, Single Family	A	P	P	P	P	P	P	P	P	P	P	P	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Dwelling units, single-family with accessory apartment	A	P	P	P	P	P	P	P	P	P	P	P	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Dwelling units, duplex (See also Article 6)	A	—	—	—	—	P	—	P	P	P	P	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Dwelling units, multifamily, 3 to 7 dwelling units	A	—	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Dwelling units, multifamily, over 7 dwelling units	A	—	—	—	—	—	—	—	—	—	—	—	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Essential services	A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A	P,A
Extraction of earth products (See also Article 6)	C	S	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Fine arts educational institution (See also Article 6)	B	—	—	—	—	—	—	—	—	—	—	—	S	S	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Flex space	C	—	—	—	—	—	—	—	—	—	—	—	A	P,A	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Food Truck	C	—	—	—	—	—	—	—	—	—	—	—	A	A	A	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Fraternity dwelling (See also Article 6)	B	—	—	—	—	—	—	—	—	—	—	—	S	S	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Funeral home	B	—	—	—	—	—	—	—	—	—	—	—	P	P,A	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Group care facility (See also Article 6)	B	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Hangar, medical aircraft	C	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Home occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Hospital	B	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Hotel or motel	B	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	

