

Date June 14, 2021

RESOLUTION SCHEDULING HEARING ON PROPOSED AMENDMENTS TO ZONING ORDINANCE AND PLANNING AND DESIGN ORDINANCE

WHEREAS, on April 25, 2016, by Roll Call No. 16-0717, the City Council adopted the PlanDSM: Creating Our Tomorrow Plan as the comprehensive plan for the City of Des Moines; and

WHEREAS, on October 16, 2019, by Roll Call Nos. 19-1683, 19-1684, and 19-1685, respectively, the City Council approved Ordinance No. 15,816 adopting the Zoning Ordinance, which repealed and replaced previous Chapter 134 of the Des Moines Municipal Code and Article 5 of which repealed and replaced the City's Wireless Telecommunications Facility Policy adopted on April 8, 2019 by Roll Call No. 19-0580; Ordinance No. 15,817 adopting the Planning and Design Ordinance, which repealed and replaced portions of Chapter 82 and the City's Site Plan Ordinance and Site Plan/Landscape Policies adopted March 22, 2004 with a new Chapter 135 of the Des Moines Municipal Code; and Ordinance No. 15,818 adopting the updated Citywide Zoning Map rezoning all real property within the City limits of the City of Des Moines to reflect the newly designated zoning districts as defined in the proposed Zoning Ordinance; and

WHEREAS, thereafter Council has approved certain amendments to the Zoning Ordinance and the Planning and Design Ordinance; and

WHEREAS, in accordance with Council direction, City staff have prepared further amendments to the Zoning Ordinance and the Planning and Design Ordinance to address substantive and non-substantive revisions deemed necessary by the City Manager, Department Directors, and staff; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 3, 2021, its members voted 10-0 in support of a motion to recommend **APPROVAL** of the proposed amendments to the Zoning Ordinance and the Planning and Design Ordinance; and

WHEREAS, the proposed amendments to the Zoning Ordinance and Planning and Design Ordinance are on file and available to the public for viewing in the office of the City Clerk.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The attached communication from the Plan and Zoning Commission is hereby received and filed.
2. The City Council shall consider the proposed amendments to the Zoning Ordinance and Planning and Design Ordinance at a public hearing to be held in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on June 28, 2021, at which time the City Council will hear both those who oppose and those who favor the proposals.
3. That the City Clerk is hereby authorized and directed to cause notice of said hearing in the accompanying form to be given by publication once, not less than seven (7) days and not more

Date June 14, 2021

than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by _____ to adopt.

FORM APPROVED:

/s/ Glenna K. Frank
 Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

CERTIFICATE

I, P. Kay Cmelik, 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.

MOTION CARRIED APPROVED

 Mayor

 City Clerk

134-3. USES

Accessory Uses

TABLE 134-3.9-1. ALCOHOLIC LIQUOR, WINE AND BEER SALES

USE	DISTRICTS											
	DX1	DX2	DXR	MX1	MX2	MX3	RX1, RX2	CX, EX, I1	I2	NX2, NX2A	P1, P2	F
Retail Sales												
Limited												
Alcoholic Liquor, Wine and Beer Sales	-	-	-	-	-	○* 40%/500 1320	○* 40%/500 1320	○* 40%/500 1320	-	-	-	-
Wine and Beer Sales	-	○* 40%/150	○* 40%/150	○* 40%/150	○* 40%/150	○* 40%/150	○* 40%/150	○* 40%/150	-	-	-	-
General												
Alcoholic Liquor, Wine and Beer Sales	40%/75	40%/75	40%/75	-	40%/75	40%/75	-	40%/75	-	-	-	-
Wine and Beer Sales	40%/75	40%/75	40%/75	-	40%/75	40%/75	-	40%/75	-	-	-	-
Large												
Alcoholic Liquor, Wine and Beer Sales	40%/75	40%/75	-	-	-	-	-	40%/75	-	-	-	-
Wine and Beer Sales	40%/75	40%/75	-	-	-	-	-	40%/75	-	-	-	-
Fuel Station												
Alcoholic Liquor, Wine and Beer Sales	-	-	-	○* 40%/500 1320	○* 40%/500 1320	○* 40%/500 1320	-	○* 40%/500 1320	○* 40%/500 1320	-	-	-
Wine and Beer Sales	-	40%/150	40%/150	-	40%/150	40%/150	-	40%/150	40%/150	-	-	-
Liquor Store												
Alcoholic Liquor, Wine and Beer Sales	-	-	-	-	-	○* 500 1320	-	○* 500 1320	○* 500 1320	-	-	-
Wine and Beer Sales	-	○* 150	○* 150	○* 150	○* 150	○* 150	-	○* 150	○* 150	-	-	-
Tobacco Store												
Alcoholic Liquor, Wine and Beer Sales	-	-	-	-	-	○* 25%/500 1320	-	○* 25%/500 1320	○* 25%/500 1320	-	-	-
Wine and Beer Sales	-	○* 25%/150	○* 25%/150	○* 25%/150	○* 25%/150	○* 25%/150	-	○* 25%/150	○* 25%/150	-	-	-
Restaurant, Bar, Other Uses												
Restaurant with Alcoholic Liquor, Wine and Beer Sales	50%	50%	50%	50%	50%/75	50%/75	50%/75	50%/75	50%/75	○* 50%/75	○* 50%/75	-
Bar	○*	○*	○*	-	○* 150	○* 150	-	○* 150	-	-	○* 150	-
Other Uses with Alcoholic Liquor, Wine and Beer Sales	○*	○*	○*	○*	○*	○*	○*	○*	○*	○*	○*	○*

KEY: ○=requires conditional use approval | * = supplemental use regulations apply | - = prohibited

Table Notes

○ = Uses identified with a ○ symbol are allowed only if reviewed and approved in accordance with the conditional use procedures of 134-6.4 of this chapter.

40% = no more than 40% of the gross receipts from sales from the premises may be derived from the sale of alcoholic liquor, wine, beer or tobacco products.

50% = at least 50% of the gross receipts from sales from the premises must be derived from the sale of prepared food and food-related services. The sale of an alcoholic beverage is not the sale of prepared food and food-related services.

25% = no more than 25% of the gross receipts from sales from the premises may be derived from the sale of alcoholic liquor, wine or beer.

75 = the licensed premises occupied by such use must be separated by at least 75 feet from the property line of the lot where any church or place of worship, school, public park or licensed child care facility as defined by Iowa Code Chapter 237A, are located. However, this condition is not applicable in the DX1, DX2, and DXR districts.

150 = the licensed premises occupied by such use must be separated by at least 150 feet from the property line of the lot where any church or place of worship, school, public park or licensed child care facility as defined by Iowa Code Chapter 237A, are located. However, this condition is not applicable in the DX1, DX2, and DXR districts.

500 = the licensed premises occupied by such use must be separated by at least 500 feet from the property line of the lot where any church or place of worship, school, public park or licensed child care facility as defined by Iowa Code Chapter 237A, are located. However, this condition is not applicable in the DX1, DX2, and DXR districts.

1320 = the licensed premises occupied by such use must be separated by at least 1320 feet from the property line of the lot where any limited retail sales, fuel stations, liquor stores and tobacco stores engaged in the sale of alcoholic liquor is located.

CHAPTER 134 – MINOR REVISIONS

General:

1. Remove “Draft” from all headers.
2. Remove all footers and page numbers.
3. Replace references to “community development director” with “neighborhood services director”, and to “community development department” with “neighborhood services department”, unless otherwise specifically identified.
4. Standardize labels on all figures.
5. Table of Contents: Delete all existing; include “Expanded Table of Contents” specific to Chapter 134 at beginning of chapter, with links to each section/subsection therein.
6. Standardize or eliminate use of “intentional blank pages” as required by text reformatting due to amendments.
7. Standardize formatting of table, figure, and graphic titles as needed; may result in updated numbering to table, figure, and graphic titles throughout chapter, including in text references.
8. Creation of reference links within chapter, including capitalization of “article” related thereto in various locations throughout chapter, and removal of cross-chapter links including underlining and formatting of text related thereto throughout chapter.

Article 1:

1. 134-1.10.4.F: Delete “pursant” and replace with “pursuant”.
2. 134-1.11.1.D: Delete “reivewed” and replace with “reviewed”.

Article 2:

1. 134-2.2: Delete “Article 3” and replace with “article 3”.
2. 134-2.2.1.A: Delete “groundfloor” and replace with “ground-floor”.
3. 134-2.2.2.G: Delete “MX districts a predominance” and replace with “MX districts and a predominance”.
4. 134-2.2.5.E: Deleted extra space after “building type”.
5. 134-2.2.8.B: Delete “pursant” and replace with “pursuant”.

Article 3:

1. 134-3.1.2.B: Revise to state “Uses identified with a ● are permitted as-of-right in the subject zoning district, and uses identified with a ○ are permitted as-of-right in the subject zoning district on upper floors only within primary frontage and in ground floor within non-primary frontage or corner lot, subject to compliance with any supplemental regulations identified in the final column of Table 134-3.1-1 of this article and with all other applicable regulations of this zoning ordinance.”
2. Table 134-3.1-1: (1) “Financial Service” rows: Delete “●” and replace with “●*” in MX3 and CX columns in the “Bail Bonds”, “Delayed Deposit Service” and “Pawnbroker” rows. (2) “Sports & Recreation, Private/Participant” rows: Delete ○ in F column in “Indoor” row and replace with “—”; Delete “—” in F column in “Outdoor” row and replace with “○”. (3) Key, ●: Revise to state “permitted on upper floors only within primary frontage, and in ground floor within non-primary frontage or corner lot”.
3. 134-3.3.2.F: Delete “subject the” and replace with “subject to the”.

4. 134-3.5.2: Delete “200 feet” and replace with “75 feet”.
5. 134-3.5.3.A: Delete “entertainment, uses” and replace with “entertainment uses”.
6. 134-3.5.10.D: (1) Delete “;” and replace with “.” (2) Subsections 3-4: Delete period and replace with semicolon.
7. 134-3.5.14: (1) Subsection A: delete “A lot that does not” and replace with “Uses involving a lot that does not”. (2) Renumber subsections to delete A and B and combine text into one section.
8. 134-3.6.3.E: (1) Delete extra space following “distribution”. (2) Subsection 4, delete “which” in two locations.
9. 134-3.6.4.B.4: Delete “upon a” and replace with “upon an”.
10. 134-3.8: Delete text and replace with “This category includes uses that are not covered, in full or in part, by the previously described use categories of this article.”
11. 134-3.9.3.C: Delete “135-2.22.3” and replace with “135-2.22”.
12. 134-3.9.4.B.1: Delete “residing or working adjoining” and replace with “residing in or working on adjoining”.
13. 134-3.9.4.G.1: Delete “approve Type 4” and replace with “approve conditional uses for Type 4”.
14. 134-3.9.5.B.2: Delete extra space after “building”.
15. 134-3.10: (1) Delete “temporary use permit” and replace with “temporary use” throughout section. (2) Delete “temporary use permits” and replace with “temporary uses” throughout section.
16. 134-3.10.5: (1) Delete “residential household unit” and replace with “any residential household unit(s)”. (2) delete “of temporary use” and replace with “of the temporary use”.
17. 134-3.10.5.C: Delete “estate sale” and replace with “estate sales”.

Article 4:

1. 134-4.1: Delete subsection formatting for subsections 1 and 2, and combine into single section 134-4.1 with subsections A, B and C.
2. 134-4.3.2.E: Delete extra space after “resolution”.
3. 134-4.4: Delete subsection formatting for subsections 1 and 2, and combine into single section 134-4.4 with subsections A and B.
4. 134-4.5.6: Delete repetitive “of this chapter”.
5. 134-4.6: (1) Revise subsection formatting “134-4.6.1”, “134-4.6.2”, et al and replace with subsection formatting “134-4.6.A”, “134-4.6.B”, et al. (2) Subsection 3 (new subsection C): Delete extra space after “its”.
6. 134-4.9: “Wireless Support Structure (or Structure)”, delete extra space in “A structure”.

Article 5:

1. 134-5.2: (1) Revise subsection formatting “134-5.2.1”, “134-5.2.2”, et al and replace with subsection formatting “134-5.2.A”, “134-5.2.B”, et al. (2) Subsection 16 (new subsection P): Revise subsection formatting A and B and replace with subsection formatting 1 and 2, respectively. (3) Subsection 22 (new subsection V): Delete “section” and replace with “sign”.
2. 134-5.4.2.E: Delete “are not be” and replace with “are not”.
3. 134-5.4.6.A: Delete “is” and replace with “are”.

4. 134-5.8.8: (1) Subsection A: Delete “Euclid” and replace with “East Euclid”. (2) Subsection F: Delete “63rd Street/Iowa Highway 28” and replace with “Southwest 63rd Street/Highway 28”. (3) Subsection H: Delete “Northeast 14th Street from Douglas Avenue” and replace with “East 14th Street from East Douglas Avenue”.
5. Figure 134-5.9-C: Revise figure to create rectangular shape around text.

Article 6:

1. Table 134-6.1-1: (1) “Procedure” column, delete “Conditional Use Permit” and replace with “Conditional Use”. (2) Table notes: Delete “CDD” and “community development director” and replace with “NSD” and “neighborhood services director”.
2. 134-6.1.6.C: Delete “hearing. Neighbor...” and replace with “hearing. Failure by the applicant to provide a neighbor meeting summary does not invalidate proceedings. Neighbor...”.
3. 134-6.1.7.A.2: Correct spelling of “public” in first sentence.
4. 134-6.1.8.A: Correct spelling of “public” in first line.
5. 134-6.1.14: (1) Subsection A, delete “or” at end of subsection. (2) Subsection B, delete “and” at end of subsection. (3) Subsection C, delete text and replace with “Waiver, modification or variation of any of the definitions or measurement standards set forth in this chapter, or of any of the zoning exception or zoning relief percentages and measurement numbers set forth in this article or elsewhere in this chapter; and”. (4) Add new subsection D as follows: “Waiver, modification or variation of any requirement to comply with sections or provisions of this code or otherwise required by local law, exclusive of this chapter.”
6. 134-6.4.7.A: Delete extra space before “conditional use” in third sentence.
7. 134-6.5.5.B: Delete “134-5.6” and replace with “134-6.6”.

Article 7:

1. 134-7.2.5.A-B: (1) Delete “on December 14, 2019” and replace with “immediately prior to the effective date of this chapter (effective date of chapter: December 15, 2019; see section 134-1.3 of this chapter)”. (2) Delete “community development” and replace with “development services”.
2. 134-7.2.7.A: (1) Delete “134-6.2” and replace with “134-7.2”. (2) Delete “134-7.2.7 of this article”.
3. 134-7.3.7.A: Delete “six months, or” and replace with “six months, or if a change of use occurs,”.

Article 8:

1. 134-8.1.2.B: Delete “maner” and replace with “manner”.
2. 134-8.2.1: Delete “officialsand” and replace with “officials and”.
3. 134-8.2.2: Delete “or the officer’s designees” and replace with “and designees”.
4. 134-8.2.3: Add sentence at beginning of section as follows: “Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of this chapter; to prevent unlawful construction; to recover damages; to restrain, correct, or abate a violation; and to prevent illegal occupancy of a building, structure or premises.”

Article 9:

1. 134-9: Revise formatting of sections “RESERVED” throughout article.
2. 134-9.9, “Factory-built housing”: Delete “longterm” and replace with “long-term”.
3. 134-9.25: Add definition of “Vehicle, Motor or Vehicle” as follows: “**Vehicle, Motor or Vehicle:** Any vehicle operated by a motor (motor vehicle), recreational vehicle, boat, trailer or semitrailer.”

CHAPTER 134 – MAJOR REVISIONS

Article 1:

1. Map Interpretations

- a. **Issue:** State more explicitly that zoning districts apply to the center of the public right-of-way line for lots adjoining right-of-way, in part to address permitting.

Amendment: 134-1.10.4.B: Delete “lines.” and replace with “lines, unless such lot lines are adjacent to streets, highways, alleys or other public rights-of-way in which event the boundaries must be construed to follow the centerlines of such streets, highways, alleys or other public rights-of-way.”

Article 2:

1. Legacy Planned Unit Development (PUD) Districts

- a. **Issue:** Clarify applicability of Zoning Ordinance to Legacy PUD zoning districts and create administrative approval option for certain PUD Plan amendments.

Amendment: 134-2.2.9: (1) Subsection C, delete text and replace with “C. In the event that the ordinance approving a PUD zoning designation and all applicable conditions of approval, conceptual plans, and development plans, including amendments thereto, do not regulate any subject(s) addressed in this chapter, the regulations of this chapter related to said subject(s) shall apply to, and be enforceable on, all land classified in said Legacy PUD district on and after the effective date of this chapter.” (2) Add subsection D as follows “D. All Legacy PUD final development plans that substantially conform to the applicable PUD conceptual development plans, and all amendments to Legacy PUD conceptual development plans and final development plans determined by the development services director to be minor in scope, must be reviewed and approved by the development services director, following the same general process as a Type 1 zoning exception pursuant to section 134-6.5 of this chapter; conditions of approval or denials may be appealed to the plan and zoning commission and city council following the same general process as a zoning map amendment pursuant to sections 134-6.3.5-9 of this chapter. All amendments to Legacy PUD conceptual development plans determined by the development services director to be major in scope must be reviewed and approved by the city council after review and recommendation of the plan and zoning commission, following the same general process as a zoning map amendment pursuant to section 134-6.3 of this chapter. Review pursuant to this subsection shall include review by the development services department for conformance with chapter 135 of this code.”

Article 3:

1. General Revisions to Principal Uses and Principal Use Table

- a. **Issue:** Eliminate ground-floor commercial use requirement and allow residential use on ground floor in CX and MX3 zoning districts.

Amendment: Table 134-3.1-1, Residential, Household Living, 5 to 8 households (per lot) and 9 or more households (per lot) rows: Delete “○” and replace with “●” in MX3 and CX columns.

- b. Issue: Add uses to various zoning districts as described below.

Amendment: Table 134-3.1-1: (1) Commercial, Commercial Service, Consumer Maintenance and Repair row: Delete “—” and replace with “●” in I1 column. (2) Commercial, Eating and Drinking Places, Restaurant and Bar rows: Delete “—” and replace with “●” in I1 column. (3) Commercial, Retail Sales, Limited, General and Large-Format rows: Delete “—” and replace with “●” in EX and I1 columns.

- c. Issue: Incorporate transfer station into principal permitted use as described below.

Amendment: 134-3.6.4: (1) Subsection A: Add new text at end of subsection as follows: “For purposes of this chapter and chapter 135 of this code, references to “junk or salvage yard” include solid waste transfer stations and appliance demanufacturing.” (2) Subsection B: Add new subsection 7 as follows: “7. Any junk or salvage yard requiring a license or permit from the Iowa Department of Natural Resources or similar State agency shall provide proof of valid license or permit, as applicable, to the neighborhood services department prior to commencing such use and following any amendment or renewal to said license or permit.”

2. Alcoholic Liquor, Wine or Beer Sales (Tables 134-3.1-1 and 134-3.1-2; Principal and Accessory Use Requirements)

- a. Issue: Adjust Tables 134-3.1-1 and 134-3.1-2 (new Table 134-3.9-1) to make more user-friendly for staff and public, add option for sales in EX and I1 districts to address certain existing or proposed uses, and clarify that sales are accessory to other principal uses unless specified.

Amendment: (1) 134-3.1.2.G: Delete “of this article” and replace with “of this article, and of Table 134-3.9-1 of this article when applicable” in second sentence. (2) Table 134-3.1-1: (a) Commercial, Retail Sales use subcategory: Add new rows for “Liquor Store” and “Tobacco Store” as follows: Liquor Store row, add “○” to zoning district columns DX2, DXR, MX1, MX2, MX3, CX, EX, I1 and I2 and add “—” to remaining district columns, with reference to section 134-3.5.15; Tobacco Store row, add ○ to zoning district columns DX2, DXR, MX1, MX2, MX3, CX, EX, I1 and I2 and add “—” to remaining district columns, with reference to 134-3.5.15; (b) Delete “Other – Alcoholic Liquor, Wine, or Beer Sales” row. (3) Table 134-3.1-2 – Delete Table in its entirety and replace with new Table, in form attached hereto as Exhibit 1, relocate Table to new accessory uses section 134-3.9.9, and rename table to Table 134-3.9-1. (4) 134-3.5.9.A-B: Delete final sentences of each subsection. (5) Add new section 134-3.5.15.D as follows: “**D. Liquor Store.** Limited retail sales establishment primarily engaged in the sale of off-premise consumption of alcoholic liquor, wine and beer, where more than 40% of gross receipts is derived from the sale of alcoholic liquor, wine, beer and tobacco. The regulations of section 134-3.9.9 of this article and Table 134-3.9-1 of this article shall apply to this principal use.” (6) Add

new section 134-3.5.15.E as follows: “**E. Tobacco Store.** Limited retail sales establishment primarily engaged in the retail sale of tobacco and tobacco-related products, provided however that no more than 25% of the gross receipts from sales shall be derived from the sale of alcoholic liquor, wine or beer, and all sales of alcoholic liquor, wine or beer are for off-premises consumption only. The regulations of section 134-3.9.9 of this article and Table 134-3.9-1 of this article shall apply to this principal use.” (7) 134-3.8.1: (a) Relocate section to new accessory uses section 134-3.9.9. (b) Subsection A (new subsection 134-3.9.9.A): Delete in its entirety and replace with: “**A. Description.** The retail sale of alcoholic liquor, wine and beer is permitted as a principal use, or as an accessory use to a permitted principal use where determined by the neighborhood services director that said accessory use is customary and incidental to such permitted principal use, only in the zoning districts and subject to the conditions indicated in Tables 134-3.1-1 and 134-3.9-1 of this article and pursuant to this section.” (c) Subsection B (new subsection 134-3.9.9.B): Delete first sentence in its entirety and replace with “Conditional use approval is required for the use of a premises, either as principal or accessory use, for the sale of alcoholic liquor, wine or beer, under the circumstances identified in Tables 134-3.1-1 and 134-3.9-1 of this article.” (d) Subsection C (new subsection 134-3.9.9.C): Replace “general conditions” with “supplemental use regulations” in title and text; first sentence, delete “use of a premises” and replace with “use of a premises, either as principal or accessory use,”. (e) Subsection D (new subsection 134-3.9.9.D): (i) delete “from sales, from the sale” and replace with “from the sale”; (ii) delete “alcoholic beverages from the sale” and replace with “alcoholic beverages, from the sale”. (f) Subsection F (new subsection 134-3.9.9.E): Delete “from sales from the sale” and replace with “from the sale”. (8) 134-3.8.2: Renumber section to 134-3.8.1 and delete section number 134-3.8.2.

3. Short-Term Commercial Rental Use

- a. Issue: Revise short-term commercial rental use regulations to convert said use from a primary commercial, lodging use to an accessory use to household living, and to eliminate restrictions preempted by recent State legislation.

Amendment: (1) Table 134-3.1-1: Delete Commercial, Lodging, Short-Term Commercial Rental row. (2) 134-3.5.12.C: Delete subsection in its entirety. (3) 134-3.9.8: Reformat existing text as subsection A; add new subsection B as follows: “**B.** The use of a household unit, or part of a household unit, for commercial lodging use, also known as short-term rental use, where lodging is provided for compensation for one or more persons for periods of less than 30 consecutive days, is allowed as an accessory use to a household living principal use.” (4) 134-6.4.8: Delete subsection B in its entirety and reformat subsection A to constitute section 134-6.4.8. (5) 134-6.4.10: Delete subsection C and renumber subsections D and E to C and D, respectively.

4. Accessory Use

- a. Issue: Add use restrictions and cross-reference for new general accessory structure type being added to Chapter 135, Planning and Design Ordinance.

Amendment: 134-3.9.1.B: (1) Add new subsection 4 as follows: “4. If the proposed allowed accessory use will be located in a “bus shelter or bench for public transit use” as defined and regulated by section 135-2.22.3.K of this code, then said use may be accessory either to a principal use or structure, or accessory to a lot that is vacant and does not contain a principal use or structure.” (2) Add new subsection 5 as follows: “5. If the proposed allowed accessory use will be located in an “other outdoor automated accessory structure” as defined and regulated by section 135-2.22.3.L of this code, then said accessory use shall be restricted to dispensing only products that are accessory to a retail sales use or financial service use that is permitted in the applicable zoning district of the lot on which said uses are to be located, and shall not dispense alcoholic liquor, wine, beer, or tobacco products.”

- b. Issue: Add review and approval process for home occupation accessory uses as a Type 1 zoning exception for Type 2 home occupations, and as a conditional use for Type 3 and 4 home occupations, which will also address termination of home occupation approval in the event that home occupation accessory use lapses.

Amendment: (1) 134-3.9.4.E.1: Delete “uses for the following” and replace with “uses, as Type 1 zoning exceptions pursuant to section 134-6.5 of this chapter, for the following”; (2) 134-6.5.2: (a) Subsection 9: Delete “and”. (b) Subsection 10, renumber to subsection 11. (c) Add new subsection 10 to state “Exceptions to allow Type 2 home occupation accessory uses pursuant to section 134-3.9.4 of this chapter; and”. (3) 134-3.9.4.F.1: Delete “approve Type 3 home occupation uses for the following” and replace with “approve conditional uses for Type 3 home occupations uses, as conditional uses pursuant to section 134-6.4 of this chapter, for the following”.

- c. Issue: Expand Type 3 home occupation options to include artisan production (i.e. bottling honey; selling crafts; home bakeries/meal services).

Amendment: (1) 134-3.6.1.A: Delete “creation of art works” and replace with “creation of baked goods, meals or food products, art works”. (2) 134-3.9.4.F.1: Subsection b, delete “and”; subsection c, delete period and replace with “; and”; add new subsection d to state “Fabrication and production, artisan as defined by section 134-3.6.1.A of this article.”

- d. Issue: Allow expansion of off-site parking as an accessory use to an adjoining permitted principal non-residential use, similarly to prior Zoning Code.

Amendment: Add new section 134-3.9.10 as follows: “**ACCESSORY OFF-SITE PARKING USE** Required off-street parking as an accessory use to a permitted principal non-residential use, occurring off-site in a zoning district where non-accessory parking or the use to be served by the parking are not allowed, as follows: **A.** The accessory off-site parking use will be on a lot abutting the permitted principal non-residential use, which abutting lot is connected to the lot containing the permitted principal non-residential use by declaration of zoning lot filed with the county recorder and is owned or controlled by the operator of the permitted principal non-residential use. **B.** The accessory off-site parking use complies with the planning and design requirements of chapter 135, including approval of the off-site parking lot through the Type 2 design alternative procedures of section 135-9.2 of this code in accordance with section 135-6.6.4.C.3. **C.** The accessory

off-site parking use is intended for customer and employee personal vehicles only. Limited commercial truck parking shall be permitted only for single rear-axle pickups or vans weighing no more than 6,000 pounds (gross vehicle weight rating). No exterior power apparatus is allowed. This will not permit trailers or other equipment storage. **D.** A directional sign shall be placed in the accessory off-site parking use lot on the boundary line separating the two districts, which shall read “no truck parking behind this point except limited commercial pickups or vans weighing under 6,000 lbs. (G.V.W.R.)” or similar wording. **E.** A Type 1 zoning exception reviewed and approved in accordance with section 134-6.5.2 of this chapter is required for the accessory off-site parking use.”

Article 5:

1. Zoning Relief

- a. Issue: Allow Type 1 and Type 2 zoning exceptions, rather than variances, from Zoning Board of Adjustment (ZBOA) for relief from all signage requirements except as related to prohibited signs and sign characteristics, electronic and multi-vision displays, and general advertising signs.

Amendment: 134-5.3: Add new section 134-5.3.5 as follows: “**ZONING RELIEF** Exclusive of sections 134-5.2, 134-5.7 and 134-5.8 of this article, and unless otherwise expressly specified in this article, all signage regulations of this article are eligible for Type 1 zoning exceptions when applicable pursuant to section 134-6.5 of this chapter, and eligible for Type 2 zoning exceptions pursuant to section 134-6.6 of this chapter when Type 1 relief is not applicable.”

2. Allowed Signage

- a. Issue: Clarify allowed signage for fuel stations.

Amendment: 134-5.6.7: Add new subsection (C) as follows: “C. A canopy accessory to a fuel station may contain one non-illuminated, static sign per street frontage, which sign shall not exceed thirty square feet of sign area, in addition to wall signs. Such canopy sign shall not project more than 2.5 feet above the top of the canopy. A canopy accessory to a fuel station that is installed in free-standing sections shall be considered one canopy for purposes of this section.”

- b. Issue: Allow signage for permitted commercial uses in the A and NX zoning districts.

Amendment: Table 134-5.5-1: Add third section, “Commercial Uses”, as follows: (1st column) “Permitted Uses – A and NX Districts Only; (2nd column) 1; (3rd column) 24; (4th column) 8”.

- c. Issue: Allow limited signage for permitted uses in F (flood) zoning district to balance the needs of the floodplain with the needs of the property owner or tenant, in part to address Zoning Board of Adjustment concern presented to City Council.

Amendment: (1) 134-5.6: From title heading, delete “I and P Districts” and replace with “I, P and F Districts”. (2) 134-5.6.1: Delete “I and P districts” and replace with “I, P and F

- districts”. (3) 134-5.6.2: Delete “I and P zoning districts” and replace with “I, P and F zoning districts”. (4) 134-5.6.3: (a) Subsection A: Delete “I- and P-zoned” and replace with “I-, P- and F-zoned”. (b) Subsection B: Delete “I and P districts” and replace with “I, P and F districts”. (6) 134-5.6.4.A: Delete “I and P districts” and replace with “I, P and F districts”. (7) 134-5.6.6.A: Delete “I, and P districts” and replace with “I, P, and F districts”. (8) Table 134-5.6-1: Add F zoning district column; copy regulations from MX1/MX2 zoning district column into new F district column except as follows: “Permitted Sign Types” section, “Monument” row: include “—”; “Monument Signs” section, all rows: include “—”; “Roof Signs” section, all rows: include “—”; “Electronic and Multi-Vision Displays on Monument Signs”, “Regulations” row: include “—”.
- d. Issue: Allow signs accessory to legal nonconforming uses consistently with prior Zoning Code.

Amendment: 134-5.4: Add new section 134-5.4.8 as follows: “**SIGNS ACCESSORY TO NONCONFORMING USES** Signs accessory to principal nonconforming uses, as defined in section 134-7.1 of this chapter, are permitted on a lot containing any nonconforming use as follows: **A.** Nonconforming commercial and industrial uses located on lots in A, N, NX and NM districts shall be allowed MX1 district signage pursuant to this article. **B.** Nonconforming uses located on lots in commercial or industrial districts shall be allowed the signage permitted for such lots, as applicable, pursuant to this article. For example, a nonconforming commercial, small assembly use located on a lot in the I1 district shall be allowed the signage permitted for an I district pursuant to this article. **C.** Nonconforming uses located on lots in the F district shall be allowed F district signage pursuant to this article.

- e. Issue: Add time limit to temporary signage allowance.

Amendment: 134-5.4.6.A-B: Delete “six months” and replace with “six months during each calendar year”.

- f. Issue: Clarify signage allowances in Legacy Planned Unit Development (PUD) zoning districts.

Amendment: 134-5.3: Add new section 134-5.3.6 as follows: “**SIGNS IN LEGACY PLANNED UNIT DEVELOPMENTS (PUDS)** Any signs installed, erected, placed, altered, expanded, or enlarged on a lot or lot(s) within a Legacy Planned Unit Development (PUD) zoning district after the effective date of this zoning ordinance shall comply with this chapter unless (1) the Legacy PUD includes signage allowances and requirements in the PUD Conceptual Plan and/or PUD Final Development Plan, and (2) the sign, or alteration, expansion, or enlargement thereto, conforms with all signage allowances and requirements in said Plan(s). For purposes of this article, signs within a Legacy PUD in which the majority of the lots contain principal commercial or industrial uses shall be allowed the signage applicable to the MX1 zoning district, and signs within a Legacy PUD in which the majority of the lots contain principal household living uses shall be allowed the signage applicable to the N zoning districts; in the event of uncertainty, the

neighborhood services director shall make the final determination regarding the applicable majority principal use.”

- g. Issue: Create a marquee panel signage option for assembly use, such as movie theaters.

Amendment: (1) Table 134-5.6-1: (a) Permitted Sign Types section, Projecting row: Delete “Projecting” and replace with “Projecting; Marquee”; (b) Projecting Signs section: Delete section heading and replace with “Projecting and Marquee Signs”; revise “Other Regulations” row to delete text and replace with “See section 134-5.6.6 of this article and 134-5.6.9 of this article.” (2) Add new section 134-5.6.9 as follows: “**MARQUEE SIGNS**
A. Maximum Number, Area and Height The maximum number, area and height of all marquee signs allowed in DX, MX, RX, CX, EX, I, P and F districts may not exceed the limits established in Table 134-5.6-1 of this article. **B. Supplemental Regulations** 1. Marquee signs are permitted only as an accessory use appurtenant to a permitted principal small or large assembly or entertainment use. 2. A triangular marquee sign is considered one sign for purposes of this article. 3. Marquee signs shall only be located on the front facade of a building.”

- h. Issue: Clarify option for signage by public regional transit services for public purposes as integral to the City’s street and transportation system.

Amendment: (1) 134-5.2.19 (new section 134-5.2.S): Revise section to delete “code;” and replace with “code, or the sign is otherwise permitted pursuant to agreement with and on behalf of the city as required for public safety or governmental interest;”. (2) 134-5.4.7: (a) Delete “public safety, traffic safety” and replace with “public safety, public regional transit services, traffic safety”. (b) Add new subsection C as follows: “**C.** Where the city, by agreement, permit, or otherwise, allows or requires signage within public right-of-way for a public purpose. If the city agreement, permit, or similar arrangement describes the form and dimensions of the sign, the sign must comply with those requirements; otherwise, when not defined, the sign shall comply with the requirements of this article.”

Article 9:

1. Definition of “Sign”

- a. Issue: Identify scoreboard as an accessory use to a principal educational, campus, or outdoor sports and recreation use.

Amendment: 134-9.22, “Sign”: Delete “street, are not considered” and replace with “street, and scoreboards as defined and regulated by section 135-2.22.3 of this code, are not considered”.

CHAPTER 135 – MINOR REVISIONS

General:

1. Remove “Draft” from all headers.
2. Remove all footers and page numbers.
3. Replace references to “community development director” with “development services director”, and to “community development department” with “development services department”, unless otherwise specifically identified.
4. Standardize labels on all figures.
5. Table of Contents: Delete all existing; include “Expanded Table of Contents” specific to Chapter 135 at beginning of chapter, with links to each section/subsection therein.
6. Standardize use of “intentional blank pages” as required by text reformatting due to amendments.
7. Standardize formatting of table, figure, and graphic titles as needed; may result in updated numbering to table, figure, and graphic titles throughout chapter, including in text references.
8. Creation of reference links within chapter, including capitalization of “article” related thereto in various locations throughout chapter, and removal of cross-chapter links including underlining and formatting of text related thereto throughout chapter.

Map Amendment to Planning and Design Ordinance Section 135-2.1.6.A.1, "Primary Streets Map":

The following street segments shall be removed from the Primary Streets Map:

1. Franklin Avenue between 27th Street and 34th Street.
2. Army Post Road between Fleur Drive and Southwest 63rd Street.
3. Ohio Street between Franklin Avenue and University Avenue.
4. Illinois Street between Washington Avenue and Forest Avenue.
5. Vermont Street between Washington Avenue and University Avenue.
6. Michigan Street between Washington Avenue and Forest Avenue.
7. Sunset Road between George Flagg Parkway and Southwest 28th Street.
8. Garden Road between Southwest 23rd Street and Southwest 28th Street.

Chapter 135:

1. Article 1
 - a. 134-1.4: Reformat subsections from 1.4.1 and 1.4.2 to A and B, respectively.
 - b. 135-1.5: Reformat subsections and combine into one section (134-1.5).
 - c. 135-1.10: Delete “Page blank intentionally.”
2. Article 2
 - a. 135-2.1.3: (1) Delete period at end of second sentence and replace with colon. (2) Subsection A: Delete “Table 135-2.2-1 and Table 135-2.2-2 of this article” and replace with “Table 135-2.1-1 and Table 135-2.1-2 of this article”. (3) Subsection B: Delete “of chapter 134”.
 - b. 135-2.1.4: (1) Subsection E: Add hyphen after “one”. (2) Subsection F: Delete “building type.” and replace with “building type:”.
 - c. 135-2.1.6.G: Delete “30 feet” and replace with “30 feet except as allowed by Section 135-4.2.2.C.2.”

- d. 135-2.1.7.A: Delete “building, trash” and replace with “building, all trash”.
- e. 135-2.2.1 and -2.2.2, section title: Delete “Types” and replace with “Type”.
- f. 135-2.2.1: Delete “Table 135-2.2-1 and Table 135-2.2-2” and replace with “Table 135-2.1-1 and Table 135-2.1-2”.
- g. Table 135-2.2-1: (1) Rename to “Table 135-2.1-1” and “Table 135-2.1-2”, respectively. (2) Commercial Cottage row: Add “●” to RX2 column.
- h. Table 135-2.2-2 (new Table 135-2.1-2): “Reference” column, delete “11” and replace with “2” throughout.
- i. 135-2.2.3.B: Delete “See Figure 135-2.2-C” and replace with “See Figure 135-2.2-A”.
- j. 135-2.3.1: Correct formatting of “lot line” in second sentence.
- k. 135-2.3.3.D.26, “References” column: Delete “Note 5” and replace with “135-2.18”.
- l. 135-2.4.3.C.15, district columns: Delete “use except” and replace with “use, except”.
- m. 135-2.5.3.A: (1) Section title: Delete “135-2.3-B” and replace with “135-2.5-B”. (2) Subsections 3, 4, “References” column: Delete “135-3.7” and replace with “135-3.3”.
- n. 135-2.5.3.D.19, CX column: Delete line dividing MX3 and CX columns.
- o. 135-2.5.3.D.20, district columns: Add to end of subsection “Any ground floor tenant bay with occupied space along a primary street shall have principal entrance along the primary street. A lobby or vestibule entrance may be shared by two or more tenants provided that a minimum of one principal entrance per 45 lineal feet of building frontage is provided.”
- p. 135-2.5.3.E: (1) Subsection 6: Delete “an Type 1” and replace with “a Type 1”. (2) Subsection 7: Delete “as a use”.
- q. 135-2.6.1: (1) Delete extra space before “an entrance” in third sentence. (2) Correct formatting of “interior side” in fourth sentence.
- r. 135-2.6.3: Add RX2 and II to RX1, EX column.
- s. 135-2.6.3.A.3-4, “References” column: Delete “135-3.7” and replace with “135-3.3”
- t. 135-2.6.3.A.8, “References” column: Capitalize “See Note 4”.
- u. 135-2.6.3.E: (1) Subsection 1.c: Delete “the all buildings” and replace with “all buildings”. (2) Subsection 4: (a) Delete “means one” and replace with “means that one” in first sentence. (b) Add “aisle” after “double-loaded” and “single-loaded” in second sentence. (3) Subsection 5: Delete “an Type 1” and replace with “a Type 1”.
- v. 135-2.7.3.A: (1) Subsections 3, 4, “References” column: Delete “135-3.7” and replace with “135-3.3”. (2) Subsection 8: (a) Section heading: Add semicolon after “Loading Location”. (b) District columns: Add semicolon after “only”.
- w. 135-2.7.3.C.13, district columns: Delete “use except” and replace with “use, except”.
- x. 135-2.7.3.D.21, district columns: Delete “of the any story” and replace with “of any story”.
- y. 135-2.7.3.E: (1) Subsection 1: Delete “135-12.1” and replace with “135-12.14”; add comma after “chapter”. (2) Subsection 4: Delete “means one” and replace with

- “means that one” in first sentence; add “aisle” after “double-loaded” and “single-loaded” in second sentence.
- z. 135-2.8.3.A: (1) Subsections 3-4, “References” column: Delete “135-3.7” and replace with “135-3.3”. (2) Subsection 8: (a) Section heading: Add semicolon after “Loading Location”. (b) Add semicolon after “yard”.
 - aa. 135-2.8.3.B.10, district columns: Delete “stories” and replace with “story”.
 - bb. 135-2.8.3.C.14: Add parentheses around subtext in section heading.
 - cc. 135-2.8.3.D.18: Add parentheses around subtext in section heading.
 - dd. 135-2.8.3.E: (1) Subsection 1: Delete “135-12.1” and replace with “135-12.14”. (2) Subsection 5: (a) Delete “means one” and replace with “means that one” in first sentence. (b) Add “aisle” after “double-loaded” and “single-loaded” in second sentence. (3) Subsection 6.c: Delete “any other side, or rear” and replace with “any side or rear”. (4) Subsection 7: Delete “an Type 1” and replace with “a Type 1”. (5) Subsection 8: Correct spelling of “chapter”.
 - ee. 135-2.9.3: Add “P2” to “I1, I2” column.
 - ff. 135-2.9.3.A.3-4, “References” column: Delete “135-3.7” and replace with “135-3.3”.
 - gg. 135-2.9.3.A.8: (1) Section heading: Add semicolon after “Loading Location”. (2) District columns: (a) Add semicolon after “side yard”. (b) Capitalize “Rear”.
 - hh. 135-2.9.3.B.10, district columns: Delete “stories” and replace with “story”.
 - ii. 135-2.9.3.E: (1) Subsection 1: (a) Delete “135-12.1” and replace with “135-12.14”. (b) Delete “lots as” and replace with “lots, as”. (c) Delete “chapter that” and replace with “chapter, that”.
 - jj. 135-2.10.1: (a) Delete “134-3.4” and “135-3.5.3” and replace with “134-3.4 of this code” and “134-3.5.3 of this code”, respectively. (b) Delete “build to” and replace with “build-to”.
 - kk. 135-2.10.3.A.3-4, “References” column: Delete “135-3.7” and replace with “135-3.3”.
 - ll. 135-2.10.3.B.10, district columns: Delete “stories” and replace with “story”.
 - mm. 135-2.10.3.C.14: Delete “135-3.5.3” and replace with “134-3.5.3”.
 - nn. 135-2.10.3.E.2: Delete “an Type 1” and replace with “a Type 1”.
 - oo. 135-2.11.3.A.4: “References” column: Delete “Note 6” and replace with “Note 5”.
 - pp. 135-2.11.3.A.9: Delete “(ft)” and replace with “(sq ft)” in section heading.
 - qq. 135-2.11.3.B.13, district columns: Delete “story” and replace with “stories”.
 - rr. 135-2.11.3.D.20: (1) Section heading: Add semicolon after “Number”. (2) District columns: Add semi-colon after “building facade”.
 - ss. 135-2.11.3.D.21: (1) Section heading: Add semicolon after “Configuration”. (2) District columns: Add semicolon after “porch”.
 - tt. 135-2.11.3.E: (1) Subsection 1: (a) Delete “135-12.1” and replace with “135-12.5”. (b) Delete “per” and replace with “pursuant to”. (2) Subsection 3: Delete “12 feet” and replace with “13 feet”.
 - uu. 135-2.12.3.A: (1) Section heading: Delete “Figure 135-2.13” and replace with “Figure 135-2.12-B”. (2) Subsection 4: (a) NX1 column, delete “averaging” and replace with “averaging; if front setback averaging not available, 15”; (b) NX2, NX2a column, delete “averaging” and replace with “averaging; if front setback averaging not available, 15”. (3) Subsection 5: (a) NX1 column, delete “averaging”

- and replace with “averaging; if front setback averaging not available, 15”. (4) Subsections 4-5, “References” column: Delete “135-3.4” and replace with “135-3.3”. (5) Subsection 11: Add semicolon after “Parking Location” in section heading.
- vv. 135-2.12.3.D.20: Add semicolon after “Number” in section heading.
- ww. 135-2.12.3.D.21: (1) Section heading: Add semicolon after “Configuration”. (2) District columns: Add semicolon after “porch”.
- xx. 135-2.12.3.E: (1) Subsection 3: Delete “12 feet” and replace with “13 feet”. (2) Subsection 7: Delete text and replace with “Reserved.” (3) Subsection 8: Delete “whether” and replace with “regardless of whether”.
- yy. 135-2.13.3.A: (1) Section heading: Delete “Figure 135-2.13” and replace with “Figure 135-2.12-B”. (2) Subsection 7, “References” column: Delete “135-3.2” and replace with “135-3.5”. (3) Subsection 10: Revise by column as follows: (a) N1a, A, delete “facade, maximum” and replace with “facade, garage door maximum”; delete “width”. (b) N1b, delete “facade, maximum” and replace with “facade, garage door maximum”; delete “width”. (c) N2a, delete “facade, maximum” and replace with “facade, garage door maximum”. (d) N2b, delete “facade, maximum” and replace with “facade, garage door maximum”.
- zz. 135-2.13.3.B.12-14, “References” column: Delete “Story heights are measured floor to floor”.
- aaa. 135-2.13.3.B.14: Delete “(Measured floor-to-floor)”.
- bbb. 135-2.13.3.C.16, N2a and N2b columns: Delete text and replace with “Minimum 20-foot depth on all full height stories on at least 40% of front facade.”
- ccc. 135-2.13.3.D.19: (1) Section heading: Add semicolon after “Number”. (2) District columns: Add semicolon after “building”.
- ddd. 135-2.13.3.E: (1) Subsection 2: (a) Section heading: Delete extra space before “Unit”. (b) Subsection b: Delete “and in N2a” and replace with “in N2a”. (c) Subsection c: Delete “inside” and replace with “interior”. (2) Subsection 4: Delete “House A.” and replace with “House A building.”
- eee. 135-2.14.3.A.7, “References” column: Delete “135-3.2” and replace with “135-3.5”.
- fff. 135-2.14.3.B.12-14, “References” column: Delete “Story heights are measured floor to floor”.
- ggg. 135-2.14.3.B.14: Delete “(Measured floor-to-floor)”.
- hhh. 135-2.14.3.D.19: (1) Section heading: Add semicolon after “Number”. (2) District columns: Add semicolon after “building”.
- iii. 135-2.14.3.E: (1) Subsection 2.g: Delete “inside” and replace with “interior”. (2) Subsection 5.b: Delete extra space after “area”.
- jjj. 135-2.15.3.A.7, “References” column: Delete “135-3.2” and replace with “135-3.5”.
- kkk. 135-2.15.3.B.12-14, “References” column: Delete “Story heights are measured floor to floor”.
- lll. 135-2.15.3.B.14: Delete “(Measured floor-to-floor)”.
- mmm. 135-2.15.3.E: (1) Subsection 3.c: Delete “inside” and replace with “interior”. (2) Subsection 4: Delete “House C.” and replace with “House C”

- building.” (3) Subsections 5-6: Delete “RESERVED.” in subsection 5; renumber current subsection 6 to new subsection 5.
- nnn. 135-2.16.1: Delete “two story” and replace with “two-story”.
- ooo. 135-2.16.3.A.3: Add “(ft)” after “Minimum Front Setback”.
- ppp. 135-2.16.3.A.7, “References” column: Delete “135-3.2” and replace with “135-3.5”.
- qqq. 135-2.16.3.A.8, Heading, “Minimum Lot Area”: Delete “(ft)” and replace with “(sq ft)”.
- rrr. 135-2.16.3.B.12, district columns: Delete “story” and replace with “stories”.
- sss. 135-2.16.3.B.12-14, “References” column: Delete “Story heights are measured floor to floor”.
- ttt. 135-2.16.3.B.14: Delete “(Measured floor-to-floor)”.
- uuu. 135-2.16.3.D.19: (1) Section heading: Add semicolon after “Number”. (2) District columns: (a) Delete “one” and replace with “1”. (b) Add semicolon after “building”.
- vvv. 135-2.16.3.E: (1) Subsection 4.a: Correct spelling of “buildings”. (2) Subsection 4.j: Delete “on not” and replace with “are not”. (3) Subsection 5: Delete “House D.” and replace with “House D building.”
- www. 135-2.17.3.D: (1) Add subsection number 16 to “General Blank Wall Limitations” row. (2) Renumber existing subsections 135-2.17.D.16-21 to subsections 135-2.17.D.17, 135-2.17.D.18, 135-2.17.D.19, 135-2.17.D.20, 135-2.17.D.21 and 135-2.17.D.22, respectively. (3) Subsection 16 (now 17): (a) Section heading: Add semicolon after “Number”. (b) District column: Delete “a rate of” and replace with “at a rate of”.
- xxx. Figure 135-2.17-C and 135-2.17-D: Correct numbering on figures to reflect subsection renumbering.
- yyy. 135-2.18.1: Delete “zoning ordinance” and replace with “zoning ordinance and by this chapter,” in the eighth sentence.
- zzz. Table 135-2.19-1: Delete all references to “19th Street Place” and “West 19th Street Place” and replace with “19th Place”.
- aaaa. 135-2.20, Figures: (1) Relabel all Figures in Section; (2) Figure 135-2.20-C (new Figure 135-2.20-D): replace graphic with graphic excluding roof from tower height.
- bbbb. 135-2.20.3, 3.C: Delete “Figure 135-2.19-B” and replace with “Figure 135-2.20-A”.
- cccc. 135-2.20.3.A.2: Delete extra comma; delete “two story” and replace with “two-story”.
- dddd. 135-2.20.4: (1) Delete extra space before “Figure”. (2) Delete “Figure 135-2.20-A” and replace with “Figure 135-2.20-B.”
- eeee. 135-2.20.4.B: Delete “135-12.1.21” and replace with “135-12.21”.
- ffff. 135-2.20.5: Delete “Figure 135-2.20-B” and replace with “Figure 135-2.20-C”.
- gggg. 135-2.20.6: Delete “Figure 135-2.20-C” and replace with “Figure 135-2.20-D”.
- hhhh. 135-2.20.6.E: Delete “to height” and replace with “height”.

- iiii. 135-2.21.1: (1) Subsection A: Delete “occur” and replace with “be located”. (2) Subsection D: Delete period at end of sentence and replace with “other than an N district.” (3) Subsection G, heading: Add comma after “space”.
 - jjjj. 135-2.21.2: (1) Subsection J: Delete “exists” and replace with “exits” in title and text. (2) Subsection L.1: Delete “long term” and replace with “long-term”.
 - kkkk. Table 135-2.22-1: (1) Kiosk row: Add ●* in CX and EX columns. (2) Drive-Through Facility row: Add ●* in P2 column.
 - llll. Figure 135-2.22-B: Delete “Figure 135-2.22-B” and replace with “Figure 135-2.22-A”.
 - mmmm. Figure 135-2.22-C: Delete “Figure 135-2.22-C” and replace with “Figure 135-2.22-B”.
 - nnnn. Figure 135-2.22-D: Delete “Figure 135-2.22-D” and replace with “Figure 135-2.22-C”.
 - oooo.
 - pppp. 135-2.22.1.C: Delete “structure allowed” and replace with “structure is allowed”; delete “any” and replace with “all”.
 - qqqq. 135-2.22.2.C.3: Delete “may be no” and replace with “may be generally no”.
 - rrrr. 135-2.22.2.D: Delete “stand alone” and replace with “stand-alone”.
 - ssss. 135-2.22.2.F: Delete “stand alone” and replace with “stand-alone”.
 - tttt. 135-2.22.3.C.3: Delete “200 feet” and replace with “75 feet”.
 - uuuu. 135-2.22.3.D: (1) Delete second sentence and replace with “A drive-through facility is a structure or portion on the exterior of a building that permits patrons to purchase or otherwise obtain goods or services while remaining in their vehicle.”; delete “Figure 135-2.22-C” and replace with “Figure 135.2.22-B” in third sentence. (2) Subsection 1: Delete “except in MX3, the drive-through is permitted on the interior side of the building” and replace with “except that in MX3, CX, EX and II districts, the drive-through is also permitted on the interior side of the building.”
 - vvvv. 135-2.22.3.F: (1) Delete “of chapter 134”; delete “Figure 135-2.22-D” and replace with “135-2.22-C”. (2) Subsection 2: Delete “tothe” and replace with “to the”.
 - wwww. 135-2.22.3.I: Delete “is limited” and replace with “shall be limited”.
 - xxxx. 135-2.22.4.B: (1) Subsection 3: Delete extra space before “below”. (2) Subsection 5.d: Delete duplicative “required” at end of sentence.
 - yyyy. 135-2.22.4.E.5: (1) Delete “as follows.” and replace with “as follows:”. (2) Subsections a-b: Delete “may project”.
 - zzzz. 135-2.22.4.F.3: Delete “five acres, 10 feet on lots of at least five acres” and replace with “five acres or 10 feet on lots of less than five acres”.
 - aaaaa. 135-2.22.4.H.5: Add period at end of second sentence.
3. Article 3
- a. 135-3.2.1: Delete “Figure 135-3.8-A” and replace with “Figure 135-3.2-A”.
 - b. 135-3.3: Delete “Figure 135-3.8-B” and replace with “Figure 135-3.3-A”.
 - c. 135-3.6: Delete “Figure 135-3.8-C” and replace with “Figure 135-3.6-A”.
 - d. 135-3.7: (1) Delete “Figure 135-3.8-D” and replace with “Figure 135-3.7-B”. (2) Delete period and replace with colon following “article”.

- e. 135-3.7.6: Delete “Figure 135-3.8-E” and replace with “Figure 135-3.7-A”.
 - f. 135-3.7.7: Delete “Figure 135-3.8-D” and replace with “Figure 135-3.7-B”.
 - g. 135-3.8.2: (1) Revise first sentence to delete “below as” and replace with “below and as”. (2) Delete “Figure 135-3.8-F” and replace with “Figure 135-3.8-A”.
 - h. 135-3.8.3: Delete “Figure 135-3.8-G” and replace with “Figure 135-3.8-B”.
 - i. 135-3.8.5.B: Delete “supersedes” and replace with “supersede”.
 - j. 135-3.8.7: Delete “Figure 135-3.8-I” and replace with “Figure 135-3.8-C”.
 - k. 135-3.8.7.A: Delete “types” and replace with “type”.
 - l. 135-3.8.8.A: Add “section” before “135-12.1”.
 - m. 135-3.8.9: Delete “Figure 135-3.8-H” and replace with “Figure 135-3.8-D”.
4. Article 4:
- a. 135-4.1.2.A: Delete “in this Article 10 of this chapter” and replace with “in this article”.
 - b. Table 135-4.1-1 (new Table 135-4.2-1): (1) Update Table number to 135-4.2-1. (2) “Concrete Masonry Unit” row: Delete material description and replace with “architectural, minimum 3-inch depth, artisan stone look, stone face, hewn stone, rock cut”.
 - c. Table 135-4.1-2 (new Table 135-4.2-2): (1) Update Table number to 135-4.2-2. (2) Delete “Table 135-4.1-5” and replace with “Table 135-4.2-4”. (2) “Vinyl Siding” row: Delete “All House Types, except those in N4 or NX2 districts” and replace with “Lots containing one House building type, including 2-unit and 4-unit fee simple configurations, except those in N4, NX2, or NX2a districts”. (3) “Concrete Masonry Unit” row: Delete material description and replace with “architectural, minimum 3-inch depth, split-faced, burnished/ground faced, polished, sandblasted, honed or glazed”. (4) “Stucco” row: Delete “finishes” and replace with “finishes (EIFS)”. (5) “Metal” row: Delete “system” and replace with “system, 24 gauge minimum thickness; any exposed fasteners must be color-coated to match metal panel”.
 - d. Table 135-4.1-3: Update Table number to 135-4.2-5.
 - e. Table 135-4.1-4: Update Table number to 135-4.2-3.
 - f. Table 135-4.1-5: Update Table number to 135-4.2-4.
 - g. 135-4.2.2: (1) Delete “Table 135-4.1-1” and replace with “Table 135-4.2-1”. (2) Subsection A: Delete “single facade material” and replace with “single major facade material”. (3) Subsection C: Delete “Table 135-10.4-1” and replace with “Table 135-4.2-1”.
 - h. 135-4.2.3: Delete “Table 135-4.1-2” and replace with “Table 135-4.2-2”.
 - i. 135-4.2.4: Delete “Table 3.3-4” and replace with “Table 135-4.2-3”.
 - j. 135-4.2.5: Delete “Table 135-4.1-35” and replace with “Table 135-4.2-4”.
 - k. 135-4.2.6: Delete “Table 135-4.1-3” and replace with “Table 135-4.2-5”.
 - l. 135-4.2.7.B: (1) Subsection 1: Delete “Figure 135-4.2-A” and replace with “Figure 135-4.2-A of this article”. (2) Subsection 3: Delete “Figure 135-4.2-A” and replace with “Figure 135-4.2-A of this article”.
 - m. 135-4.3.2.C.1: Delete “Flat Cap Type” and replace with “Flat Roof Type” in subtitle and text.
 - n. 135-4.3.2.F: Delete “Figure 135-4.3-A” and replace with “Figure 135-4.3-A of this article”.

- o. 135-4.3.4: Delete “Figure 135-4.3-C” and replace with “Figure 135-4.3-C of this article.”
 - p. 135-4.3.5: Delete “Figure 135-4.3-D” and replace with “Figure 135-4.3-D of this article.”
 - q. 135-4.3.6: Delete “Figure 135-4.3-E” and replace with “Figure 135-4.3-E of this article.”
 - r. 135-4.3.7: (1) Section heading: Delete “Rear Parking” and replace with “Rear or Side Parking”. (2) Delete “Figure 135-4.3-F” and replace with “Figure 135-4.3-F of this article.” (3) Subsection A: Delete “article” and replace with “Article”. (4) Subsection B: Delete text and replace with “**B. Materials.** The materials permitted for public way facades, above, shall be utilized for a minimum of 20 feet for the rear or side entrance facade areas.” (5) Subsection C: (a) Delete text and replace with “**C. Transparency Requirement.** A rear or side public building entrance facade area shall be a minimum of 20 feet wide and shall utilize one of the following:”. (b) Subsection 1: Delete “ground floor facade entrance” and replace with “rear or side entrance facade”. (c) Subsection 2: Delete “rear ground floor entrance area” and replace with “side or rear entrance facade area”.
 - s. 135-4.3.9: (1) Delete period and replace with colon. (2) Subsection A.1.a: Delete “Figure 135-4.3-G” and replace with “Figure 135-4.3-G of this article”. (3) Subsection A.1.b.i: Delete “projections.” and replace with “projections”.
 - t. 135-4.3.11: (1) Subsection A: Delete “Table 135-4.1-2” and replace with “Table 135-4.2-2”. (2) Subsection B: Deleted “This portion of page blank intentionally” following subsection.
 - u. 135-4.3.12: Delete “Figure 135-4.3-I” and replace with “Figure 135-4.3-I of this article”.
 - v. 135-4.4.3: Delete “Figure 135-4.4-A” and replace with “Figure 135-4.4-A of this article”.
 - w. 135-4.4.4: Delete “Figure 135-4.4-C” and replace with “Figure 135-4.4-C of this article”.
 - x. 135-4.4.5: (1) Subsection A: Delete “Figure 135-4.4-B” and replace with “Figure 135-4.4-B of this article”. (2) Subsection C: Delete “Figure 135-4.4-C” and replace with “Figure 135-4.4-C of this article”.
 - y. 135-4.5.7: (1) Subsection B: Capitalize “Encroachment”. (2) Subsection C: Delete “Page blank intentionally” following subsection.
5. Article 5:
- a. 135-5.1.2.A: (1) Delete period and replace with colon at end of first sentence. (2) Subsection 2: delete comma at end of sentence and replace with period.
 - b. 135-5.1.4.B: Delete “each section” and replace with “applicable sections”.
 - c. 135-5.3.2.D: Delete “135-12.1.21” and replace with “135-12.21”.
 - d. 135-5.4.2.A: Delete “Table 135-5.5-3” and replace with “Table 135-5.4-1”.
 - e. 135-5.4.3.B.4: Delete “135-12.1.21” and replace with “135-12.21”.
 - f. 135-5.4.4: (1) Delete “Table 135-5.5-3” and replace with “Table 135-5.4-1”. (2) Subsection C: delete “permitted.pursuant” and replace with “permitted pursuant”. (3) Subsection F: delete “Table 135-5.5-3” and replace with “Table 135-5.4-1”.

- g. 135-5.4.5: (1) Delete “Table 135-5.5-3” and replace with “Table 135-5.4-1”. (2) Subsections B and C: delete “Table 135-5.5-3” and replace with “Table 135-5.4-1”.
 - h. 135-5.4.6: (1) Delete “Table 135-5.5-3” and replace with “Table 135-5.4-1”. (2) Subsections C and D: delete “Table 135-5.5-3” and replace with “Table 135-5.4-1”.
 - i. 135-5.4.7: (1) Deleted extra space following “an N”. (2) Subsections A and B: delete “Table 135-5.5-3” and replace with “Table 135-5.4-1”. (3) Subsection B: delete duplicate subsection 1.
 - j. 135-5.4.8: (1) Delete “zoning map.as” and replace with “zoning map as”. (2) Delete “Table 135-5.5-3” and replace with “Table 135-5.4-1”.
 - k. 135-5.5.3.C: Delete extra space following “landscaped space”.
6. Article 6:
- a. 135-6.1.2.A: (1) Delete “off-street”. (2) Delete “Traffic and Transportation Standards and Policies Manual.” and replace with “city’s master transportation plan.”
 - b. 135-6.2.1: Delete “)”.
 - c. 135-6.2.3: (1) Delete “multiply the result by “x.” and replace with “multiply the result by “x” and round to the next highest whole number in the event of a decimal.” (2) Delete “1 spaces” and replace with “1 space”.
 - d. 135-6.2.7.1: Delete “article,” and replace with “article;”.
 - e. Table 135-6.3-1: (1) Group Living row, delete “beds” and replace with “bed”. (2) Assembly & Entertainment row: Add semi-colon after “125 seats”.
 - f. 135-6.3.3.F: Delete “must visible” and replace with “must be visible”.
 - g. 135-6.6.1.2: Delete “goods equipment” and replace with “goods, equipment”.
 - h. 135-6.6.4.B: Delete and revise to state: “**B. Location** Off-site parking areas must be located within a 750-foot radius of the use served by such parking, measured between the nearest public entrance door of the use to be served and the outer perimeter of the furthest parking space within the off-site parking lot.”
 - i. 135-6.8.3: Delete first sentence and replace with “Parking areas must be designed in accordance with the regulations of Table 135-6.8-1 of this article; examples of parking lot geometrics for universal stall types are shown generally in Figure 135-6.8-A of this article.”
 - j. Figure 135-6.8-A: Revision to better reflect Table 135-6.8-1 parking lot geometrics.
 - k. 135-6.8.6.A: (1) Delete “pavement or or such” and replace with “pavement or such”. (2) Delete “surface, shall” and replace with “surface, and shall”.
 - l. 135-6.8.9.B: Delete “forN” and replace with “for N”.
 - m. 135-6.10: Revise subsection formatting and replace with subsections A-B.
 - n. 135-6.11.1: Delete extra space before “Class”.
 - o. 135-6.11.3.E: Delete “surface, shall” and replace with “surface, and shall”.
 - p. 135-6.12.2.A: Delete first sentence and replace with “The number of allowed curb drops and driveways is established by the building type regulations of Article 2 of this chapter, subject to and as limited by chapter 102 of this code and requirements of the city engineer, which may include state and local access management policies.”

- q. 135-6.12.3.A: Fourth line, delete “surface, shall” and replace with “surface, and shall”.
 - r. 135-6.12.3.B: (1) Delete period and replace with colon. (2) New subsection 1: add hyphens after “one” and “two” and add comma after “districts”; (3) New subsection 2: delete in entirety and replace with “This subsection shall not be interpreted to prohibit the construction of a 20-foot wide driveway to provide access to a two-car garage from a paved access or a driveway expansion immediately in front of, and the minimum width reasonably necessary to provide access to, a three- or four-car garage from a paved access.”
 - s. 135-6.12.3.G: Delete “Page blank intentionally” following subsection.
7. Article 7:
- a. 135-7.1.1: Delete period at end of sentence and replace with colon.
 - b. 135-7.1.2.C, section heading: Delete comma and replace with semi-colon.
 - c. 135-7.1.2.D.2.c: (1) Delete “50% of” and replace with “50% or”. (2) Delete “area,the” and replace with “area, the”.
 - d. 135-7.1.2.G: Delete period and replace with colon.
 - e. 135-7.1.2.G.2: Delete “by these regulations of this article” and replace with “by this article.”
 - f. 135-7.2.3: (1) Delete period at end of sentence and replace with colon. (2) Subsection C: Delete “Section” and replace with “section” in all locations.
 - g. 135-7.3: Delete period at end of sentence and replace with colon.
 - h. 135-7.3.3: Delete period at end of title.
 - i. 135-7.4.2.A: Delete first sentence and replace with “Tree plantings required by this article must comply with the recommended species list approved by the city department of public works forestry division.”
 - j. 135-7.4.4: Delete “ISA” and replace with “International Society of Arboriculture (ISA)”.
 - k. 135-7.4.6.A: Delete “increase” and replace with “to increase”.
 - l. 135-7.5.3.C.3: Delete “as otherwise” and replace with “other distance”.
 - m. 135-7.5.3.C.5: Delete “subject to the following” and replace with “as follows”.
 - n. 135-7.5.3.C.5.c: Delete “the transportation” and replace with “the city’s transportation”.
 - o. 135-7.6.4.B: Delete “developments with storefront” and replace with “developments in any building type with a storefront”.
 - p. 135-7.6.5.A: Delete “construction.” and replace with “construction, as well as the following:”.
 - q. 135-7.6.5.B.1: Delete “article, shall” and replace with “article shall”.
 - r. 135-7.7.3: Delete “Figure 135-7.8-A” and replace with “Figure 135-7.7-B”.
 - s. 135-7.8.1.B: (1) Subsection 1: Delete “N or A” and replace with “A, N, or NX”. (2) Subsection 2: (a) Delete “NX3” and replace with “NX2 or NX3”. (b) Delete “N5 districts” and replace with “N5, NX1 districts”. (3) Subsection 3: Delete “N5 districts” and replace with “N5, NX1 districts”.
 - t. 135-7.8.1.D: Add period at end of sentence.
 - u. 135-7.8.2: Delete “Figure 135-7.8-B” and replace with “135-7.8-A”.
 - v. 135-7.8.2.C.1: Delete “buffer” and replace with “buffer is required.”

- w. 135-7.8.2.C.3: Delete “as approved” and replace with “when, and to the extent, approved”.
 - x. 135-7.8.3: Delete “Figure 135-7.8-B” and replace with “Figure 135-7.8-A”.
 - y. 135-7.8.3.A: Delete “IX” and replace with “EX”.
 - z. 135-7.8.3.C: Delete “buffer” and replace with “buffer is required, as follows:”
 - aa. 135-7.8.3.C.5: Delete “as approved” and replace with “when, and to the extent, approved”.
 - bb. 135-7.8.3.D.2: Delete “as approved” and replace with “when, and to the extent, approved”.
 - cc. 135-7.8.4: Delete “Figure 135-7.8-B” and replace with “Figure 135-7.8-A”.
 - dd. 135-7.8.4.C: Delete “buffer” and replace with “buffer is required, as follows:”
 - ee. 135-7.8.4.D.2: Delete “as approved” and replace with “when, and to the extent, approved”.
 - ff. 135-7.9.1.B: Delete “All” and replace with “This section applies to all”.
 - gg. 135-7.9.1.C: Delete “as approved” and replace with “when, and to the extent, approved”.
 - hh. 135-7.10.4.B.1: Delete “along all 3 sides” and replace with “along all sides exclusive of the vehicular access gate”.
 - ii. 135-7.10.5.C: (1) Subsection 1: delete “two years” and replace with “two years of planting”. (2) Subsection 2: delete “ensure the” and replace with “ensure that the”.
 - jj. 135-7.11.1.B: Delete “The following” and replace with “This section”.
 - kk. 135-7.11.2.E: Delete “these regulations” and replace with “this section”.
 - ll. 135-7.11.4.B: Delete “is met” and replace with “requirements are”.
 - mm. 135-7.11.4.D: Delete “large scale” and replace with “large-scale”.
8. Article 8:
- a. 135-8.3.1: Delete “State-wide” and replace with “Statewide”.
 - b. 135-8.3.2: (1) Delete first sentence and replace with “Adequate provisions for surface and subsurface drainage are required for all lots.” (2) Renumber current subsection F to subsection B, and renumber current subsections B-E accordingly (B to C; C to D; D to E; E to F). (3) Current subsection D (new subsection E): delete “storm sewer is” and replace with “city storm sewer facilities are”.
 - c. 135-8.3.2.A.2: Delete “March 22, 2004” and replace with “September 6, 1977”.
 - d. 135-8.3.2.A.3: (1) Delete “for the added impervious area” and replace with “for the combined total impervious area”. (2) Delete “March 22, 2004” and replace with “September 6, 1977”.
 - e. 135-8.3.3.A: Delete “three-party contracts have been submitted and substantially approved by the city engineer” and replace with “private construction contracts have been submitted and recommended for approval by the city engineer.”
 - f. 135-8.3.3.B: Delete “recommended maximum ground slope is to be 3:1, desirable being 4:1” and replace with “required maximum ground slope is to be 3:1, unless other ground slope is specifically approved by the city engineer.”
 - g. 135-8.3.4: Delete “city engineering department” and replace with “city engineer”.
 - h. Table 135-8.3-1: Delete “Total Asphalt” column.
 - i. 135-8.3.5: (1) Delete “State-wide” and replace with “Statewide”; (2) Delete “Public Improvement” and replace with “Public Improvements”.

- j. 135-8.4.1.B: (1) Delete “plan included in the site plan shall be drawn” and replace with “plan shall be included in the site plan”. (2) Subsection 10.c: Add period.
 - k. 135-8.5.1.A: Delete “typologies identified” and replace with “typologies, identified”.
 - l. 135-8.5.3.A: Delete text and replace with “Modifications of traffic islands, medians, traffic signals, curb-line extensions, bus stops and similar traffic elements, that are determined necessary by a traffic study or by the city engineer during review of a development application, are to be constructed or paid for by the developer.”
9. Article 9:
- a. 135-9.1.1.A.4: Delete period.
 - b. 135-9.1.3.A: (1) Subsection 2: Delete “except if the cumulative valuation of interior alterations, not including fire suppression systems, exceeds the cumulative valuation of interior alterations, not including fire suppression systems, exceeds 50%” and replace with “except if the cumulative valuation of interior alterations, not including fire suppression systems, exceeds 50%”. (2) Subsection 9: Delete “and”; (3) Subsection 10: Delete period and replace with “; and”. (3) Subsection 11: Delete text and replace with “Other projects expressly exempted by this chapter or for which the development services director determines a site plan is impractical or infeasible.”
 - c. 135-9.1.4: (1) Subsections A-B: delete “; and” and replace with period. (2) Subsection A: delete “commision” and replace with “commission”. (3) Add new subsections D and E as follows: “**D.** Waiver, modification or variation of any of the review and approval procedures of this chapter. **E.** Waiver, modification or variation of any requirement to comply with sections or provisions of this code or otherwise required by local law, exclusive of this chapter.”
 - d. 135-9.2.1.D: Delete “A., B. and C.” and replace with “A, B and C”.
 - e. 135-9.2.1.H: Delete “including plantings fences and screening in accordance with the landscape standards in the adopted site plan policies and any adopted streetscape plans” and replace with “including plantings, fences and screening in accordance with Article 6 of this chapter and any adopted streetscape plans”.
 - f. 135-9.2.2.A.1-2: Delete “of this chapter” and replace with “of this article”.
 - g. 135-9.2.3: Delete “135-9.2.3 of this chapter”.
 - h. 135-9.2.3.A.3.b: Delete “rear” and replace with “rear setback”.
 - i. 135-9.2.3.A.4: Delete extra space after “%”.
 - j. 135-9.2.3.B.1, 2, 3, 6, 12: Delete “article” and replace with “Article”.
 - k. 135-9.2.3.B.2: Delete extra space before “excluding”.
 - l. 135-9.2.3.B.4: Delete “outbuilding” and replace with “out building”.
 - m. 135-9.2.3.B.7: Delete “Waive or modify applicable building type regulations of article 2 of this chapter and design regulations of article 4 of this chapter” and replace with “Waive or modify regulations of this chapter”.
 - n. 135-9.2.3.B.10: Delete “ratio” and replace with “ratios”.
 - o. 135-9.2.4.A.1-2, 5: Delete “article” and replace with “Article”.
 - p. 135-9.2.4.A.8: Delete “types” and replace with “type”.
 - q. 135-9.2.4.A.9: Delete “Type 1 alternative” and replace with “Type 1 design alternative”.

- r. 135-9.2.4.B: Delete “article 4” and replace with “Article 4”.
 - s. 135-9.2.4.C.3: Delete “article 4” and replace with “Article 4”.
 - t. 135-9.3.3.B.9: Delete “Plan;” and replace with “Plan, signed by an actively licensed architect, landscape architect, or certified nurseryman;”.
 - u. 135-9.3.3.B.10.i: Delete “phased number” and replace with “phase number”.
 - v. 135-9.3.4.C.4: (1) Delete “denied” and replace with “denied or conditionally approved”. (2) Delete “denial may be” and replace with “denial or condition(s) of approval may be”.
 - w. 135-9.3.7.D: Add period at end of section.
 - x. 135-9.3.7.F: Delete text and replace with “The development services director may authorize issuance of permit(s) for limited construction purposes when the director determines that a non-certified site plan or alternate design documentation is substantially complete pending final approval.”
 - y. 135-9.3.8.B.1, 3, 4, 8: Delete “chapter 135 of this code” and replace with “this chapter”.
 - z. 135-9.3.9.A.2: Delete “stated in chapter” and replace with “stated in this chapter”.
10. Article 10:
- a. 135-10.1.3.C: Delete “ofa” and replace with “of a”.
 - b. 135-10.2.2.A: Delete “shall apply to the street side of the lot or the shorter street side of a corner lot” and replace with “shall be in accordance with section 135-2.1.6.A.2-3 of this article.”
 - c. 135-10.3.4.E: Delete “If the facade exists or” and replace with “if the facade exists within the build-to zone or”.
 - d. 135-10.3.6: (1) Subsection A: Delete “and”; (2) Subsection B: Delete period and replace with “; and”.
 - e. 135-10.6.2.B: Delete “with the eixsting drive” and replace with “with the existing drive”.
11. Article 11:
- a. Current 135-11.1.1: Delete “Chapter 82, Article II” and replace with “chapter 82, article II”.
 - b. 135-11.2.4.C.1.b: Delete “met is” and replace with “met or is”.
 - c. 135-11.2.4.E: Delete “this or previous” and replace with “this chapter or previous”.
 - d. 35-11.2.4.F.2: Delete “or against the property” and replace with “or assessed against the property”.
 - e. 135-11.2.4.G: (1) Add sentence at beginning of section as follows: “The city may seek such other penalties and remedies as are provided by law.” (2) Delete “structure, land” and replace with “structure or land”.
 - f. 135-11.2.4.I: Delete all text and replace with “**Stay of Enforcement.** The filing of a site plan or amendment thereto, including those necessitating a request for a Type 1 or Type 2 design exception, for the purpose of restraining, correcting, abating, preventing, or otherwise addressing any violation of this chapter, unlawful construction, or illegal occupancy of a building, structure, or premises, stays all proceedings enforcing this chapter, unless the development services director and/or an applicable court determines that a stay would cause immediate peril to life or property, in which case the proceedings will not be stayed unless by a restraining order, which may be granted by a district court based on due cause shown.”

12. Article 12:

- a. Standardized formatting of “Reserved” throughout article.
- b. 135-12.4: (1) Basement: Delete “in of this” and replace with “in this”. (2) Basement, Visible: Delete “in of this” and replace with “in this”. (3) Figure 135-12.1-A: Rename to “Figure 135-12.4-A”.
- c. 135-12.8, Footcandle: Delete hyphen in “footcandle”.
- d. 135-12.17: Add new definition as follows: “**Obstruction:** any structure, deck, or other item, of any height, that obstructs, blocks or closes up or hinders movement around the yard or open space of a lot.”
- e. 135-12.18: (1) Patio: Delete “retails” and replace with “retail”. (2) Pedestrian way: Delete “pedestrians,allowing” and replace with “pedestrians, allowing”. (3) Primary street: Delete extra space before “and section”.
- f. 135-12.20, Roof, gambrel: Delete “one” and replace with “slope”.
- a. 135-12.21, Story, ground: Delete “Figure 135-12.1-A” and replace with “Figure 135-12.4-A”.
- b. 135-12.24: Add definition of “Vehicle, Motor, or Vehicle” as follows: “**Vehicle, Motor, or Vehicle:** any vehicle operated by a motor (motor vehicle), recreational vehicle, boat, trailer or semitrailer.”
- g. 135-12.27: (1) Yard: Delete “; any obstruction less than 36 inches above the average grade of the lot”. (2) Yard, rear: Delete extra space in first sentence after “street-side yard”.

CHAPTER 135 – MAJOR REVISIONS

Article 1:

1. Legacy Planned Unit Development (PUD) Districts
 - a. Issue: Clarify applicability of Planning and Design Ordinance to Legacy PUD zoning districts.

Amendment: 135-1.7: Add new subsection 4 as follows:

135-1.7.4 PUD, PLANNED UNIT DEVELOPMENT (LEGACY) DISTRICT

- A.** Land classified in a Planned Unit Development (PUD) zoning district on the effective date specified in section 135-1.2 of this article will continue to be classified in a Legacy PUD district and governed by the ordinance approving the PUD zoning designation and all applicable conditions of approval, conceptual plans, and development plans associated with the approved development until the subject PUD is rezoned to another (non-PUD) classification. If the provisions of this planning and design ordinance are inconsistent with or conflict with an ordinance approving the PUD zoning designation or applicable conditions of approval, conceptual plans, or development plans associated with the approved PUD, the applicable provisions of said ordinance, conditions, or plans associated with the approved PUD govern.
- B.** In the event that the ordinance approving a PUD zoning designation and all applicable conditions of approval, conceptual plans, and development plans, including amendments thereto, do not regulate a subject(s) addressed in this chapter, the regulations of this chapter related to said subject(s) shall apply to, and be enforceable on, all land classified in said Legacy PUD district on and after the effective date of this chapter.

Article 2:

1. Building Type Requirements
 - a. Issue: Eliminate ground-floor commercial use requirement and allow residential use on ground floor in CX and MX3 zoning districts.

Amendment: (1) Table 135-2.1-1 (formerly Table 135-2.2-1): Building Types, General Building row: Add “●” in MX3 and CX columns. (2) 135-2.7.3, General Building Regulations: Add MX3 and CX to NX3 column heading.

- b. Issue: Add uses and zoning districts to various building types as described below to allow for added uses in Chapter 134, Article 2.

Amendment: (1) Table 135-2.1-1 (formerly Table 135-2.2-1): (a) Building Types: Storefront row, add “●” in EX and I1 columns. (b) Commercial Cottage row, add “●” in EX and I1 columns. (2) 135-2.5.3, Storefront Regulations: Add EX and I1 to CX column heading. (3) 135-2.6.3, Commercial Cottage Regulations: Add I1 to RX1/EX column. (4) 135-2.9.3.C.14: Delete “All permitted uses” and replace with “All permitted uses, except Eating and Drinking Places or Retail.”

- c. Issue: Clarify and allow limited number of surface parking, loading bays and garage entrances on front facades of Workshop/Warehouse buildings by Type 1 design alternative.

Amendment: (1) 135-2.9.1: (a) Revise first sentence to delete “that allows loading bays or garage entrances on the front facade”. (b) Delete second sentence and replace with “A limited amount of surface parking or number of loading bays or entrances may be allowed on the front facade of a Workshop/Warehouse building, subject to approval by the development services director in appropriate circumstances identified in section 135-2.9.3.E.4 of this article.” (2) 135-2.9.3.A.8, “References” column: Add “See section 135-2.9.3.E.4 for consideration of Type 1 design alternative for surface parking/loading and garage/loading entrance locations.” (3) Add new subsection 135-2.9.3.E.4 as follows: “4. Surface parking, loading bays, or garage entrances on the front facade may be allowed for Workshop/Warehouse buildings by a Type 1 design alternative, in number and form determined by the development services director, under the following circumstances: a. Workshop/Warehouse building is not fronting a primary street on the city’s primary streets map; b. Workshop/Warehouse building is located within a designated business park; c. Constraints of the lot upon which the Workshop/Warehouse building will be located, including dimensions, topography, utility locations or easement, and similar constraints as demonstrated by the applicant and confirmed by the city engineer, prevent construction of the building providing for rear or interior side surface parking, loading bays or garage entrances; d. The properties immediately adjoining the lot upon which the Workshop/Warehouse building shall be located contain surface parking, loading bays, or garage entrances on the front facade; and e. The predominant character of the business park, as determined by the development services director, includes surface parking, loading bays, or garage entrances on the front facades of existing buildings.”

- d. Issue: Adjust window transparency requirements for House building types.

Amendment: (1) 135-2.13.3.D.18: (a) Subsection title: Add “**(Street Frontage Facades)**”. (b) N2a and N2b columns: Delete text and replace with “15% for primary street frontage facade(s); 12% for non-primary street frontage facade(s); blank wall limitations apply to street facades except garage doors”. (2) 135-2.14.3.D.18: Subsection title: Add “**(Street Frontage Facades)**”. (3) 135-2.15.3.D.18: (a) Subsection title: Add “**(Street Frontage Facades)**”. (b) N4 column: Delete text and replace with “18% for primary street frontage facade(s); 12% for non-primary street frontage facade(s); blank wall limitations apply to front facade”. (c) NX1 column: Delete text and replace with “15% for primary street frontage facade(s); 12% for non-primary street frontage facade(s); blank wall limitations apply to street facades”. (4) 135-2.16.3.D.18: (a) Subsection title: Add “**(Street Frontage Facades)**”. (b) N5 column: Delete text and replace with “15% for primary street frontage facade(s); 12% for non-primary street frontage facade(s); blank wall limitations apply to front facade”. (c) NX1 column: Delete text and replace with “18% for primary street frontage facade(s); 12% for non-primary street frontage facade(s); blank wall limitations apply to front facade”. (d) NX2, NX2a column: Delete text and replace with “18% for

primary street frontage facade(s); 12% for non-primary street frontage facade(s); blank wall limitations apply to front and street side facade”.

- e. Issue: Reformat Capitol Dominance Area Design Alternatives section for consistency with remainder of chapter.

Amendment: 135-2.18.3: (1) Subsection A: Delete in entirety; renumber current subsection B to replace current subsection A and replace reference to “135-2.18.3.B.3” with “135-2.18.3.A.3”. (2) Subsection B: Delete in entirety and replace with “**B. TYPE 2 DESIGN ALTERNATIVE.** 1. Considerations. A Type 2 design alternative may be requested for relief from the height limitations set forth in section 135-2.18.2, in accordance with the following considerations: a. Compliance with the purpose statement in this section. b. The applicant must provide a detailed architectural and viewshed analysis that illustrates, three-dimensionally, the specific location and specific heights of all components and includes the following, at a minimum: i. proximity to the Capitol; ii. proximity to view corridors identified in the Capitol Gateway East Urban Design Plan or most recent similar plan; iii. impact on views to and from the Capitol; and iv. any other illustrations as required by the development services director. 2. A Type 2 design alternative may be requested for relief from the height limitations set forth in section 135-2.18.2, subject to the considerations set forth above, when: a. an applicant is not eligible to request a Type 1 design alternative; or b. an applicant is requesting relief from height limitations for towers, utilities and other appurtenances set forth in section 135-2.18.2.B of this article.”

2. Accessory Structures

- a. Issue: Incorporate requirement that accessory structures are constructed in locations that will ensure future maintenance of said structures and the principal structures located on the same lot.

Amendment: 135-2.22.1.D: (1) Subsection 3: Add new subsection d as follows: “d. All walls of an accessory structure must be separated from any walls of a primary structure on the same lot, and from any walls of any other accessory structure on the same lot, by the greater of the minimum distance required by chapters 26 and 46 of this code or three feet, to ensure maintenance of all exterior surfaces of the primary and accessory structure(s).” (2) Add new subsection 8 as follows: “8. Maintenance. Accessory structures shall be designed and constructed to ensure that the long-term maintenance of the accessory structure itself, and of the primary structure on the same lot and of all other accessory structure(s) on the same lot, will not be diminished or impaired due to the location or design of the accessory structure.”

- b. Issue: Allow scoreboards as accessory structures to principal educational, campus, and outdoor sports and recreation structures and uses.

Amendment: (1) Table 135-2.22-1, Accessory Structure Table: Add Scoreboard row to Accessory Outdoor Paving & Structures category, and add “●*” in DX, MX, RX, CX, EX, I, and P district columns and “—” in all other district columns in said row. (2) 135-2.22.3: Create new subsection J as follows: **J. Scoreboard.** Pylon or monument sign installed as accessory use to principal permitted school, college or university or similar campus use, public recreation area, or outdoor private/participant sports and recreation use, and

primarily intended for viewing by attendees within the applicable field or open space. 1. Lighting, size, number, and placement of scoreboards shall not create a nuisance for adjoining properties, and shall be compatible with the size and design of the applicable field or open space.”

- c. Issue: Create accessory structures categories to allow for additional uses (seasonal building; bus shelter or bench for public transit agency; outdoor automated accessory structures).

Amendment: (1) Table 135-2.22-1: Add Seasonal Building row to Accessory Buildings section, and add “●*” to the MX, CX, EX, I and P district columns and “—” to all other district columns in said row. (2) 135-2.22.2: Create new subsection 135-2.22.2.G as follows: “**G. Seasonal Building**. A temporary structure typically associated with seasonal sales, such as snow-cones or holiday decorations. 1. Yards and Setbacks. Permitted in all yards, and a minimum of five feet from all lot lines. 2. Requires an accessory use approval in accordance with chapter 134 of this code. 3. Seasonal buildings associated with an accessory use shall be located on a lot for no more than 180 days per calendar year. 4. Seasonal buildings shall not contain drive-through facilities. 5. Each seasonal building on a lot shall provide three dedicated off-street motor vehicle parking spaces on said lot in addition to the required parking spaces for the principal use(s) on the lot, and shall not displace or inhibit any required parking for the principal use(s) on the lot. 6. Height shall not exceed 17 feet.” (3) Table 135-2.22-1: (a) Add Bus Shelter or Bench for Public Transit Agency and Outdoor Automated Accessory Structures rows, respectively, to Accessory Outdoor Paving & Structures. (b) Bus Shelter or Bench for Public Transit Agency row: add “●*” in all zoning district columns. (c) Outdoor Automated Accessory Structures row: add “●*” to the DX, MX, RX, CX, EX and I1 district columns and “—” to all other district columns. (4) 135-2.22: Add new sentence to end of section as follows: “Bus shelters used and maintained by a public transit agency, as regulated by section 135-2.22.3.K of this article, may be accessory to lots containing a principal use or to lots that are vacant.” (5) 135-2.22.3: (a) Create new subsection 135-2.22.3.K as follows: “**K. Bus Shelter or Bench for Public Transit Agency**. 1. Location; Yards and Setbacks. A bus shelter or bench for a public transit agency may be located as follows: a. in existing public right-of-way pursuant to city approval of vacation of necessary right-of-way and easement allowing a bus shelter, or license agreement with the city allowing a bench; or b. in any yard on a lot pursuant to an easement for the bus shelter or bench and located a minimum of five feet from any side or rear lot line. 2. Design. A bus shelter or bench for public transit agency shall be located on a concrete surface, connected by a paved travel surface to the street curb and subject to the public transit agency’s general design requirements for shelters and benches unless otherwise specified by the easement or license agreement.” (b) Create new subsection 135-2.22.3.L as follows: “**L. Outdoor Automated Accessory Structures**. Examples of outdoor automated accessory structures include automated teller machines (ATM), automated movie rental, automated grocery delivery, and similar uses accessory to a principal retail sales use or financial service use allowed in the applicable zoning district. 1. Location; Yards and Setbacks. Outdoor automated accessory structures are permitted in any side yard or rear yard provided that they are located within five feet of the principal building or under a canopy for an accessory drive-through facility and no closer to a street right-of-way line than the street facing facade of the principal building or

accessory drive-through facility. 2. Said structures must be placed on a concrete surface. 3. Said structures shall be located a minimum of 70 feet from the rear property line when abutting an N or NX district. 4. Said structures shall comply with building and canopy-mounted lighting requirements of section 135-4.3.14 of this chapter. 5. Said structures shall not emit any sound that is audible from any adjoining property.”

Article 4:

1. Facade Materials

- a. Issue: Reduce requirements for side and rear facade materials for House building types.

Amendment: 135-4.2.2.C: Delete text and replace with “C. Side and Rear Facades. Allowed major materials, as shown in Table 135-4.1-1 of this article, shall continue around the corner of a building from the primary street facade(s) onto the side or rear facade as follows: 1. For no less than 20 feet along the side or rear facade; or 2. For House A-D building types containing one or two households and utilizing brick or stone as a major facade material on the primary street facade, for no less than 2 feet from the primary street facade along the non-primary street facade(s).”

Article 5:

1. Large-Scale Development Plan

- a. Issue: Define process and approval requirements for large-scale development plans.

Amendment: 135-5.1.5.B: (1) Retitle section as “**Large-Scale Development Plan Submittal and Approval.**” (2) Renumber existing text to subsection 1 and subsections a-d, respectively. (3) Add new subsection 2 as follows: “2. The development services director shall review the large-scale development plan as follows: a. Review shall be completed for conformance with this chapter in accordance with the administrative site plan review process set forth in section 135-9.3 of this chapter. The development services director may approve a large-scale development plan, as submitted or with revisions or conditions required by said director, or may deny a large-scale development plan. b. If approved as submitted or with revisions or conditions, the large-scale development plan shall be submitted to city council to receive and file concurrently with the public hearing on consideration of any required rezoning or separately when rezoning is not applicable. c. The applicant may request further review of the development services director’s conditional approval or denial of a large-scale development plan in accordance with section 135-9.3.9.A of this chapter. Said further review shall be presented to the plan and zoning commission and city council, respectively, concurrently with the rezoning process when applicable or separately pursuant to section 135-9.3.9 of this chapter when rezoning is not applicable.”

- b. Issue: Clarify Capitol dominance area requirements for large-scale development plans.

Amendment: 135-5.6: Add new section 135-5.6 as follows:

135-5.6 VIEW CORRIDOR REQUIREMENTS

Large-scale development plans incorporating lots within the Capitol Dominance Area, as described by section 135-2.18 of this chapter, must comply with the requirements of said section unless a design alternative is granted thereunder. The large-scale development plan

must show compliance with the purpose statement in section 135-2.18.1 of this chapter, and the applicant must provide a detailed architectural and viewshed analysis that illustrates, three-dimensionally, the specific location and specific heights of all components and includes the following, at a minimum:

1. Proximity to the Capitol;
2. Proximity to view corridors identified in the Capitol Gateway East Urban Design Plan or most recent similar plan;
3. Impact on views to and from the Capitol; and
4. Any other illustrations as required by the development services director.

Article 6:

1. Parking Space Calculations

- a. Issue: Describe principal use applicability for motor vehicle and bicycle parking space calculations.

Amendment: 134-6.2.2: (1) Delete section title and replace with “Multiple Uses or Use Types”. (2) Delete text and replace with: “Lots containing more than one principal use or tenant must provide both motor vehicle and bicycle parking in amounts equal to the total aggregate number of spaces required for each principal use or tenant on the lot except when a shared parking arrangement is approved in accordance with section 135-6.5.4 of this article. In the event that a single principal use on a lot is associated with more than one specific use type, the specific use type requiring more parking spaces shall apply for purposes of this article for all zoning districts other than DX, MX1 and MX2 districts.”

2. Off-Site Motor Vehicle Parking

- a. Issue: Allow expansion of off-site parking as an accessory use to an adjoining permitted principal non-residential use, similarly to prior zoning code.

Amendment: 135-6.6.4: Add new subsection F as follows: “**F. Supplemental Regulations** The following shall also apply to off-site parking areas: 1. The off-site parking area may only be established 100 feet into the zoning district where non-accessory parking or the use to be served by the parking are not permitted uses. 2. Where feasible, the entrance to the access shall be from an adjoining alley or the lot within the district allowing the primary use. 3. In N and NM districts, the accessory off-site parking use shall be located outside of the front yard setback.”

Article 7:

1. Landscape Calculations

- a. Issue: Clarify landscape calculation process.

Amendment: 135-7.1: Add new section 135-7.1.4 as follows:

135-7.1.4 CALCULATIONS

Landscape calculations shall be stated on all site plans or alternate design documentation, as applicable. In calculating required landscape materials as either a percentage of, or as a ratio

to, a specific area or to lineal footage measurement, or otherwise, rounding shall occur to the next highest whole number in the event of a decimal.”

2. Fence Requirements

- a. Issue: Clarify fence requirements for double-frontage lots.

Amendment: 135-7.11.2: (1) Subsection B, delete “line.” and replace with “line on lots without multiple street frontages. On lots with multiple street frontages, any side yard shall be considered a front yard for purposes of this section 135-7.11.2 of this article unless the development services director determines that a fence is in character with the neighborhood as part of a Type 1 design alternative review.” (2) Subsection C, delete “line.” and replace with “line on lots without multiple street frontages. On lots with multiple street frontages, any rear yard shall be considered a front yard for purposes of this section 135-7.11.2 of this article unless the development services director determines that a fence is in character with the neighborhood as part of a Type 1 design alternative review.”

Article 8:

1. Sidewalk Installation Requirements

- a. Issue: Add allowance for waiver or deferral of sidewalk installation.

Amendment: 135-8.5.2: Add new subsection B as follows: “**B.** A Type 1 design alternative may be approved for infill development on lots surrounded by existing buildings: 1. to waive sidewalk installation for sidewalks identified in the city’s transportation master plan as priority level 2 and priority level 3 sidewalk gaps; or 2. to defer sidewalk installation on sidewalks identified in the city’s transportation master plan as priority level 1 sidewalk gaps in the event of written deferral agreement between the property owner(s) and city in form approved by the development services director.”

Article 9:

1. Garage Requirement

- a. Issue: Allow for reduction in size of garage or waiver of garage requirement for House Types B, C and D when a shed is provided, regardless of adjoining lots, surrounding neighborhood character, or other review criteria.

Amendment: (1) 135-9.2.3.A.9: Delete all text after “principal household dwelling on the property”, including subsections a and b, and replace with period. (2) 135-2.14.3.E.3; 135-2.15.3.E.4; 135-2.16.3.E.5: Delete all text after “principal household dwelling on the property”, including subsections a and b, and replace with period.

2. Building Type Flexibility

- a. Issue: Provide for more flexibility in common scenarios for existing buildings through use of Type 1 design alternatives.

Amendment: 135-9.2.3.B: (1) Renumber subsection 13 to subsection 15. (2) Add new subsection 13 as follows: “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.” (3) Add new subsection 14 as follows: “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.”

3. House Building Type Expansions

- a. Issue: Allow for Type 1 design alternative relief to waive or reduce basement requirement for expansion or enlargement of a House Type A building.

Amendment: 135-9.2.3.A.10: (1) Delete “N2a district in” and replace with “N2a district (a) in”. (2) Delete “city engineer” and replace with “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.”

4. Pre-Application Meetings

- a. Issue: Reformat pre-application meetings from in-person with department-approved exceptions to electronic (virtual) with department-approved exceptions.

Amendment: 135-9.3.2.B: Delete text and replace with “The development services director is authorized, but not required, to allow alternatives to electronic (virtual) pre-application meetings, such as in-person (face-to-face) meetings, telephone conversations and email correspondence.”

5. Site Plan Application Requirements

- a. Issue: Add option to commence site plan review and approval process prior to, and subject to, applicant demonstrating property owner consent.

Amendment: 135-9.3.3.A: Delete second sentence and replace with the following: “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:

1. Public hearing review pursuant to section 135-9.3.4 of this article;
2. The provision of written notice, at applicant’s expense and in form acceptable to the development services director, to all record titleholders and contract purchasers of all lot(s) involved in the application prior to public hearing by the plan and zoning commission; and
3. A condition of approval requiring written consent of all record titleholders and contract purchasers of the lot(s) involved in the application prior to written verification of approval of the public hearing site plan by the development services director and prior to issuance of grading or building permits.”

6. Site Plan Lapse of Approval

- a. Issue: Add an option to extend the duration of approved site plans/alternate design documentation, or phases thereof, for good cause or undue hardship that has delayed proposed development.

Amendment: 135-9.3.6: Add new subsection D as follows: “**D.** One extension may be granted by the development services director for any approved site plan or alternate design documentation, or any phase thereof of phased projects. Said extension must be requested prior to lapse of approval pursuant to this section, and, if approved, shall delay lapse of approval for up to two years commencing on the date of written grant of extension by the development services director. Said extension shall only be granted for good cause or undue hardship as determined by the development services director based on sufficient documentation provided by the property owner(s) requesting the extension.”

Article 11:

1. Enforcement Procedures

- a. Issue: Explain delegation of enforcement authority for the Planning and Design Ordinance, with Development Services Department enforcement until issued building permits are completed and final permit inspection is approved (i.e. issuance of certificate of occupancy), and with Neighborhood Services Department enforcement after final permit inspection (i.e. issuance of certificate of occupancy), both under the direction of the Development Services Director.

Amendment: (1) 135-11.1.3: (a) Delete section title and replace with “Enforcement Officers”. (b) Delete text and replace with “There is established within the development services department a permit and development administrator who shall be appointed by and responsible to the development services director, and within the neighborhood services department a zoning enforcement officer who shall be appointed by and responsible to the neighborhood services director except as otherwise stated in this article.” (c) Subsection A, delete text and replace with “The permit and development administrator and the zoning enforcement officer, collectively “officer” for purposes of this subsection, shall be responsible for enforcement during their respective enforcement periods specified in section 135-11.2.1.A-B of this article. Said officers shall exercise the following powers and duties during said respective enforcement periods:”. (d) Subsections A.1-5, delete “zoning enforcement”. (2) 135-11.2.1: (a) Add new subsection A as follows: “**A.** The permit and development administrator, under the direction and supervision of the development services director, is responsible for enforcing the regulations of this chapter prior to and until final building permit inspection and approval under chapter 26 of this code (the first enforcement period) for any work requiring a site plan or alternate design documentation.” (b) Subsection B, delete first sentence and replace with “The zoning enforcement officer, under the direction of the development services director, is responsible for enforcing the regulations of this chapter upon and after final building permit inspection and approval under chapter 26 of this code (the second enforcement period) and otherwise upon request of the development services director.” (c) Subsection C, delete “The zoning enforcement officer is” and replace with “The officer and his or her designees are”. (3) 135-11.2.4: Subsection D.1, delete text and replace with “1. If the permit and development administrator or the zoning enforcement officer finds work being performed in a manner contrary to the provisions of this chapter or in a dangerous or unsafe manner, either such officer is authorized to issue a stop work order.”

Article 12:

1. Off-Street Parking and Loading Areas

- a. Issue: Revise definition of off-street parking and loading areas to define circumstances covered and better reflect prior zoning code and established Iowa case law.

Amendment: 135-12.17: Delete definition of “off-street parking and loading area” and replace with “**Off-street parking and loading area, or off-street motor vehicle parking:** any portion of a lot or property used for parking of vehicles, or used for storage, parking and display of any commercial vehicles, commercial equipment or contractor’s equipment, or used for storage or placement of any merchandise. Notwithstanding any statement to the contrary in this chapter, off-street parking and loading areas are not limited to the parking of private passenger automobiles (vehicles) of occupants, patrons, or employees of the principal use served on a lot, and instead include such parking as well as storage, parking, display, and placement of vehicles, equipment, items, and similar objects related to the principal use on a lot.”



June 8, 2021

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their June 3, 2021 meeting, the following action was taken regarding proposed amendments to the Zoning Ordinance (Municipal Code Chapter 134) and Planning and Design Ordinance (Municipal Code Chapter 135).

- A) Determination as to whether the proposed amendments to the Zoning Ordinance and Planning and Design Ordinance are in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.
- B) Adoption of the proposed amendments to the Zoning Ordinance and Planning and Design Ordinance.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles				X
Abby Chungath	X			
Kayla Berkson				X
Jann Freed				X
Johnny Alcivar	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones				X
William Page	X			
Rocky Sposato	X			
Steve Wallace	X			
Greg Wattier	X			
Emily Webb	X			

APPROVAL of Part A) The Commission find the proposed amendments to Chapter 134 (Zoning) and proposed amendments to Chapter 135 (Planning and Design) are in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

Part B) **Approval** of the proposed amendments to Chapter 134 (Zoning) and Chapter 135 (Planning and Design). (10-2021-5.02)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the Commission find the proposed amendments to Chapter 134 (Zoning) and proposed amendments to Chapter 135 (Planning and Design) are in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

Part B) Staff recommends approval of the proposed amendments to Chapter 134 (Zoning) and Chapter 135 (Planning and Design).

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

On October 16, 2019, the City Council approved a new Chapter 134 (Zoning) pursuant to Ordinance 15,816 and a new Chapter 135 (Planning and Design) pursuant to Ordinance 15,817 both with an effective date of December 15, 2019. On December 16, 2019, the Council subsequently approved major revisions to Chapter 134 pursuant to Ordinance 15,844 and major revisions to Chapter 135, pursuant to Ordinance 15,845, that became effective December 16, 2019.

While preparing the revisions to these codes for Council's consideration, the electronic files were no longer editable due to the size of the files and number of edits than had been made during the nearly four-year code drafting process. The code revisions that were approved pursuant to Ordinances 15,844 and 15,845 on December 16, 2019 were created as separate electronic documents and printed. The printed replacement pages to the code were manually numbered and inserted into a printed, paper copy of the code that was originally approved on October 16, 2019.

The amended paper copy was then scanned on a photocopier and saved as a PDF and the document was stored on the City's servers and posted on the City's websites as the approved code. Staff was unable to correct typos, remove "DRAFT" stamps, or activate links in the that document.

The same process was followed for code amendments to Chapter 134 pursuant to Ordinance No. 15,865 on February 10, 2020; amendments to Chapter 135 pursuant to Ordinance 15,962 on December 21, 2020; and amendments to Chapter 134 pursuant to Ordinance 15,982 on February 22, 2021.

The visual quality of the document was reduced with each printing and photocopying of a PDF file and the electronic functionality of the code was not fully realized.

Chapter 134 and Chapter 135 have now been replicated in new electronic files that allow the City to produce and post PDF's that are created directly from the electronic files. The

new PDF's comply with accessibility requirements and provide active links for users to move to applicable sections throughout the code.

Minor (non-substantive) and Major (substantive) lists for Chapter 134 and Chapter 135 are enclosed with this staff report. City staff review and comparison of these lists to the updated ordinance text continues. Any minor discrepancies between this list and the updated ordinance text will be addressed prior to City Council consideration. The proposed PDF's of Chapter 134 and Chapter 135 can be viewed at <https://plandsm.dsm.city>

II. CONSISTENCY WITH STATE CODE

The proposed amendments to the Chapter 134 (Zoning) and amendments to Chapter 135 (Planning and Design) have been prepared in consideration of Iowa Code Chapter 18B and in accordance with Iowa Code Chapter 414 as applicable.

III. CONSISTENCY WITH PLANDSM

PlanDSM is the City's Comprehensive Plan. Preparation of the proposed amendments to Chapter 134 (Zoning) and amendments to Chapter 135 (Planning and Design) are based upon and consistent with the following Goals and Policies of PlanDSM:

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.

LU2: Develop regulations sensitive to adjoining development and potential development to promote unique land use objectives including neighborhood centers and transit-oriented development (TOD).

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.

LU4: Integrate development with the natural environment through green building and site planning practices.

LU5: Develop regulations to reduce blight and visual clutter including, but not limited to, signage, overhead power lines, telecommunications equipment, and other utilities. Regulations will be consistent with federal and state code and case law.

LU6: The City of Des Moines will strive to reduce greenhouse gas emissions by encouraging energy efficient buildings, reducing vehicle miles traveled, increasing landscape plantings, and utilizing green infrastructure.

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.

LU8: Encourage continued redevelopment and enhancement of regional nodes emphasizing a mix of uses, ease of access by transit, enhanced walkability, and high density residential.

LU10: Prioritize new mixed-use development and redevelopment along proposed high capacity transit corridors and nodes.

LU11: Identify nodes appropriate for Transit Oriented Development (TOD). Prioritize nodes identified along high capacity transit corridors.

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.

LU15: Prioritize development and redevelopment in areas with existing infrastructure and properties included in adopted Urban Renewal Plans.

LU16: Require new development in recently annexed areas to work with the city to evaluate the cost of providing city infrastructure and services to ensure development has a positive financial return on any city investment.

LU17: Establish requirements for the existence or provision of adequate public facilities prior to allowing new development in recently annexed areas. Consider cost-sharing agreements when development occurs in targeted areas.

Land Use Goal 4

Continue to embrace the distinct character of Des Moines' neighborhoods while allowing for new development and redevelopment.

LU23: Create opportunities for a mixture of land uses within neighborhoods including mixed use centers, diverse housing products, recreational opportunities, public spaces, and schools.

LU25: Require new development and redevelopment to be compatible with the existing neighborhood character.

Land Use Goal 5

Continue to support the development of Downtown as the economic, cultural, and residential core of Des Moines.

LU27: Refine Downtown Zoning Districts to ensure consistency with the goals and policies of PlanDSM.

LU28: Encourage infill development at strategic downtown development sites and corridors.

LU29: Support downtown development that investigates and incorporates green building techniques and design.

LU32: Ensure a variety of business, employment, and building densities to develop an engaging downtown.

Land Use Goal 6

Recognize the value of Des Moines' historic building stock and landscapes and ensure their preservation for future residents.

LU33: Promote preservation, restoration, and reuse of historical structures and landmarks.

LU34: Continue to refine design guidelines and develop standards that protect the historical integrity and architectural character in identified Historic Districts.

Land Use Goal 7

Maintain the existing industrial designated areas to provide appropriate locations for industrial use.

LU36: Develop land use regulations for industrial uses that address potential impacts with adjoining non-industrial land uses, particularly residential areas.

LU37: Restrict expansion of existing or development of new non-industrial uses within industrially designated areas.

Land Use Goal 8

Recognize the value of ecologically sensitive land and natural resources and ensure preservation of these areas for future residents and urban vitality.

LU42: Permit reasonable development of land that addresses environmental constraints and minimizes disturbance of natural habitats.

LU43: Regulate development in flood prone areas to protect from damage to public health, safety, and property.

Transportation Goal 1

Develop a complete multi-modal transportation network for pedestrians, bikes, transit, and automobiles.

T2: Address all forms of transportation including walking, bicycling, transit, and automobile.

T5: Coordinate with the Des Moines Area Regional Transit Authority's planning process to identify streets that may be identified for future high capacity transit corridors and plan for their redesign to accommodate that use.

T6: The City of Des Moines will strive to reduce greenhouse gas emissions by encouraging energy efficient buildings, reducing vehicle miles traveled, increasing landscape plantings, and utilizing green infrastructure.

Transportation Goal 3

Provide opportunities for healthy lifestyles through walking as a primary mode of transportation.

T12: Develop guidelines for streets and sidewalks to provide safe, attractive, and accessible pedestrian ways including pedestrian crosswalks.

Transportation Goal 4

Make transit a more attractive option for all City residents.

T21: Develop a transit oriented development (TOD) zone district or overlay for proposed nodes and corridors to achieve mixed-use, walkable environments.

T22: Encourage higher densities and mixed-use transit oriented development (TOD) to locate on transit corridors.

Transportation Goal 5

Enhance the bicycle network by expanding bicycle facilities that are safe, comfortable, and easily accessible.

T28: Provide bicycle parking downtown and establish bicycle parking requirements for new development.

Transportation Goal 7

Ensure the Des Moines International Airport continues to meet the needs of the local economy.

T39: Continue working with the Des Moines International Airport regarding airport/land use compatibility areas considering the recommendations of the Iowa Airport Land Use Guidebook.

Housing Goal 1

Provide a diversity of housing options to accommodate residents of all ages, income levels, household sizes, and cultural backgrounds.

H1: Ensure an adequate supply of housing through a mix of new development, infill development, and redevelopment of existing properties.

H2: Identify and explore the applicability of creative and innovative housing solutions such as Accessory Dwelling Units (ADUs), Single Room Occupancy (SRO), and smaller housing units through flexible zoning to meet the demand for smaller and affordable housing.

H3: Achieve a balanced mix of subsidized rental housing, income restricted, and market rate rentals in all neighborhoods and across the city.

H4: Promote accessible, affordable, and age friendly housing alternatives in all neighborhoods to accommodate persons with disabilities and allow seniors to age in place, in proximity to known services, and with easily accessible quality open space.

H5: Address availability and affordability of housing options for all families.

Housing Goal 2

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

H6: Maintain sufficient residentially designated land to accommodate growth over the life of PlanDSM.

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.

Housing Goal 3

Promote sustainable housing development that utilizes existing resources and supports compact, walkable, and bikeable neighborhoods.

H17: Encourage the use of existing public infrastructure by focusing housing development on infill, vacant, and under-developed land.

H19: Encourage mixed use development that incorporates affordable and market rate housing along transit corridors and in neighborhood nodes.

H20: Prioritize housing development at an increased density in locations that are close to public transit, shopping, public amenities, schools, and open spaces.

Housing Goal 4

Support development of and access to quality housing affordable to all income level households.

H21: Ensure availability of rental and owner-occupied housing that meets the needs of households with all income levels in the city.

H22: Distribute affordable housing broadly throughout the City to avoid concentrations in neighborhoods or one sector of the City.

H23: Support and promote a regional approach to provision of affordable housing.

H29: Continue to pursue and efficiently distribute financial resources to provide subsidized and affordable housing to low-income residents.

Economic Development Goal 1

Foster economic prosperity and stability by retaining existing businesses and recruiting new businesses.

ED2: Utilize tax incentives, including tax abatement and tax increment financing (TIF), to retain, recruit businesses, and encourage higher quality design.

Economic Development Goal 3

Recognize livability as a key aspect to economic development.

ED15: Expect quality in the creation of public places and private development.

Economic Development Goal 4

Foster a sustainable economy.

ED17: Encourage businesses that diversify the economy; use locally produced materials and market their products locally; practice energy efficiency, provide a living wage; utilize green building practices; employ exemplary storm water management practices; and/or utilize sustainable transportation and distribution systems.

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

Public Infrastructure and Utilities Goal 1

Provide safe and reliable public infrastructure and utilities for current residents as well as future development needs.

PIU2: Require new development to provide adequate public infrastructure to serve the needs of the development and ensure facilities are sized and staged to provide for additional development beyond its boundaries.

PIU10: The City of Des Moines will strive to reduce greenhouse gas emissions by encouraging energy efficient buildings, reducing vehicle miles traveled, increasing landscape plantings, and utilizing green infrastructure.

Public Infrastructure and Utilities Goal 2

Evaluate capacity for implementation of and adaptation to green infrastructure in the city.

PIU11: Encourage the use of local renewable energy resources, technology, and design, and consider code and process amendments that encourage or do not inhibit sustainable development practices.

PIU14: Expand and maintain the city's green infrastructure network to include such elements as preserves and parks, trails, stream corridors, green streets, greenways, and agricultural lands.

PIU15: Identify and mitigate barriers to implementation of green infrastructure in public and private development and rehabilitation/repairs.

PIU16: Update zoning standards to support the installation and maintenance of solar access.

PIU18: Balance the regulation of wind and solar access with preservation of the urban canopy.

PIU21: Increase landscape requirements in public and private parking lots to reduce heat island effects.

PIU22: Allow the use of permeable pavement in parking lots and driveways when soil types are suitable.

Public Infrastructure and Utilities Goal 4

In conjunction with local utility providers, ensure lighting standards and policies provide all residents with safe urban environments day and night while protecting views of the night sky.

PIU28: Provide high quality lighting fixture designs that are appropriate to street types and adjoining land uses, provide pedestrian friendly illumination, preserve dark sky conditions, and minimize glare and other unnecessary light pollution.

PIU29: Require full cutoff, down-directional lighting in all new developments to minimize both upward and sideways light pollution.

PIU30: Provide sufficient lighting for better wayfinding and safe circulation within and around developments.

Public Infrastructure and Utilities Goal 6

Ensure clean, safe water resources are equitably available to all current and future residents.

PIU34: Protect and improve the water quality of the city's rivers, creeks, lakes, and aquifers for the use and support of aquatic life and resident enjoyment.

PIU35: Minimize sources of water pollutants in urban runoff through storm water retention, on-site water treatment technologies including green infrastructure, and the implementation of pollution prevention programs.

PIU36: Enhance the protection of creeks and floodplains to preserve environmentally sensitive areas and improve the quality of water.

PIU37: Prohibit development in the 100-year floodplain

Parks and Recreation Goal 4

Preserve, restore, and enhance natural systems in identified natural areas.

PR27: Protect and preserve the park and open space system's natural areas.

PR28: Identify and acquire land to ensure protection of stream banks, natural greenways, and other areas that could be converted to park or open spaces. Such possible acquisitions could include old gravel mining areas and floodplains.

Community Character and Neighborhoods Goal 1

Embrace the distinct character offered in each of Des Moines' neighborhoods.

CCN2: Ensure a diverse mix of housing types, styles, scales, density, and affordability that complement existing neighborhood character

CCN4: Adopt high quality development standards, such as zoning district and site plan regulations, and design guidelines related to form, massing, and materials that lead to the development of attractive, walkable neighborhoods.

CCN5: Ensure infill development is sensitive to the existing character of the neighborhood.

Community Character and Neighborhoods Goal 2

Further Des Moines' revitalization efforts to improve the strength, stability, and vitality of all neighborhoods.

CCN14: Ensure neighborhood edges and corridors are attractive and inviting through effective planning and revitalization strategies.

Community Character and Neighborhoods Goal 3

Promote the redevelopment and revitalization of neighborhood nodes and corridors.

CCN17: Encourage commercial development that meets the service, retail, and entertainment needs of area residents.

CCN18: Promote compact, mixed-use development to provide adequate density to support neighborhood commercial viability.

CCN22: Encourage neighborhood nodes that are accessible by pedestrians, bicyclists, and transit users, as well as motorists.

CCN23: Support DART's plans for high capacity transit corridors through infrastructure design, as well as appropriate transit-oriented development (TOD) land use and zoning.

Community Character and Neighborhoods Goal 4

Protect Des Moines' historic and cultural assets that contribute to neighborhood and community identity.

CCN26: Partner with the historic preservation community to identify historic districts also ensuring context sensitive infill and redevelopment.

Community Character and Neighborhoods Goal 6

Strengthen the walkability and connectivity within and between neighborhoods.

CCN35: Emphasize transit usage in street design and land use on corridors with bus routes.

Community Facilities Goal 2

Provide a safe and secure environment for all City residents, workers, and visitors.

CF4: Combine design standards that promote quality and sustainable development with those that address public safety.

Social Equity Goal 1

Ensure high quality human services programs are available, accessible, and utilized to guarantee basic human needs so all residents lead lives of dignity.

SE3: Investigate and develop housing, such as permanent supportive housing units, for the chronically homeless, those experiencing episodic homelessness, and those at risk of homelessness.

Social Equity Goal 2

Ensure that all residents have convenient access to healthy food, health care, safe environments, and choices for an active lifestyle.

SE9: Ensure healthy, safe, and sanitary housing for all residents.

SE10: Prohibit new residential development in vulnerable areas such as floodplains.

SE15: Establish community gardens and farmers' markets as a by-right use in residential neighborhoods.

SE18: Enable residential care facilities and other housing for aging persons to be located close to services and amenities.

Social Equity Goal 3

Ensure all city services, projects, programs, and events represent and encourage participation of a cross section of the city's cultural diversity and geography.

SE20: Provide access to major city documents in multiple languages and/or provide translation

services. Improve the City's website to provide information in both Spanish and English.

SE22: Effectively engage the public and city partners/organizations/entities when making decisions that create, remove, or change a city service, project, or policy.

Social Equity Goal 4

Continue to celebrate the diversity of Des Moines provided by the many cultural communities that have chosen to live here.

SE26: Provide a liaison at the City to assist non-English speaking residents.

SUMMARY OF DISCUSSION

Mike Ludwig Highlighted both substantive (major) and non-substantive (minor) code amendments as provided in the Commissioner packet. Noted that the proposed amendments are consistent with State Code and PlanDSM. It is imperative that the proposed amendments move forward to make a more accessible and user-friendly code available for public and staff use. Staff recommends approval of the proposed code amendments. The code is a living document and additional revisions will be proposed in the future.

Will Page stated article 8 regarding sidewalk requirements is very helpful, it clarifies what the City wants and the escrow agreement is a good solution for a problem that has been out there for a while. He believes the ad-hoc committee could be dissolved with the proposed changes to the zoning code.

Mike Ludwig stated the formalities of the escrow agreement still need to be drafted. Staff will come up with a simple per lineal foot cost for sidewalk construction that can be multiplied by the total lineal feet of frontage to determine the preliminary amount of the escrow. The escrow will also be capped at a percentage of the property value. This would be in line with the state code requirements for assessments.

Johnny Alcivar asked if this would apply to greenfield and infill development?

Mike Ludwig stated it is the City's intent for waivers/deferrals to apply to infill development, not greenfield development. A deferral with an escrow deposit would primarily be an option for a Priority 1 sidewalk gap as identified in MoveDSM. Renewals of escrow agreements may be necessary.

Johnny Alcivar asked if the priority 1 sidewalks are targeted for the next 10 years, would priority 2 be the next 20?

Mike Ludwig stated priority 1 sidewalk gaps are simply the City's highest priority for connections. They are safe routes to schools, connections to transit stops or commercial, etc. The City commits CIP funding on annual basis for sidewalk construction. In some instances, a priority 2 or 3 sidewalk gap that is installed today may need to be replaced before any adjoining sidewalk is installed. The amendments add the opportunity to apply for a Type 1 Design Alternative, but staff is not required to approve it. Staff will look at a multitude of factors such as the sidewalk priority designation, existence of any sidewalk in proximity of the subject property and anticipated timing for any sidewalks by adjoining development or by the city when making decisions. If staff denies a waiver or deferral, the applicant can appeal the staff decision to the Plan and Zoning Commission.

CHAIRPERSON OPENED THE PUBLIC HEARING

Lance Henning stated he appreciates the City's willingness to make improvements to the code and is supportive of these changes as they will help housing development around Des Moines.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

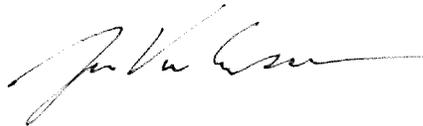
Francis Boggus made a motion for:

Part A) The Commission find the proposed amendments to Chapter 134 (Zoning) and proposed amendments to Chapter 135 (Planning and Design) are in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

Part B) **Approval** of the proposed amendments to Chapter 134 (Zoning) and Chapter 135 (Planning and Design).

Motion passed: 10-0

Respectfully submitted,



Jason Van Essen, AICP
Planning & Urban Design Administrator

JMV:tjh

CHAPTER 134 – MINOR REVISIONS¹

General:

1. Remove “Draft” from all headers.
2. Remove all footers and page numbers.
3. Replace references to “community development director” with “neighborhood services director”, and to “community development department” with “neighborhood services department”, unless otherwise specifically identified.
4. Standardize labels on all figures.
5. Table of Contents: Delete all existing; include “Expanded Table of Contents” specific to Chapter 134 at beginning of chapter, with links to each section/subsection therein.
6. Standardize or eliminate use of “intentional blank pages” as required by text reformatting due to amendments.
7. Standardize formatting of table, figure, and graphic titles as needed; may result in updated numbering to table, figure, and graphic titles throughout chapter, including in text references.
8. Creation of reference links within chapter, including capitalization of “article” related thereto in various locations throughout chapter, and removal of cross-chapter links including underlining and formatting of text related thereto throughout chapter.

Article 1:

1. 134-1.10.4.F: Delete “pursant” and replace with “pursuant”.
2. 134-1.11.1.D: Delete “reivewed” and replace with “reviewed”.

Article 2:

1. 134-2.2: Delete “Article 3” and replace with “article 3”.
2. 134-2.2.1.A: Delete “groundfloor” and replace with “ground-floor”.
3. 134-2.2.2.G: Delete “MX districts a predominance” and replace with “MX districts and a predominance”.
4. 134-2.2.5.E: Deleted extra space after “building type”.
5. 134-2.2.8.B: Delete “pursant” and replace with “pursuant”.

Article 3:

1. 134-3.1.2.B: Revise to state “Uses identified with a ● are permitted as-of-right in the subject zoning district, and uses identified with a ⊙ are permitted as-of-right in the subject zoning district on upper floors only within primary frontage and in ground floor within non-primary frontage or corner lot, subject to compliance with any supplemental regulations identified in the final column of Table 134-3.1-1 of this article and with all other applicable regulations of this zoning ordinance.”
2. Table 134-3.1-1: (1) “Financial Service” rows: Delete ● and replace with ●* in MX3 and CX columns in the “Bail Bonds”, “Delayed Deposit Service” and “Pawnbroker” rows. (2) “Sports & Recreation, Private/Participant” rows: Delete ○ in F column in “Indoor” row and replace with “—”; Delete “—” in F column in “Outdoor” row and replace with ○. (3)

¹ City staff review and comparison of this list to the updated ordinance text continues. Any minor discrepancies between this list and the updated ordinance text will be addressed prior to City Council consideration.

2. 134-5.4.2.E: Delete “are not be” and replace with “are not”.
3. 134-5.4.6.A: Delete “is” and replace with “are”.
4. 134-5.8.8: (1) Subsection A: Delete “Euclid” and replace with “East Euclid”. (2) Subsection F: Delete “63rd Street/Iowa Highway 28” and replace with “Southwest 63rd Street/Highway 28”. (3) Subsection H: Delete “Northeast 14th Street from Douglas Avenue” and replace with “East 14th Street from East Douglas Avenue”.
5. Figure 134-5.9-C: Revise figure to create rectangular shape around text.

Article 6:

1. Table 134-6.1-1: (1) “Procedure” column, delete “Conditional Use Permit” and replace with “Conditional Use”. (2) Table notes: Delete “CDD” and “community development director” and replace with “NSD” and “neighborhood services director”.
2. 134-6.1.6.C: Delete “hearing. Neighbor...” and replace with “hearing. Failure by the applicant to provide a neighbor meeting summary does not invalidate proceedings. Neighbor...”.
3. 134-6.1.7.A.2: Correct spelling of “public” in first sentence.
4. 134-6.1.8.A: Correct spelling of “public” in first line.
5. 134-6.1.14: (1) Subsection A, delete “or” at end of subsection. (2) Subsection B, delete “and” at end of subsection. (3) Subsection C, delete text and replace with “Waiver, modification or variation of any of the definitions or measurement standards set forth in this chapter, or of any of the zoning exception or zoning relief percentages and measurement numbers set forth in this article or elsewhere in this chapter; and”. (4) Add new subsection D as follows: “Waiver, modification or variation of any requirement to comply with sections or provisions of this code or otherwise required by local law, exclusive of this chapter.”
6. 134-6.4.7.A: Delete extra space before “conditional use” in third sentence.
7. 134-6.5.5.B: Delete “134-5.6” and replace with “134-6.6”.

Article 7:

1. 134-7.2.5.A-B: (1) Delete “on December 14, 2019” and replace with “immediately prior to the effective date of this chapter (effective date of chapter: December 15, 2019; see section 135-1.3 of this chapter)”. (2) Delete “community development” and replace with “development services”.
2. 134-7.2.7.A: (1) Delete “134-6.2” and replace with “134-7.2”. (2) Delete “134-7.2.7 of this article”.
3. 134-7.3.7.A: Delete “six months, or” and replace with “six months, or if a change of use occurs,”.

Article 8:

1. 134-8.1.2.B: Delete “maner” and replace with “manner”.
2. 134-8.2.1: Delete “officialsand” and replace with “officials and”.
3. 134-8.2.2: Delete “or the officer’s designees” and replace with “and designees”.
4. 134-8.2.3: Add sentence at beginning of section as follows: “Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of this chapter; to prevent unlawful construction; to recover damages; to restrain, correct, or abate a violation; and to prevent illegal occupancy of a building, structure or premises.”

134-3. USES

Accessory Uses

TABLE 134-3.9-1. ALCOHOLIC LIQUOR, WINE AND BEER SALES												
USE	DISTRICTS											
	DX1	DX2	DXR	MX1	MX2	MX3	RX1, RX2	CX, EX, I1	I2	NX2, NX2A	P1, P2	F
Retail Sales												
Limited												
Alcoholic Liquor, Wine and Beer Sales	-	-	-	-	-	○* 40%/500 1320	○* 40%/500 1320	○* 40%/500 1320	-	-	-	-
Wine and Beer Sales	-	○* 40%/150	○* 40%/150	○* 40%/150	○* 40%/150	○* 40%/150	○* 40%/150	○* 40%/150	-	-	-	-
General												
Alcoholic Liquor, Wine and Beer Sales	40%/75	40%/75	40%/75	-	40%/75	40%/75	-	40%/75	-	-	-	-
Wine and Beer Sales	40%/75	40%/75	40%/75	-	40%/75	40%/75	-	40%/75	-	-	-	-
Large												
Alcoholic Liquor, Wine and Beer Sales	40%/75	40%/75	-	-	-	-	-	40%/75	-	-	-	-
Wine and Beer Sales	40%/75	40%/75	-	-	-	-	-	40%/75	-	-	-	-
Fuel Station												
Alcoholic Liquor, Wine and Beer Sales	-	-	-	○* 40%/500 1320	○* 40%/500 1320	○* 40%/500 1320	-	○* 40%/500 1320	○* 40%/500 1320	-	-	-
Wine and Beer Sales	-	40%/150	40%/150	-	40%/150	40%/150	-	40%/150	40%/150	-	-	-
Liquor Store												
Alcoholic Liquor, Wine and Beer Sales	-	-	-	-	-	○* 500 1320	-	○* 500 1320	○* 500 1320	-	-	-
Wine and Beer Sales	-	○* 150	○* 150	○* 150	○* 150	○* 150	-	○* 150	○* 150	-	-	-
Tobacco Store												
Alcoholic Liquor, Wine and Beer Sales	-	-	-	-	-	○* 25%/500 1320	-	○* 25%/500 1320	○* 25%/500 1320	-	-	-
Wine and Beer Sales	-	○* 25%/150	○* 25%/150	○* 25%/150	○* 25%/150	○* 25%/150	-	○* 25%/150	○* 25%/150	-	-	-
Restaurant, Bar, Other Uses												
Restaurant with Alcoholic Liquor, Wine and Beer Sales	50%	50%	50%	50%	50%/75	50%/75	50%/75	50%/75	50%/75	○* 50%/75	○* 50%/75	-
Bar	○*	○*	○*	-	○* 150	○* 150	-	○* 150	-	-	○* 150	-
Other Uses with Alcoholic Liquor, Wine and Beer Sales	○*	○*	○*	○*	○*	○*	○*	○*	○*	○*	○*	○*
<p>KEY: ○=requires conditional use approval * = supplemental use regulations apply - = prohibited</p>												
Table Notes												
○ = Uses identified with a ○ symbol are allowed only if reviewed and approved in accordance with the conditional use procedures of <u>134-6.4 of this chapter</u> .												
40% = no more than 40% of the gross receipts from sales from the premises may be derived from the sale of alcoholic liquor, wine, beer or tobacco products.												
50% = at least 50% of the gross receipts from sales from the premises must be derived from the sale of prepared food and food-related services. The sale of an alcoholic beverage is not the sale of prepared food and food-related services.												
25% = no more than 25% of the gross receipts from sales from the premises may be derived from the sale of alcoholic liquor, wine or beer.												
75 = the licensed premises occupied by such use must be separated by at least 75 feet from the property line of the lot where any church or place of worship, school, public park or licensed child care facility as defined by Iowa Code Chapter 237A, are located. However, this condition is not applicable in the DX1, DX2, and DXR districts.												
150 = the licensed premises occupied by such use must be separated by at least 150 feet from the property line of the lot where any church or place of worship, school, public park or licensed child care facility as defined by Iowa Code Chapter 237A, are located. However, this condition is not applicable in the DX1, DX2, and DXR districts.												
500 = the licensed premises occupied by such use must be separated by at least 500 feet from the property line of the lot where any church or place of worship, school, public park or licensed child care facility as defined by Iowa Code Chapter 237A, are located. However, this condition is not applicable in the DX1, DX2, and DXR districts.												
1320 = the licensed premises occupied by such use must be separated by at least 1320 feet from the property line of the lot where any limited retail sales, fuel stations, liquor stores and tobacco stores engaged in the sale of alcoholic liquor is located.												

Article 3:

1. General Revisions to Principal Uses and Principal Use Table

- a. Issue: Eliminate ground-floor commercial use requirement and allow residential use on ground floor in CX and MX3 zoning districts.

Amendment: Table 134-3.1-1: Residential, Household Living, 5 to 8 households (per lot) and 9 or more households (per lot) rows: Delete “○” and replace with “●” in MX3 and CX columns.

- b. Issue: Add uses to various zoning districts as described below.

Amendment: Table 134-3.1-1: (1) Commercial, Commercial Service, Consumer Maintenance and Repair row: Delete “—” and replace with “●” in I1 column. (2) Commercial, Eating and Drinking Places, Restaurant and Bar rows: Delete “—” and replace with “●” in I1 column. (3) Commercial, Retail Sales, Limited, General and Large-Format rows: Delete “—” and replace with “●” in EX and I1 columns.

- c. Issue: Incorporate transfer station into principal permitted use as described below.

Amendment: 134-3.6.4: (1) Subsection A: Add new text at end of subsection as follows: “For purposes of this chapter and chapter 135 of this code, references to “junk or salvage yard” include solid waste transfer stations and appliance demanufacturing.” (2) Subsection B: Add new subsection 7 as follows: “7. Any junk or salvage yard requiring a license or permit from the Iowa Department of Natural Resources or similar State agency shall provide proof of valid license or permit, as applicable, to the neighborhood services department prior to commencing such use and following any amendment or renewal to said license or permit.”

2. Alcoholic Liquor, Wine or Beer Sales (Tables 134-3.1-1 and 134-3.1-2; Principal and Accessory Use Requirements)

- a. Issue: Adjust Tables 134-3.1-1 and 134-3.1-2 (new Table 134-3.9-1) to make more user-friendly for staff and public, add option for sales in EX and I1 districts to address certain existing or proposed uses, and clarify that sales are accessory to other principal uses unless specified.

Amendment: (1) 134-3.1.2.G: Delete “of this article” and replace with “of this article, and of Table 134-3.9-1 of this article when applicable” in second sentence. (2) Table 134-3.1-1: (a) Commercial, Retail Sales use subcategory: Add new rows for “Liquor Store” and “Tobacco Store” as follows: Liquor Store row, add “○” to zoning district columns DX2, DXR, MX1, MX2, MX3, CX, EX, I1 and I2 and add “—” to remaining district columns, with reference to section 134-3.5.15; Tobacco Store row, add ○ to zoning district columns DX2, DXR, MX1, MX2, MX3, CX, EX, I1 and I2 and add “—” to remaining district columns, with reference to 134-3.5.15; (b) Delete “Other – Alcoholic Liquor, Wine, or Beer Sales” row. (3) Table 134-3.1-2 – Delete Table in its entirety and replace with new Table, in form attached hereto as Exhibit 1, relocate Table to new accessory uses section 134-3.9.9, and rename table to Table 134-3.9-1. (4) 134-3.5.9.A-B: Delete final sentences

4. Accessory Use

- a. Issue: Add use restrictions and cross-reference for new general accessory structure type being added to Chapter 135.

Amendment: 134-3.9.1.B: (1) Add new subsection 4 as follows: “4. If the proposed allowed accessory use will be located in a “bus shelter or bench for public transit use” as defined and regulated by section 135-2.22.3.K of this code, then said use may be accessory either to a principal use or structure, or accessory to a lot that is vacant and does not contain a principal use or structure.” (2) Add new subsection 5 as follows: “5. If the proposed allowed accessory use will be located in an “other outdoor automated accessory structure” as defined and regulated by section 135-2.22.3.L of this code, then said accessory use shall be restricted to dispensing only products that are accessory to a retail sales use or financial service use that is permitted in the applicable zoning district of the lot on which said uses are to be located, and shall not dispense alcoholic liquor, wine, beer, or tobacco products.”

- b. Issue: Add review and approval process for home occupation accessory uses as a Type 1 zoning exception for Type 2 home occupations, and as a conditional use for Type 3 and 4 home occupations, which will also address termination of home occupation approval in the event that home occupation accessory use lapses.

Amendment: (1) 134-3.9.4.E.1: Delete “uses for the following” and replace with “uses, as Type 1 zoning exceptions pursuant to section 134-6.5 of this chapter, for the following”; (2) 134-6.5.2: (a) Subsection 9: Delete “and”. (b) Subsection 10, renumber to subsection 11. (c) Add new subsection 10 to state “Exceptions to allow Type 2 home occupation accessory uses pursuant to section 134-3.9.4 of this chapter; and”. (3) 134-3.9.4.F.1: Delete “approve Type 3 home occupation uses for the following” and replace with “approve conditional uses for Type 3 home occupations uses, as conditional uses pursuant to section 134-6.4 of this chapter, for the following”.

- c. Issue: Expand Type 3 home occupation options to include artisan production (i.e. bottling honey; selling crafts; home bakeries/meal services).

Amendment: (1) 134-3.6.1.A: Delete “creation of art works” and replace with “creation of baked goods, meals or food products, art works”. (2) 134-3.9.4.F.1: Subsection b, delete “and”; subsection c, delete period and replace with “; and”; add new subsection d to state “Fabrication and production, artisan as defined by section 134-3.6.1.A of this article.”

- d. Issue: Allow expansion of off-site parking as an accessory use to an adjoining permitted principal non-residential use, similarly to prior Zoning Code.

Amendment: Add new section 134-3.9.10 as follows: “**ACCESSORY OFF-SITE PARKING USE** Required off-street parking as an accessory use to a permitted principal non-residential use, occurring off-site in a zoning district where non-accessory parking or the use to be served by the parking are not allowed, as follows: **A.** The accessory off-site parking use will be on a lot abutting the permitted principal non-residential use, which abutting lot is connected to the lot containing the permitted principal non-residential use

- c. Issue: Allow limited signage for permitted uses in F (flood) zoning district to balance the needs of the floodplain with the needs of the property owner or tenant, in part to address Zoning Board of Adjustment concern presented to City Council.

Amendment: (1) 134-5.6: From title heading, delete “I and P Districts” and replace with “I, P and F Districts”. (2) 134-5.6.1: Delete “I and P districts” and replace with “I, P and F districts”. (3) 134-5.6.2: Delete “I and P zoning districts” and replace with “I, P and F zoning districts”. (4) 134-5.6.3: (a) Subsection A: Delete “I- and P-zoned” and replace with “I-, P- and F-zoned”. (b) Subsection B: Delete “I and P districts” and replace with “I, P and F districts”. (6) 134-5.6.4.A: Delete “I and P districts” and replace with “I, P and F districts”. (7) 134-5.6.6.A: Delete “I, and P districts” and replace with “I, P, and F districts”. (8) Table 134-5.6-1: Add F zoning district column; copy regulations from MX1/MX2 zoning district column into new F district column except as follows: “Permitted Sign Types” section, “Monument” row: include “—”; “Monument Signs” section, all rows: include “—”; “Roof Signs” section, all rows: include “—”; “Electronic and Multi-Vision Displays on Monument Signs”, “Regulations” row: include “—”.

- d. Issue: Allow signs accessory to legal nonconforming uses consistently with prior Zoning Code.

Amendment: 134-5.4: Add new section 134-5.4.8 as follows: “**SIGNS ACCESSORY TO NONCONFORMING USES** Signs accessory to principal nonconforming uses, as defined in section 134-7.1 of this chapter, are permitted on a lot containing any nonconforming use as follows: **A.** Nonconforming commercial and industrial uses located on lots in A, N, NX and NM districts shall be allowed MX1 district signage pursuant to this article. **B.** Nonconforming uses located on lots in commercial or industrial districts shall be allowed the signage permitted for such lots, as applicable, pursuant to this article. For example, a nonconforming commercial, small assembly use located on a lot in the II district shall be allowed the signage permitted for an I district pursuant to this article. **C.** Nonconforming uses located on lots in the F district shall be allowed F district signage pursuant to this article.

- e. Issue: Add time limit to temporary signage allowance.

Amendment: 134-5.4.6.A-B: Delete “six months” and replace with “six months during each calendar year”.

- f. Issue: Clarify signage allowances in Legacy Planned Unit Development (PUD) zoning districts.

Amendment: 134-5.3: Add new section 134-5.3.6 as follows: “**SIGNS IN LEGACY PLANNED UNIT DEVELOPMENTS (PUDS)** Any signs installed, erected, placed, altered, expanded, or enlarged on a lot or lot(s) within a Legacy Planned Unit Development (PUD) zoning district after the effective date of this zoning ordinance shall comply with this chapter unless (1) the Legacy PUD includes signage allowances and requirements in the PUD Conceptual Plan and/or PUD Final Development Plan, and (2) the sign, or

CHAPTER 135 – MINOR REVISIONS¹

General:

1. Remove “Draft” from all headers.
2. Remove all footers and page numbers.
3. Replace references to “community development director” with “development services director”, and to “community development department” with “development services department”, unless otherwise specifically identified.
4. Standardize labels on all figures.
5. Table of Contents: Delete all existing; include “Expanded Table of Contents” specific to Chapter 135 at beginning of chapter, with links to each section/subsection therein.
6. Standardize or eliminate use of “intentional blank pages” as required by text reformatting due to amendments.
7. Standardize formatting of table, figure, and graphic titles as needed; may result in updated numbering to table, figure, and graphic titles throughout chapter, including in text references.
8. Creation of reference links within chapter, including capitalization of “article” related thereto in various locations throughout chapter, and removal of cross-chapter links including underlining and formatting of text related thereto throughout chapter.

Map Amendment to Planning and Design Ordinance Section 135-2.1.6.A.1, "Primary Streets Map":

The following street segments shall be removed from the Primary Streets Map:

1. Franklin Avenue between 27th Street and 34th Street.
2. Army Post Road between Fleur Drive and Southwest 63rd Street.
3. Ohio Street between Franklin Avenue and University Avenue.
4. Illinois Street between Washington Avenue and Forest Avenue.
5. Vermont Street between Washington Avenue and University Avenue.
6. Michigan Street between Washington Avenue and Forest Avenue.
7. Sunset Road between George Flagg Parkway and Southwest 28th Street.
8. Garden Road between Southwest 23rd Street and Southwest 28th Street.

Article 1:

1. 134-1.4: Reformat subsections from 1.4.1 and 1.4.2 to A and B, respectively.
2. 135-1.5: Reformat subsections and combine into one section (134-1.5).
3. 135-1.10: Delete “Page blank intentionally.”

Article 2:

1. 135-2.1.3: (1) Delete period at end of second sentence and replace with colon. (2) Subsection A: Delete “Table 135-2.2-1 and Table 135-2.2-2 of this article” and replace with “Table 135-2.1-1 and Table 135-2.1-2 of this article”. (3) Subsection B: Delete “of chapter 134”.
2. 135-2.1.4: (1) Subsection E: Add hyphen after “one”. (2) Subsection F: Delete “building type.” and replace with “building type:”.

¹ City staff review and comparison of this list to the updated ordinance text continues. Any minor discrepancies between this list and the updated ordinance text will be addressed prior to City Council consideration.

30. 135-2.8.3.D.18: Add parentheses around subtext in section heading.
31. 135-2.8.3.E: (1) Subsection 1: Delete “135-12.1” and replace with “135-12.14”. (2) Subsection 5: (a) Delete “means one” and replace with “means that one” in first sentence. (b) Add “aisle” after “double-loaded” and “single-loaded” in second sentence. (3) Subsection 6.c: Delete “any other side, or rear” and replace with “any side or rear”. (4) Subsection 7: Delete “an Type 1” and replace with “a Type 1”. (5) Subsection 8: Correct spelling of “chapter”.
32. 135-2.9.3: Add “P2” to “I1, I2” column.
33. 135-2.9.3.A.3-4: “References” column: Delete “135-3.7” and replace with “135-3.3”.
34. 135-2.9.3.A.8: (1) Section heading: Add semicolon after “Loading Location”. (2) District columns: (a) Add semicolon after “side yard”. (b) Capitalize “Rear”.
35. 135-2.9.3.B.10: District columns: Delete “stories” and replace with “story”.
36. 135-2.9.3.E: (1) Subsection 1: (a) Delete “135-12.1” and replace with “135-12.14”. (b) Delete “lots as” and replace with “lots, as”. (c) Delete “chapter that” and replace with “chapter, that”.
37. 135-2.10.1: (1) Delete “134-3.4” and “135-3.5.3” and replace with “134-3.4 of this code” and “134-3.5.3 of this chapter”, respectively. (2) Delete “build to” and replace with “build-to”.
38. 135-2.10.3.A.3-4: “References” column: Delete “135-3.7” and replace with “135-3.3”.
39. 135-2.10.3.B.10: District columns: Delete “stories” and replace with “story”.
40. 135-2.10.3.E.2: Delete “an Type 1” and replace with “a Type 1”.
41. 135-2.11.3.A.4: “References” column: Delete “Note 6” and replace with “Note 5”.
42. 135-2.11.3.A.9: Delete “(ft)” and replace with “(sq ft)” in section heading.
43. 135-2.11.3.B.13: District columns: Delete “story” and replace with “stories”.
44. 135-2.11.3.D.20: (1) Section heading: Add semicolon after “Number”. (2) District columns: Add semi-colon after “building facade”.
45. 135-2.11.3.D.21: (1) Section heading: Add semicolon after “Configuration”. (2) District columns: Add semicolon after “porch”.
46. 135-2.11.3.E: (1) Subsection 1: (a) Delete “135-12.1” and replace with “135-12.5”. (b) Delete “per” and replace with “pursuant to”. (2) Subsection 3: Delete “12 feet” and replace with “13 feet”.
47. 135-2.12.3.A: (1) Section heading: Delete “Figure 135-2.13” and replace with “Figure 135-2.12-B”. (2) Subsection 4: (a) NX1 column, delete “averaging” and replace with “averaging; if front setback averaging not available, 15”; (b) NX2, NX2a column, delete “averaging” and replace with “averaging; if front setback averaging not available, 15”. (3) Subsections 4-5, “References” column: Delete “135-3.4” and replace with “135-3.3”. (4) Subsection 5: NX1 column, delete “averaging” and replace with “averaging; if front setback averaging not available, 15”. (5) Subsection 11: Add semicolon after “Parking Location” in section heading.
48. 135-2.12.3.D.20: Add semicolon after “Number” in section heading.
49. 135-2.12.3.D.21: (1) Section heading: Add semicolon after “Configuration”. (2) District columns: Add semicolon after “porch”.
50. 135-2.12.3.E: (1) Subsection 3: Delete “12 feet” and replace with “13 feet”. (2) Subsection 7: Delete text and replace with “Reserved.” (3) Subsection 8: Delete “whether” and replace with “regardless of whether”.

74. 135-2.16.3.E: (1) Subsection 4.a: Correct spelling of “buildings”. (2) Subsection 4.j: Delete “on not” and replace with “are not”. (3) Subsection 5: Delete “House D.” and replace with “House D building.”
75. 135-2.17.3.D: (1) Add subsection number 16 to “General Blank Wall Limitations” row. (2) Renumber existing subsections 135-2.17.D.16-21 to subsections 135-2.17.D.17, 135-2.17.D.18, 135-2.17.D.19, 135-2.17.D.20, 135-2.17.D.21 and 135-2.17.D.22, respectively. (3) Subsection 16 (now 17): (a) Section heading: Add semicolon after “Number”. (b) District column: Delete “a rate of” and replace with “at a rate of”.
76. Figure 135-2.17-C and 135-2.17-D: Correct numbering on figures to reflect subsection renumbering.
77. 135-2.18.1: Delete “zoning ordinance” and replace with “zoning ordinance and by this chapter,” in the eighth sentence.
78. Table 135-2.19-1: Delete all references to “19th Street Place” and “West 19th Street Place” and replace with “19th Place”.
79. 135-2.20, Figures: (1) Relabel all Figures in Section; (2) Figure 135-2.20-C (new Figure 135-2.20-D): replace graphic with graphic excluding roof from tower height.
80. 135-2.20.3, 3.C: Delete “Figure 135-2.19-B” and replace with “Figure 135-2.20-A”.
81. 135-2.20.3.A.2: (1) Delete extra comma. (2) Delete “two story” and replace with “two-story”.
82. 135-2.20.4: (1) Delete extra space before “Figure”. (2) Delete “Figure 135-2.20-A” and replace with “Figure 135-2.20-B.”
83. 135-2.20.4.B: Delete “135-12.1.21” and replace with “135-12.21”.
84. 135-2.20.5: Delete “Figure 135-2.20-B” and replace with “Figure 135-2.20-C”.
85. 135-2.20.6: Delete “Figure 135-2.20-C” and replace with “Figure 135-2.20-D”.
86. 135-2.20.6.E: Delete “to height” and replace with “height”.
87. 135-2.21.1: (1) Subsection A: Delete “occur” and replace with “be located”. (2) Subsection D: Delete period at end of sentence and replace with “other than an N district.” (3) Subsection G, heading: Add comma after “space”.
88. 135-2.21.2: (1) Subsection J: Delete “exists” and replace with “exits” in subsection heading and text. (2) Subsection L.1: Delete “long term” and replace with “long-term”.
89. Table 135-2.22-1: (1) Kiosk row: Add ●* in CX and EX columns. (2) Drive-Through Facility row: Add ●* in P2 column.
90. Figure 135-2.22-B: Delete “Figure 135-2.22-B” and replace with “Figure 135-2.22-A”; make any correlating text changes.
91. Figure 135-2.22-C: Delete “Figure 135-2.22-C” and replace with “Figure 135-2.22-B”; make any correlating text changes.
92. Figure 135-2.22-D: Delete “Figure 135-2.22-D” and replace with “Figure 135-2.22-C”; make any correlating text changes.
93. 135-2.22.1.C: (1) Delete “structure allowed” and replace with “structure is allowed”. (2) Delete “any” and replace with “all”.
94. 135-2.22.2.C.3: Delete “may be no” and replace with “may be generally no”.
95. 135-2.22.2.D: Delete “stand alone” and replace with “stand-alone”.
96. 135-2.22.2.F: Delete “stand alone” and replace with “stand-alone”.
97. 135-2.22.3.C.3: Delete “200 feet” and replace with “75 feet”.
98. 135-2.22.3.D: (1) Delete second sentence and replace with “A drive-through facility is a structure or portion on the exterior of a building that permits patrons to purchase or

replace with “system, 24 gauge minimum thickness; any exposed fasteners must be color-coated to match metal panel”.

4. Table 135-4.1-3: Update Table number to 135-4.2-5.
5. Table 135-4.1-4: Update Table number to 135-4.2-3.
6. Table 135-4.1-5: Update Table number to 135-4.2-4.
7. 135-4.2.2: (1) Delete “Table 135-4.1-1” and replace with “Table 135-4.2-1”. (2) Subsection A: Delete “single facade material” and replace with “single major facade material”. (3) Subsection C: Delete “Table 135-10.4-1” and replace with “Table 135-4.2-1”.
8. 135-4.2.3: Delete “Table 135-4.1-2” and replace with “Table 135-4.2-2”.
9. 135-4.2.4: Delete “Table 3.3-4” and replace with “Table 135-4.2-3”.
10. 135-4.2.5: Delete “Table 135-4.1-35” and replace with “Table 135-4.2-4”.
11. 135-4.2.6: Delete “Table 135-4.1-3” and replace with “Table 135-4.2-5”.
12. 135-4.2.7.B: (1) Subsection 1: Delete “Figure 135-4.2-A” and replace with “Figure 135-4.2-A of this article”. (2) Subsection 3: Delete “Figure 135-4.2-A” and replace with “Figure 135-4.2-A of this article”.
13. 135-4.3.2.C.1: Delete “Flat Cap Type” and replace with “Flat Roof Type” in subtitle and text.
14. 135-4.3.2.F: Delete “Figure 135-4.3-A” and replace with “Figure 135-4.3-A of this article”.
15. 135-4.3.4: Delete “Figure 135-4.3-C” and replace with “Figure 135-4.3-C of this article.”
16. 135-4.3.5: Delete “Figure 135-4.3-D” and replace with “Figure 135-4.3-D of this article.”
17. 135-4.3.6: Delete “Figure 135-4.3-E” and replace with “Figure 135-4.3-E of this article.”
18. 135-4.3.7: (1) Section heading: Delete “Rear Parking” and replace with “Rear or Side Parking”. (2) Delete “Figure 135-4.3-F” and replace with “Figure 135-4.3-F of this article.” (3) Subsection A: Delete “article” and replace with “Article”. (4) Subsection B: Delete text and replace with “**B. Materials.** The materials permitted for public way facades, above, shall be utilized for a minimum of 20 feet for the rear or side entrance facade areas.” (5) Subsection C: (a) Delete text and replace with “**C. Transparency Requirement.** A rear or side public building entrance facade area shall be a minimum of 20 feet wide and shall utilize one of the following:”. (b) Subsection 1: Delete “ground floor facade entrance” and replace with “rear or side entrance facade”. (c) Subsection 2: Delete “rear ground floor entrance area” and replace with “side or rear entrance facade area”.
19. 135-4.3.9: (1) Delete period and replace with colon. (2) Subsection A.1.a: Delete “Figure 135-4.3-G” and replace with “Figure 135-4.3-G of this article”. (3) Subsection A.1.b.i: Delete “projections.” and replace with “projections”.
20. 135-4.3.11: (1) Subsection A: Delete “Table 135-4.1-2” and replace with “Table 135-4.2-2”. (2) Subsection B: Deleted “This portion of page blank intentionally” following subsection.
21. 135-4.3.12: Delete “Figure 135-4.3-I” and replace with “Figure 135-4.3-I of this article”.
22. 135-4.4.3: Delete “Figure 135-4.4-A” and replace with “Figure 135-4.4-A of this article”.
23. 135-4.4.4: Delete “Figure 135-4.4-C” and replace with “Figure 135-4.4-C of this article”.
24. 135-4.4.5: (1) Subsection A: Delete “Figure 135-4.4-B” and replace with “Figure 135-4.4-B of this article”. (2) Subsection C: Delete “Figure 135-4.4-C” and replace with “Figure 135-4.4-C of this article”.
25. 135-4.5.7: (1) Subsection B: Capitalize “Encroachment”. (2) Subsection C: Delete “Page blank intentionally” following subsection.

15. 135-6.11.3.E: Delete “surface, shall” and replace with “surface, and shall”.
16. 135-6.12.2.A: Delete first sentence and replace with “The number of allowed curb drops and driveways is established by the building type regulations of Article 2 of this chapter, subject to and as limited by chapter 102 of this code and requirements of the city engineer, which may include state and local access management policies.”
17. 135-6.12.3.A: Delete “surface, shall” and replace with “surface, and shall”.
18. 135-6.12.3.B: (1) Delete period and replace with colon. (2) New subsection 1: Add hyphens after “one” and “two” and add comma after “districts”. (3) New subsection 2: Delete in entirety and replace with “This subsection shall not be interpreted to prohibit the construction of a 20-foot wide driveway to provide access to a two-car garage from a paved access or a driveway expansion immediately in front of, and the minimum width reasonably necessary to provide access to, a three- or four-car garage from a paved access.”
19. 135-6.12.3.G: Delete “Page blank intentionally” following subsection.

Article 7:

1. 135-7.1.1: Delete period at end of sentence and replace with colon.
2. 135-7.1.2.C: Section heading: Delete comma and replace with semi-colon.
3. 135-7.1.2.D.2.c: (1) Delete “50% of” and replace with “50% or”. (2) Delete “area,the” and replace with “area, the”.
4. 135-7.1.2.G: Delete period and replace with colon.
5. 135-7.1.2.G.2: Delete “by these regulations of this article” and replace with “by this article.”
6. 135-7.2.3: (1) Delete period at end of sentence and replace with colon. (2) Subsection C: Delete “Section” and replace with “section” in all locations.
7. 135-7.3: Delete period at end of sentence and replace with colon.
8. 135-7.3.3: Delete period at end of title.
9. 135-7.4.2.A: Delete first sentence and replace with “Tree plantings required by this article must comply with the recommended species list approved by the city department of public works forestry division.”
10. 135-7.4.4: Delete “ISA” and replace with “International Society of Arboriculture (ISA)”.
11. 135-7.4.6.A: Delete “increase” and replace with “to increase”.
12. 135-7.5.3.C.3: Delete “as otherwise” and replace with “other distance”.
13. 135-7.5.3.C.5: Delete “subject to the following” and replace with “as follows”.
14. 135-7.5.3.C.5.c: Delete “the transportation” and replace with “the city’s transportation”.
15. 135-7.6.4.B: Delete “developments with storefront” and replace with “developments in any building type with a storefront”.
16. 135-7.6.5.A: Delete “construction.” and replace with “construction, as well as the following:”.
17. 135-7.6.5.B.1: Delete “article, shall” and replace with “article shall”.
18. 135-7.7.3: Delete “Figure 135-7.8-A” and replace with “Figure 135-7.7-B”.
19. 135-7.8.1.B: (1) Subsection 1: Delete “N or A” and replace with “A, N, or NX”. (2) Subsection 2: (a) Delete “NX3” and replace with “NX2 or NX3”. (b) Delete “N5 districts” and replace with “N5, NX1 districts”. (3) Subsection 3: Delete “N5 districts” and replace with “N5, NX1 districts”.
20. 135-7.8.1.D: Add period at end of sentence.
21. 135-7.8.2: Delete “Figure 135-7.8-B” and replace with “135-7.8-A”.

12. 135-8.5.3.A: Delete text and replace with “Modifications of traffic islands, medians, traffic signals, curb-line extensions, bus stops and similar traffic elements, that are determined necessary by a traffic study or by the city engineer during review of a development application, are to be constructed or paid for by the developer.”

Article 9:

1. 135-9.1.1.A.4: Delete period.
2. 135-9.1.3.A: (1) Subsection 2: Delete “except if the cumulative valuation of interior alterations, not including fire suppression systems, exceeds the cumulative valuation of interior alterations, not including fire suppression systems, exceeds 50%” and replace with “except if the cumulative valuation of interior alterations, not including fire suppression systems, exceeds 50%”. (2) Subsection 9: Delete “and”. (3) Subsection 10: Delete period and replace with “; and”. (4) Subsection 11: Delete text and replace with “Other projects expressly exempted by this chapter or for which the development services director determines a site plan is impractical or infeasible.”
3. 135-9.1.4: (1) Subsections A-B, delete “; and” and replace with period. (2) Subsection A, delete “commision” and replace with “commission”. (3) Add new subsections D and E as follows: “**D.** Waiver, modification or variation of any of the review and approval procedures of this chapter. **E.** Waiver, modification or variation of any requirement to comply with sections or provisions of this code or otherwise required by local law, exclusive of this chapter.”
4. 135-9.2.1.D: Delete “A., B. and C.” and replace with “A, B and C”.
5. 135-9.2.1.H: Delete “including plantings fences and screening in accordance with the landscape standards in the adopted site plan policies and any adopted streetscape plans” and replace with “including plantings, fences and screening in accordance with Article 6 of this chapter and any adopted streetscape plans”.
6. 135-9.2.2.A: Subsections 1-2: Delete “of this chapter” and replace with “of this article”.
7. 135-9.2.3: Delete “135-9.2.3 of this chapter”.
8. 135-9.2.3.A.3.b: Delete “rear” and replace with “rear setback”.
9. 135-9.2.3.A.4: Delete extra space after “%”.
10. 135-9.2.3.B.1, 2, 3, 6, 12: Delete “article” and replace with “Article”.
11. 135-9.2.3.B.2: Delete extra space before “excluding”.
12. 135-9.2.3.B.4: Delete “outbuilding” and replace with “out building”.
13. 135-9.2.3.B.7: Delete “Waive or modify applicable building type regulations of article 2 of this chapter and design regulations of article 4 of this chapter” and replace with “Waive or modify regulations of this chapter”.
14. 135-9.2.3.B.10: Delete “ratio” and replace with “ratios”.
15. 135-9.2.4.A.1-2, 5: Delete “article” and replace with “Article”.
16. 135-9.2.4.A.8: Delete “types” and replace with “type”.
17. 135-9.2.4.A.9: Delete “Type 1 alternative” and replace with “Type 1 design alternative”.
18. 135-9.2.4.B: Delete “article 4” and replace with “Article 4”.
19. 135-9.2.4.C.3: Delete “article 4” and replace with “Article 4”.
20. 135-9.3.3.B.9: Delete “Plan;” and replace with “Plan, signed by an actively licensed architect, landscape architect, or certified nurseryman;”.
21. 135-9.3.3.B.10.i: Delete “phased number” and replace with “phase number”.

4. 135-12.17: Add new definition as follows: “**Obstruction:** any structure, deck, or other item, of any height, that obstructs, blocks or closes up or hinders movement around the yard or open space of a lot.”
5. 135-12.18: (1) Patio: Delete “retails” and replace with “retail”. (2) Pedestrian way: Delete “pedestrians, allowing” and replace with “pedestrians, allowing”. (3) Primary street: Delete extra space before “and section”.
6. 135-12.20, Roof, gambrel: Delete “one” and replace with “slope”.
7. 135-12.24: Add definition of “Vehicle, Motor, or Vehicle” as follows: “**Vehicle, Motor, or Vehicle:** any vehicle operated by a motor (motor vehicle), recreational vehicle, boat, trailer or semitrailer.”
8. 135-12.27: (1) Yard: Delete “; any obstruction less than 36 inches above the average grade of the lot”. (2) Yard, rear: Delete extra space in first sentence after “street-side yard”.

135-2.9.3.C.14: Delete “All permitted uses” and replace with “All permitted uses, except Eating and Drinking Places or Retail.”

- c. Issue: Clarify and allow limited number of surface parking, loading bays and garage entrances on front facades of Workshop/Warehouse buildings by Type 1 design alternative.

Amendment: (1) 135-2.9.1: (a) Revise first sentence to delete “that allows loading bays or garage entrances on the front facade”. (b) Delete second sentence and replace with “A limited amount of surface parking or number of loading bays or entrances may be allowed on the front facade of a Workshop/Warehouse building, subject to approval by the development services director in appropriate circumstances identified in section 135-2.9.3.E.4 of this article.” (2) 135-2.9.3.A.8, “References” column: Add “See section 135-2.9.3.E.4 for consideration of Type 1 design alternative for surface parking/loading and garage/loading entrance locations.” (3) Add new subsection 135-2.9.3.E.4 as follows: “4. Surface parking, loading bays, or garage entrances on the front facade may be allowed for Workshop/Warehouse buildings by a Type 1 design alternative, in number and form determined by the development services director, under the following circumstances: a. Workshop/Warehouse building is not fronting a primary street on the city’s primary streets map; b. Workshop/Warehouse building is located within a designated business park; c. Constraints of the lot upon which the Workshop/Warehouse building will be located, including dimensions, topography, utility locations or easement, and similar constraints as demonstrated by the applicant and confirmed by the city engineer, prevent construction of the building providing for rear or interior side surface parking, loading bays or garage entrances; d. The properties immediately adjoining the lot upon which the Workshop/Warehouse building shall be located contain surface parking, loading bays, or garage entrances on the front facade; and e. The predominant character of the business park, as determined by the development services director, includes surface parking, loading bays, or garage entrances on the front facades of existing buildings.”

- d. Issue: Adjust window transparency requirements for House building types.

Amendment: (1) 135-2.13.3.D.18: (a) Subsection title: Add “**(Street Frontage Facades)**”. (b) N2a and N2b columns: Delete text and replace with “15% for primary street frontage facade(s); 12% for non-primary street frontage facade(s); blank wall limitations apply to street facades except garage doors”. (2) 135-2.14.3.D.18: Subsection title: Add “**(Street Frontage Facades)**”. (3) 135-2.15.3.D.18: (a) Subsection title: Add “**(Street Frontage Facades)**”. (b) N4 column: Delete text and replace with “18% for primary street frontage facade(s); 12% for non-primary street frontage facade(s); blank wall limitations apply to front facade”. (c) NX1 column: Delete text and replace with “15% for primary street frontage facade(s); 12% for non-primary street frontage facade(s); blank wall limitations apply to street facades”. (4) 135-2.16.3.D.18: (a) Subsection title: Add “**(Street Frontage Facades)**”. (b) N5 column: Delete text and replace with “15% for primary street frontage facade(s); 12% for non-primary street frontage facade(s); blank wall limitations apply to front facade”. (c) NX1 column: Delete text and replace with “18% for primary street frontage facade(s); 12% for non-primary street frontage facade(s); blank wall limitations

public recreation area, or outdoor private/participant sports and recreation use, and primarily intended for viewing by attendees within the applicable field or open space. 1. Lighting, size, number, and placement of scoreboards shall not create a nuisance for adjoining properties, and shall be compatible with the size and design of the applicable field or open space.”

- c. Issue: Create accessory structures categories to allow for additional uses.

Amendment: (1) Table 135-2.22-1: Add Seasonal Building row to Accessory Buildings section, and add “●*” to the MX, CX, EX, I and P district columns and “—” to all other district columns in said row. (2) 135-2.22.2: Create new subsection 135-2.22.2.G as follows: “**G. Seasonal Building**. A temporary structure typically associated with seasonal sales, such as snow-cones or holiday decorations. 1. Yards and Setbacks. Permitted in all yards, and a minimum of five feet from all lot lines. 2. Requires an accessory use approval in accordance with chapter 134 of this code. 3. Seasonal buildings associated with an accessory use shall be located on a lot for no more than 180 days per calendar year. 4. Seasonal buildings shall not contain drive-through facilities. 5. Each seasonal building on a lot shall provide three dedicated off-street motor vehicle parking spaces on said lot in addition to the required parking spaces for the principal use(s) on the lot, and shall not displace or inhibit any required parking for the principal use(s) on the lot. 6. Height shall not exceed 17 feet.” (3) Table 135-2.22-1: (a) Add Bus Shelter or Bench for Public Transit Agency and Outdoor Automated Accessory Structures rows, respectively, to Accessory Outdoor Paving & Structures. (b) Bus Shelter or Bench for Public Transit Agency row: add “●*” in all zoning district columns. (c) Outdoor Automated Accessory Structures row: add “●*” to the DX, MX, RX, CX, EX and I1 district columns and “—” to all other district columns. (4) 135-2.22: Add new sentence to end of section as follows: “Bus shelters used and maintained by a public transit agency, as regulated by section 135-2.22.3.K of this article, may be accessory to lots containing a principal use or to lots that are vacant.” (5) 135-2.22.3: (a) Create new subsection 135-2.22.3.K as follows: “**K. Bus Shelter or Bench for Public Transit Agency**. 1. Location; Yards and Setbacks. A bus shelter or bench for a public transit agency may be located as follows: a. in existing public right-of-way pursuant to city approval of vacation of necessary right-of-way and easement allowing a bus shelter, or license agreement with the city allowing a bench; or b. in any yard on a lot pursuant to an easement for the bus shelter or bench and located a minimum of five feet from any side or rear lot line. 2. Design. A bus shelter or bench for public transit agency shall be located on a concrete surface, connected by a paved travel surface to the street curb and subject to the public transit agency’s general design requirements for shelters and benches unless otherwise specified by the easement or license agreement.” (b) Create new subsection 135-2.22.3.L as follows: “**L. Outdoor Automated Accessory Structures**. Examples of outdoor automated accessory structures include automated teller machines (ATM), automated movie rental, automated grocery delivery, and similar uses accessory to a principal retail sales use or financial service use allowed in the applicable zoning district. 1. Location; Yards and Setbacks. Outdoor automated accessory structures are permitted in any side yard or rear yard provided that they are located within five feet of the principal building or under a canopy for an accessory drive-through facility and no closer to a street right-of-way line than the street facing facade of the principal building or accessory drive-through facility. 2. Said structures must be placed on a concrete surface. 3.

the applicant must provide a detailed architectural and viewshed analysis that illustrates, three-dimensionally, the specific location and specific heights of all components and includes the following, at a minimum:

1. Proximity to the Capitol;
2. Proximity to view corridors identified in the Capitol Gateway East Urban Design Plan or most recent similar plan;
3. Impact on views to and from the Capitol; and
4. Any other illustrations as required by the development services director.

Article 6:

1. Parking Space Calculations

- a. Issue: Describe principal use applicability for motor vehicle and bicycle parking space calculations.

Amendment: 134-6.2.2: (1) Delete section title and replace with “Multiple Uses or Use Types”. (2) Delete text and replace with: “Lots containing more than one principal use or tenant must provide both motor vehicle and bicycle parking in amounts equal to the total aggregate number of spaces required for each principal use or tenant on the lot except when a shared parking arrangement is approved in accordance with section 135-6.5.4 of this article. In the event that a single principal use on a lot is associated with more than one specific use type, the specific use type requiring more parking spaces shall apply for purposes of this article for all zoning districts other than DX, MX1 and MX2 districts.”

2. Off-Site Motor Vehicle Parking

- a. Issue: Allow expansion of off-site parking as an accessory use to an adjoining permitted principal non-residential use, similarly to prior zoning code.

Amendment: 135-6.6.4: Add new subsection F as follows: “**F. Supplemental Regulations** The following shall also apply to off-site parking areas: 1. The off-site parking area may only be established 100 feet into the zoning district where non-accessory parking or the use to be served by the parking are not permitted uses. 2. Where feasible, the entrance to the access shall be from an adjoining alley or the lot within the district allowing the primary use. 3. In N and NM districts, the accessory off-site parking use shall be located outside of the front yard setback.”

Article 7:

1. Landscape Calculations

- a. Issue: Clarify landscape calculation process.

Amendment: 135-7.1: Add new section 135-7.1.4 as follows:

135-7.1.4 CALCULATIONS

Landscape calculations shall be stated on all site plans or alternate design documentation, as applicable. In calculating required landscape materials as either a percentage of, or as a ratio

services director.” (3) Add new subsection 14 as follows: “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.”

3. House Building Type Expansions

- a. Issue: Allow for Type 1 design alternative relief to waive or reduce basement requirement for expansion or enlargement of a House Type A building.

Amendment: 135-9.2.3.A.10: (1) Delete “N2a district in” and replace with “N2a district (a) in”. (2) Delete “city engineer” and replace with “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.”

4. Pre-Application Meetings

- a. Issue: Reformat pre-application meetings from in-person with department-approved exceptions to electronic (virtual) with department-approved exceptions.

Amendment: 135-9.3.2.B: Delete text and replace with “The development services director is authorized, but not required, to allow alternatives to electronic (virtual) pre-application meetings, such as in-person (face-to-face) meetings, telephone conversations and email correspondence.”

5. Site Plan Application Requirements

- a. Issue: Add option to commence site plan review and approval process prior to, and subject to, applicant demonstrating property owner consent.

Amendment: 135-9.3.3.A: Delete second sentence and replace with the following:

“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:

1. Public hearing review pursuant to section 135-9.3.4 of this article;
2. The provision of written notice, at applicant’s expense and in form acceptable to the development services director, to all record titleholders and contract purchasers of all lot(s) involved in the application prior to public hearing by the plan and zoning commission; and
3. A condition of approval requiring written consent of all record titleholders and contract purchasers of the lot(s) involved in the application prior to written verification of approval of the public hearing site plan by the development services director and prior to issuance of grading or building permits.”

6. Site Plan Lapse of Approval

- a. Issue: Add an option to extend the duration of approved site plans/alternate design documentation, or phases thereof, for good cause or undue hardship that has delayed proposed development.

Amendment: 135-9.3.6: Add new subsection D as follows: “**D.** One extension may be granted by the development services director for any approved site plan or alternate design

Amendment: 135-12.17: Delete definition of “off-street parking and loading area” and replace with “**Off-street parking and loading area, or off-street motor vehicle parking:** any portion of a lot or property used for parking of vehicles, or used for storage, parking and display of any commercial vehicles, commercial equipment or contractor’s equipment, or used for storage or placement of any merchandise. Notwithstanding any statement to the contrary in this chapter, off-street parking and loading areas are not limited to the parking of private passenger automobiles (vehicles) of occupants, patrons, or employees of the principal use served on a lot, and instead include such parking as well as storage, parking, display, and placement of vehicles, equipment, items, and similar objects related to the principal use on a lot.”