



Non-Transect Zones Overview

CodeNEXT Research Group

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Non-Transect Zones, where applied, would replace our current residential and commercial zoning classifications. Non-Transect Zones **consolidate** some existing zoning **districts, rename** all of **them**, and in some instances permit **more residential density than currently allowed**. Non-Transect zones also **intensify** the **commercial uses** allowed in existing commercial zoning by blurring the distinction between office and retail and by allowing **bars** and **nightclubs** in zoning districts that they are not allowed in today. To do all this, Non-Transect zones **reduce** or eliminate **on-site parking** and promote **mixed use**.

A. Residential Zone Uses and Standards. The following use description is not exhaustive and doesn't include all uses permitted under all Conditional Use Permits and Minor Use Permits. That information is found in **Table 23-4D-3040A**. Notations in () are the existing zoning districts to which the new districts are said to correspond. Abbreviations used below: ADR = Accessory Dwelling Unit. CUP = Conditional Use Permit. MUP = Minor Use Permit. (After the draft code was released, City staff posted a comment to Table 23-4D-3040A correcting it to say that in the LDR zone, ADUs are not allowed by right but instead are allowed with a Minor Use Permit. A Minor Use Permit may be granted by the Development Services Director. MUPs do not require a hearing or Council approval, though Staff has indicated that some as yet undetermined administrative appeal, by-passing elected officials, will be allowed. §23-4B-1030. Staff has also posted another correction regarding ADUs, saying that in 23-4E-6030 the floor area is incorrect and should read "whichever is *lesser* of 1,100 sq.ft. or FAR of 0.15 shall apply".)

The following Residential Non-Transect zones can be found in the initially released draft code at §§ 23-4D-3060 thru 23-4D-3150:

All zones permit home occupations; also allowed are group homes and day care centers of various sizes.

1. RR (RR): No ADUs or duplexes
2. VLDR (SF-1): No ADUs or duplexes.

3. LDR (SF-2): ADU's, not duplexes.
4. LMDR (SF-3, SF-4B): ADUs and duplexes.
5. LMDR-SL (SF-4A): ADUs and duplexes.
6. MDR (SF-5, SF-6): ADUs, duplexes, Multi-Family with MUP; B&B, retirement housing.
7. MHDR (MF-1, MF-2): Multi-Family; B&B, cooperative housing, retirement housing.
8. HDR (MF-3, MF-4): Multi-family; B&B, cooperative housing, retirement housing, group residential.
9. VHDR (MF-5, MF-6): Multi-family; B&B, cooperative housing, retirement housing, group residential, assisted living.
10. Mobile Home: Standards too extensive to summarize here.

Note: **Table 23-4E-6030A** provides that (1) if there is both an ADU and the Primary Structure, only one can be a rental property in Non-Transect zones and (2) that the ADU may not be used for a STR for more than 30 days a year if it was built after October 1, 2015.

With the exception of the front setbacks, the “single-family” residential Non-Transect zones **generally maintain the minimum lot sizes, setbacks, impervious cover and building coverage limitations** of the corresponding zoning categories in the current code. The minimum **front yard setback in LMDR**, which is represented to be the Non-transect equivalent of SF-3, is 15ft, not the 25ft currently required in SF-3. Compare LMDR § 23-4D-3090 with § 25-2-492 - Site Development Regulations. And, the front setback for LMDR-SL is 10ft, not the 15ft currently required in SF-4A. Compare LMDR § 23-4D-3100 with current code § 25-2-492 - Site Development Regulations.

Duplexes, where permitted, would still require a **7,000 sq. ft. lot.** § 23-4E-6350. **However**, it appears that **in LMDR LMDR-SL and MDR zones if you have a 7,000 sq. ft. lot, a duplex and an ADU are both allowed.** That is **fifty percent more density** than allowed in SF-3 zoning today which permits only two dwelling units. See current code § 25-2-492 - Site Development Regulations.

In the **Urban Core**, zones RR, VLDR, LDR and LMDR (RR, SF-1, SF-2, SF-4B and SF-4A) the **Building Size** is the greater of 2,300 sf. or .40 FAR. (The CodeNEXT provision to the contrary has been acknowledged by staff as an error.)

In the **multi-family** zones, some of the current multi-family zoning districts are combined, so the units per acre are higher or lower for one or both of the combined districts than they are today. The site development standards such as setbacks are difficult to summarize because they depend, in part, on whether they are adjacent to a Low to Medium Intensity Residential zone and/or a T3 Transect zone and on the width of the lot. For more detail on the multi-family site development standards the reader is referred to the individual zones. (§§ 23-4D-3070 to 23-4D-3140).

A **potentially significant departure** from current residential zoning is the addition of a new use category called “**Live/Work**”. §23-4E-6190. Live/Work authorizes limited work facilities in a home. Live/Work is different from the Home Occupation use in that up to **three non-resident employees** may be allowed. Incidental sales of goods produced in the home are permitted. Client and customer visits are permitted. Signage is authorized. The workspace can accommodate commercial and light industrial uses. The parking requirement is not specified, so presumably the parking requirements for the commercial use in question apply. § Table 23-4D-4050.C. In any event, the Development Services Director “may modify parking requirements for the use of existing structures with limited parking.” §23-4E-6190. Live/Work is permitted in MHDR, in MDR with a Minor Use Permit, and in LMDR with a Conditional Use Permit. However it is unclear what commercial work would be allowed in LMDR, for example, since the Live/Work section provides that “[t]he non-residential component of a live/work development shall only be a use allowed with the applicable zones.” §23-4E-6190.

Importantly, each of the **Non-Transect residential zones** provides: “Developments in [these] Zone[s] may qualify for a **density bonus** or other incentives if the development meets the applicable provisions of [as yet unwritten] Article 23-3E (Affordable Housing Incentive Program). In other words, the densities provided in the Non-Transect residential zones are just the **starting point** and not necessarily the ending point. This will make it impossible to know for certain in advance what densities will be permitted.

B. Commercial Uses. What follows is not exhaustive and doesn’t include all uses permitted under CUPs and MUPs. That information is found in Table 23-4D-4040A. These Commercial Non-Transect zones can be found at §§ 23-4D-4060 thru 23-4D-4090.

1. Neighborhood Commercial. The Neighborhood Commercial zone **disregards** the long-standing **distinction between office and retail** uses by combining the Neighborhood Office (NO), Limited Office (LO) and Neighborhood Commercial (LR) zoning districts into a new zone. Today’s Neighborhood Office and Limited Office zoning districts after conversion to the Non-Transect zone equivalent would include **higher traffic-generating** uses such as personal services, restaurants, food sales and general retail uses. According to the Traffic Generation Manual, **Retail** land uses generate **5 to 10 times** (or more) **traffic** than office uses. And **Medical Services** – the land use that NO was designed to exclude because it generates **3 or more times** more **traffic** than other professional offices – would be allowed in what is now NO with only an administrative **Minor Use Permit**. A Minor Use Permit does not require a hearing or Council approval, though some as yet undetermined administrative appeal will be allowed. §23-4B-1030.

Generally, the changes in impervious cover, building coverage, setbacks and FAR are somewhere in between what was permissible in the current NO and LR zoning districts.

Depending on the current zoning, these **changes in site development regulations** could be **significant** for different locations so the code sections should be consulted. See § 23-4D-4060.

2. Local Commercial. The City says this corresponds to our current General Office (GO) but it **combines office** and **retail** uses permitting banks, veterinary clinics, mobile food sales, and doctor's offices; and with a CUP, **bars** and public parking lots or garages are permitted. The site development standards line up with **GO** except the **height is reduced from 60 to 40ft**.

3. General Commercial. This was formerly Community Commercial (GR). Unlike **GR** this zone **permits bars** and parking lots or **garages**. The site development standards line up with the current GR.

4. Regional Commercial. The City's chart says "**Rezone GR to CS-CO.**" It is unclear what GR properties they intend to rezone. This is very similar to General Commercial, but **bars with outside seating** and late hours and also **outdoor events** are **permitted** with an administrative **MUP**. The site development standards indicate an increase in impervious cover and building coverage above what they are in GR.

5. There are additional Non-Transect zones dealing with downtown and highways which are outside of the scope of this overview.

6. Setbacks and compatibility: In residential non-transect zones, the rear setbacks are 10' (5' for accessory structures) for all residential zones (single-family to high-density multi-family) with the exception of small lot classifications which only require a 5' setbacks. Rear setback between Higher Density Residential and Non-Residential Zones only apply to properties that abut. **Setbacks are not required for across the alley or across the street**, as they are in current compatibility standards. As in Transect Zones, **height and compatibility standards are drastically reduced** in some instances. For example, a 60-foot tall General Commercial Building (currently GR) would only require a 101-foot setback. Under the current Compatibility Standards, a 300-foot setback would be required. This is discussed in more depth in a separate paper.

7. Neighborhood Plans: CodeNEXT initially provided that **Neighborhood Plans** would constitute an overlay zone the purpose of which is to require property to be "developed in a manner consistent with the goals, policies and objectives" of the Neighborhood Plans. See §23-4D-7090A and Table 23-4D-720. Under the proposed overlay zone, use restrictions, development standards, and other standards and regulations governing development as provided in the Neighborhood Plans were to apply. This provision was understood to be the City's attempt to keep its **promise** regarding Neighborhood Plans. Before the effectiveness of this provision could be assessed, City Staff posted a note that "Section 23-4D-7090, Neighborhood Plan Overlay, is

being **deleted from the draft Land Development Code**”, claiming that this provision, which covers a page and one-half, had been “included in error.”

C. Residential Uses in Commercial Zones. Three Non-Transect zones permit **mixed use** in sub-zones (“**Open**”). The three zones and the permitted number of dwelling units are: Neighborhood Commercial (12 units/acre), Local Commercial (18 units/acre) and General Commercial (36 units/acre). The residential units are not included in the FAR but are in addition to the FAR. The **parking** requirement is one space per unit, **half** of what it is today for single family.

D. Parking. At the same time that CodeNEXT is **increasing** the volume of **traffic** generated by existing zoning districts in and around neighborhoods, it is **reducing** the **parking** requirement for those uses:

1. In **residential** Non-Transect Zones **parking** is **cut in half** to 1 space per household.
2. In **commercial** Non-Transect Zones onsite **parking**, other than for restaurants, is generally **reduced**. See Table 23-4D-4050.C. For example, here are reductions in some of the most common neighborhood commercial uses:

	Today	Non-Transect	Reduced By
Retail	1 space for each 275 sq. ft.	1 space for each 350 sq. ft.	20%
Banks	1 space for each 275 sq. ft.	1 space for each 350 sq. ft.	20%
Office	1 space for each 275 sq. ft.	1 space for each 500 sq. ft.	45%
Medical Serv.	1 space for each 200 sq. ft.	1 space for each 500 sq. ft.	60%

Significantly, the reduced Non-Transect parking requirements may be eligible for **additional cumulative reductions** of 5% to 40% if, for example, the property is within a quarter mile of a corridor, or provides additional bicycle parking or a shower. §23-4E-3060. Further, the **Director of Planning**, whose **decision is unreviewable**, may eliminate the on-site parking requirement altogether by authorizing **off-site parking** 1,000 feet away. And, the proposed off-site parking provision **eliminates language requiring consideration of the impact of the parking facility on traffic patterns and nearby residents**. Compare current Land Development Code §25-6-502 (C) with proposed §23-4E-3060.

Disclaimer: While the contributors to this overview and appendices made a concerted effort to be accurate, given the draft’s complexity, ambiguity, new terminology, and mistakes, there may be errors or misunderstandings herein. There is no pretense that this overview addresses all of the issues of importance to different neighborhoods or addresses any issue completely. The reader is encouraged to check statements in this document against the draft code, its amendments and additions.