


# Review and possible amendments to Section 4.2.5.A



Docket #180-21  
Zoning & Planning Committee  
September 13, 2021

# Agenda

- History and creation of MU-4
- Current language
- Proposed revisions
- Impact of Proposed Revisions

# Summary

- Amendments proposed to Section 4.2.5.A, additional standards in the MU-4 district
- Revise criteria for projects seeking Special Permit for building height and setback requirements in MU-4
- Clarify how shadows and blocked views will be assessed
- No substantial changes to MU-4

# History

- MU- 4 created in 2012
- New district created to support mixed-use development as outlined in Comprehensive Plan
- Intended to foster development typical of village centers (i.e. a mix of uses)

# Intent of Special Permit

- Waivers for setbacks and height restrictions deemed appropriate if certain conditions are met
- Emphasis on flexibility and discretion for the Special Permit Granting Authority
- Special Permits should be evaluated for “harmony and integration with their context, rather than just consistency with complex tables and numerical rules.”
- Impact of shadows and blocked views included as one element of review among others

## Special Permit – Height (Section 4.2.5.A.1)

### Existing Language

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

## Special Permit – Mixed-Use Incentive (Section 4.2.5.A.2)

### Existing Language

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

## Special Permit – Setbacks (Section 4.2.5.A.4)

### Existing Language

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



# Issues With Existing Language

*“does not adversely affect its surroundings by creating shadows or blocking views” (Sec. 4.2.5.A.1)*

- Language is unclear and confusing
- Can be interpreted to mean that Special Permit only appropriate if no shadows or blocked views are created at all
- This interpretation is not consistent with intent of MU4, or past application of standards

## Special Permit – Height (Section 4.2.5.A.1)

### Proposed Language

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

## Special Permit – Mixed-Use Incentive (Section 4.2.5.A.2)

### Proposed Language

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

## Special Permit – Setbacks (Section 4.2.5.A.4)

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

Proposed  
Language

# Expected Outcomes

- Minimal impact - clarifying change
- Impact of any shadows or blocked views will be analyzed through shadow study
- Possible factors of analysis: shadow extent duration, seasonal reach, and the ground level uses it affects, among others
- Determination of adverse impact of shadows and blocked views can be specific to each site and project

## Next Steps

- Staff recommend setting a public hearing date for October 14