

## **White Paper: Use Categories/Definitions**

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### **Policy Direction:**

The 2030 General Plan identifies as a priority implementation program the updating of the Zoning Ordinance. Specifically, the General Plan provides direction to update the Zoning Ordinance to be consistent with the General Plan in areas including, but not limited to, the following: streamlining infill development, green/sustainable development practices and site planning. Additionally, the General Plan provides specific direction to update the Zoning Ordinance consistent with the policies and diagrams of the General Plan.

### **Purpose:**

The 2030 General Plan describes land use and urban forms in context sensitive designations (e.g., urban, traditional and suburban) and allows for a wide range of urban infill development that provides for complete neighborhoods and efficient urban development. Land use descriptions and definitions in synch with the General Plan would add clarity and remove ambiguity about the land use types that are allowed and even encouraged to develop.

### **Background:**

The current zoning code was initially adopted in the late 1950's. Land use regulations are applied based on land use descriptions identified in a land use/zoning matrix. In the land use/zoning matrix, a use is either allowed by right, allowed subject to conditions (identified by footnotes) or prohibited altogether. The Zoning Ordinance contains 170 land use uses (29 Residential, 43 Industrial and Agriculture and 98 Commercial). Eighty-four footnotes describe supplemental conditions and/or entitlements required for various uses to occur in a specific zone. Land uses and footnotes were often times added to remedy specific problems that may or may not exist today.

### **The Problem:**

#### Land Use

The significant number of land uses and footnotes in the land use/zoning matrix adds unnecessary complexity to the zoning code. For example, there are several types of manufacturing listed in the land use/zoning matrix (e.g., billboard manufacture, ice manufacture and cement or clay manufacturing), as well as a stand-alone use "manufacturing". There is similar overlap for commercial and residential uses.

#### Footnotes

The 84 footnotes to the land use/zoning matrix describe additional entitlements and development standards required for approval. These additional requirements are sometimes dated and no longer relevant, superseded by other regulations, or occur for reasons no longer apparent to staff, the Planning Commission or City Council. Also, the footnotes mix land use regulations and development standards, making it difficult to know whether to find the development standards under "Division II Land Use Regulations" or "Division III Development Standards."

## Definitions

Definitions exist for some uses and not others. Additional definitions may help to remove ambiguity regarding whether or not a use is allowed in a given zone. For example, a furniture or flooring manufacturer might be considered to be a “manufacturing” use. However, if a use employed a planing mill as a tool, would the facility become classified as a planing mill? Or should that designation only be applied to facilities, such as lumberyards, that use planing mills as a primary piece of equipment.

### **Recommended Solutions and Associated Challenges:**

There are a number of options to address the land use and definitions challenge. These include: consolidating the number of land use categories into fewer, more generalized types, paring back the number of footnotes by eliminating redundant and dated language, moving special use regulations to new code sections created for this purpose, and providing additional definitions, particularly for the new consolidated land use types.

There are advantages and disadvantages to numerous, specific land use types. The more specific the type, the greater the regulatory control over specific uses. If use types are consolidated, there may be uses that lose regulatory control over land use and/or development standards. This can be seen as both a positive and a negative.

Similarly, footnotes provide for specific regulatory land use and development standard direction. The removal or paring back of footnotes would provide less opportunity for discretionary review. On the other hand, less regulatory control might result in ease of development consistent with the 2030 General Plan.

Lastly, definitions provide clear direction for uses allowed in specific land use types. At the same time, specific definitions can also limit flexibility for determination of uses allowed in a specific land use type. Flexibility in this case can be a double edged sword. If a use was intended, but not specified, the lack of flexibility can result in the need for an entitlement where one was not intended (see planing mill/furniture manufacturing example above).

### **Discussion Questions:**

1. How general (and flexible) should the land use types in the Zoning Ordinance be?
2. If footnotes are pared back or removed, how comfortable will we be with generalized zoning regulations?
3. Will additional definitions provide for clear regulatory direction, or will they result in a regulatory constraint by limiting our ability to “interpret” which land uses are allowed or regulated?