
Zoning Committee of the Planning Commission (ZOCO) Meeting Summary, January 6, 2015. PC

Members in Attendance: Nancy Iacomini (chairman); Steve Cole; Erik Gutshall; **Staff:** Deborah Albert, David Hunter, Arlova Vonhm.

Zoning Ordinance Update Phase IIC Use Classification System ZOCO reviewed proposed accessory use standards and proposed revised short term use standards. The following are ZOCO comments. Comments from community members present are provided at the end of this summary.

Accessory use standards

- Inquiry as to whether incidental and subordinate are defined terms.
- Question regarding whether an accessory garage can be built on a separate lot if a person owns two lots, but the existing house does not straddle the lot line. Staff confirmed that an accessory garage cannot be built on a lot by itself if there is not principal use on the lot. However, one could inquire about a buildability letter to the Zoning Administrator.
- Question regarding whether townhouses can be built by-right on five commercial lots. Staff responded that it would depend on the zoning regulations for the subject district.
- The proposed text precludes an accessory use from being in a different zoning district than the principal use. Why?
- Proposed text:
 - 12.9.1.D – this provision is not clear; please clarify intent.

Short term use standards

- **Purpose and intent (12.10.1).** Text references “procedures.” Typically procedures are administrative guidance.
- **General standards (12.10.2)**
 - 12.10.2.A: “established” seems like it should be “allowed”
 - 12.10.2.D is not clear, please reword to indicate intent of specific time limit.
 - 12.10.2.F is phrased differently than all other provisions in this section. Suggest rewording to start with “No short term use...”
 - 12.10.2.I: what is “excessive” glare? Suggest using an actual standard (e.g. luminance level such as that in the sign regulations).
 - 12.10.2.K: In site plan conditions, typically conditions regarding compliance with all other codes and policies are listed first. Consider moving to the front.
- **Pop-up Parks**
 - Three years seems too long for short term. Suggest one year with renewal.
 - A notification requirement should be included – it would foster a conversation with the community, even if the applicant is not required to take the advice offered through outreach

- Consider an on-line link to active permits for short term uses.
- Ensure that the Zoning Administrator has the ability to revoke the permit if it is not in compliance with the standards
- ***Construction equipment, fences and offices***
 - Require a fence abutting R and RA districts unless impossible. This would be preferable than allowing the Zoning Administrator to choose whether to require it. The burden should be on the applicant to demonstrate why a fence is not needed.
 - Zoning text should be clear about the type of fence required (e.g. chain link, etc.)
- ***Indoor and outdoor events and activities***
 - Fireworks stands, which are now allowed, seem to be missing.
 - Question if this would introduce a way for those wishing to avoid a public process (County Board hearing) for an activity like an open air market or small vegetable stand. Staff clarified that the more specific and restrictive process would apply since open air markets are already defined but agreed to review this further.
 - How would activities like Clarendon Day work under this proposal? Staff indicated that the special event process is not being proposed to change, which addresses the use of public right of way and that existing, occupied retail spaces are not spaces this provision is intended to address.
 - Question about why existing retail spaces are being excluded here. Staff clarified that the intent of the provision is to permit use of vacant space to encourage activation on sites that development has not taken place. Occupied spaces already are able to, on a limited basis, hold outdoor events that are located adjacent to the store/business.
- ***Storage pods***
 - Should be allowed to be placed at the (side) lot line if they are on the driveway. Many people may believe that they are allowed such placement now, even if that is not correct. Many driveways are on the side lot line, and that is the logical place to put a storage pod.
 - Interested to know about complaints related to storage pods placement.
 - Consider the case of a driveway with a shared apron
 - 90 days is too limiting. Most construction projects take longer than that.
- ***Public, civic and institutional buildings***
 - Thinking about impact of this provision on the Lyon Park Community Center – want to make sure it does not preclude the community center from renting out space.
- ***Permits for short term use***
 - 15.10.3. Is the 30 day requirement 30 working days or calendar days?
- ***General questions***
 - Will there be a fee for permits for short term uses?

Comments from community members present

- 12.5.10.D. Has staff considered allowing ALL signs allowed under Article 13 rather than only those that do not require permits?
- Are there requirements related to parking generation of a short term use/event?
- 12.10.5 introduction uses “vacant” to modify “property” and “indoor” but there is no modifier for “outdoor.” What is the intent? This should be clarified.