
**MEMORANDUM
STAFF REPORT**

DATE: AUGUST 20, 2012
TO: PLANNING COMMISSION
FROM: PLANNING DEPARTMENT
SUBJECT: RESIDENTIAL ZONES UPDATE

Request:

Comprehensive update of the Residential zoning ordinance in Title 17, Chapter 8 of the Lancaster Municipal Code

Discussion:

This memo supplements the information contained in the July 16, 2012, staff report for the Residential Zones update. City staff has received public testimony and comments from the Commissioners during the last two meetings of June 18 and July 16, 2012. Many comments pertained to the requirement for solar on new residential homes. No recommendation was made by the Planning Commission, and the public hearing was continued to the following meeting; however, staff indicated that they would compile all the comments received so far and prepare responses to the comments.

Attached to this memo is a matrix outlining the comments received on the Residential Zones, and the corresponding recommendations in response to the comments (see Exhibit "B"). These recommendations are provided for your discussion and further review. With the Planning Commission's consent and direction, staff would proceed with editing the draft Residential Zones, in accordance with the outlined recommendations and any other revision as directed.

In addition, staff is introducing the addition of a live-work ordinance into the Residential Zones Update (see Exhibit "C"). Staff is recommending the addition of a live-work ordinance to provide for the appropriate development of units that incorporate both living and working space on residential properties located specifically along primary arterial streets. Implementation of a live-work ordinance would allow these residential properties to transition into office or commercial uses, due to their proximity and access to higher volume traffic.

A live-work use is distinguished from a home occupation primarily in that a live-work use can include employees who are not residents of the home, involve a greater number of customers,

be located in a larger percentage of a home or accessory building, and have appropriate on-site signage. Examples of live-work uses may include real estate, tax preparation, and other office uses. Heavier intensity commercial uses, such as restaurant and entertainment uses, or other uses that may result in a negative impact on surrounding uses, are not permitted as live-work uses. These uses tend to generate additional traffic and noise, and are not suited as transitional uses.

Staff asks that the Planning Commission carefully consider the information provided, in addition to the original staff report materials containing the recommendation and resolution.

CN:BSL/jr

Attachment:

Exhibit "A" – Public Draft of the Residential Zones

Exhibit "B" – Matrix of Revisions of Public Draft of Residential Zones

Exhibit "C" – Live-work Draft Ordinance

EXHIBIT "A"
Planning Commission Meeting
August 20, 2012

[PUBLIC DRAFT OF THE RESIDENTIAL ZONES](#)

(Click on the above link to view document)

EXHIBIT “B”
Planning Commission Meeting
August 20, 2012

Matrix of Revisions of Public Draft of Residential Zones

SECTION	COMMENT	STAFF RECOMMENDATION
17.08.050	The list of uses in residential zones should include wireless facilities to ensure coverage, even if it is a non-residential use in a residential zone. <i>Veronica Arvizu, CMH Consulting Group for MetroPCS</i>	Amend the list of uses in Section 17.08.050 to allow wireless facilities (stealth only) on non-residential uses (churches, schools, etc.) in residential zones with a Director’s Review.
17.08.060.A.1 and 17.08.060.B.1	Solar energy generation for new subdivisions should be an option instead of a requirement. <i>Various homebuilding representatives</i> Instead of specifying “solar,” use more general terms, such as “alternative energy sources,” to avoid being locked into solar. <i>Commissioner Hall</i>	Keep the requirement for solar provision with the generation rates as drafted to meet the City’s alternative energy goals, but allow homebuilders options to meet the requirement off-site and set an implementation date of January 1, 2014. In addition, establish procedures for administering this requirement.
17.08.060.B.1	The requirement of a porch inhibits the use of certain elevations and architectural style. <i>Brandon Roth, Stratham Homes</i>	Keep the requirement for a porch, but allow homebuilders to propose alternative frontage features that would meet a similar design intent and variation.
17.08.060.B.1	Not all homes should have garages that are flush or recessed behind the front entrance plane. Allowing some garages to extend in front of the front entrance plane would add variety and allow for more floor area in the home. <i>Ron Mertzel, KB Homes</i>	Amend this requirement so that all garages shall be located at or behind the wall plane where the front entrance is located; however, a homebuilder with a subdivision with at least four floor plans may have one floor plan that has a garage located in front of the front entrance plane.
17.08.060.D.1.a	Clarify and define on-site security for large apartment complexes. <i>Chairman Vose</i>	On-site security for large apartment complexes (16 units or greater) will be clarified to include the implementation of specific security provisions, such as cameras, alarms, or active security guard surveillance, to the satisfaction of the Planning Director.

Matrix of Revisions of Public Draft of Residential Zones

SECTION	COMMENT	STAFF RECOMMENDATION
17.08.070.C.4	Extending the length of eaves and gable overhangs offer little aesthetic benefits. <i>Chairman Vose</i>	Amend the language to remove quantified eaves dimensions, but keep language that ensures enhanced residential architecture.
17.08.070.C.5	The proposed requirement for minimum number of models (elevations) and floor plans are excessive and do not reflect industry standard. <i>Various homebuilding representatives</i>	Amend this requirement and propose the following for new subdivisions: <ul style="list-style-type: none"> • Less than 20 units: 3 elevations, 3 floor plans • 20 to 50 units: 3 elevations, 4 floor plans • 50 to 100 units: 4 elevations, 5 floor plans • 100 units or greater: 5 elevations, 5 floor plans
17.08.070.F	The requirement to “locate parking areas away from street view” conflicts with the development standards for garage location in 17.08.060.B.1. <i>Brandon Roth, Stratham Homes</i>	Clarify language as applicable specifically for multi-residential development.
17.08.070.F.5	The requirement to locate permanent parking for RVs behind the front plane of the house should also apply to boats and other similar large items. <i>Chairman Vose</i>	Add language to require the parking of other large items, such as boats, behind the front plane of the house.
17.08.080.B.2	A project should only need to be surrounded by development on three sides, instead of all sides, to qualify for infill benefits. <i>Brandon Roth, Stratham Homes</i>	Keep the existing qualifying criteria for infill development. There are several ways to qualify for infill incentives, other than being surrounded by development on all sides. The various criteria were specifically worded to provide incentives to developing on land in the urban core that was previously bypassed, and to mitigate the City’s fragmented land use patterns.
17.08.080.B.4	Requiring that a project combine four adjoining parcels to qualify for infill punishes developers of a large, single parcel. <i>Brandon Roth, Stratham Homes</i>	Keep the existing qualifying criteria for infill development. See reasoning above, for 17.08.080.B.2.

Matrix of Revisions of Public Draft of Residential Zones

SECTION	COMMENT	STAFF RECOMMENDATION
17.08.080.D.4	Reduce the required yard space for small-lot infill parcels from minimum dimensions of 16 feet to 12 feet to allow for greater flexibility. <i>Ron Mertz, KB Homes</i>	Amend the required to yard space for small-lot infill parcels to minimum dimensions of 12 by 12 feet.
17.08.110.A.6 and 17.08.110.A.7	Language in #6 describing landscape planter curbing as wheel stop contradicts language in #7 prohibiting vehicle overhang into landscaped areas. <i>Chairman Vose</i>	Remove language describing landscape planter curbing as wheel stop and the prohibition of vehicle overhang into landscaped areas.
17.08.130	Section of Fences, Walls, and Screening does not call out masonry block fencing as required for new residential subdivisions. <i>Chairman Vose</i>	Add language pertaining to wall materials to require block fencing for new residential subdivisions, including language to be carried over from the Standard Conditions for Tentative Tract Maps requiring masonry wall along the perimeter of a subdivision. Also include language to require tile roofing and roll-up garage doors for new homes.
17.08.170	Include language that prohibits unsightly, graffitied, or damaged cargo containers. <i>Commissioner Hall</i>	Add language to prohibit unsightly, graffitied, or damaged cargo containers.
17.08.230.C.13	Include the language for covenant of restriction that would run with the property for second dwelling units. <i>Chairman Vose</i>	Add language for covenant of restriction in second dwelling unit ordinance.
17.08.330	Specify 220 volt plug-in for electric vehicle charging stations. <i>Commissioner Hall</i>	Add language to ensure that electric vehicle charging stations are provided with available “Level 2” plug-in voltage of 240 volt.
17.08.340.C.6	The 30% open space requirement for Residential Planned Developments is excessive. <i>Various homebuilding representatives</i>	Amend the open space requirement for Residential Planned Development to 15% of the gross project area.

EXHIBIT “C”
Planning Commission Meeting
August 20, 2012

LIVE-WORK DRAFT ORDINANCE

17.08.210 Live-work

- A. Definition.** As used in this ordinance: a “live-work” use is a business conducted within a dwelling unit or accessory structure by occupants of the dwelling unit. A live-work use is distinguished from a home occupation primarily in that a live-work use can include employees who are not residents of the home, involve a greater number of customers, be located in a larger percentage of a home or accessory building, and have appropriate on-site signage.
- B. Purposes.** The purposes of this ordinance are to:
1. Provide for the appropriate development of units that incorporate both living and working space;
 2. Provide flexibility for the development of live-work units, particularly within existing buildings;
 3. Allow for the transition of residential uses along primary arterial streets to office and commercial uses due to their proximity and access to higher volume traffic;
 4. Protect existing, surrounding, and potential uses from conflicts with each other; and
 5. Ensure that the exterior design of live-work buildings is compatible with the exterior design of surrounding buildings in the area, while remaining consistent with the predominant workspace character of live-work buildings.
- C. Permitted locations for live-work units.** Live-work units are permitted in Urban and Rural Residential Zones where the property faces and has access from a primary arterial street.
- D. Uses permitted with a Director’s Review.** The following non-residential uses are allowed in live-work units:
1. Personal and household retail sales and services;
 2. Business support services;
 3. Offices; and
 4. Other similar uses as determined appropriate by the Planning Director.
- E. Prohibited uses.** The following non-residential uses are prohibited in live-work units:
1. Restaurants and/or alcohol establishments;
 2. Entertainment uses;
 3. Construction yards;
 4. Any uses involving hazardous materials; and
 5. Any other uses that may result in a negative impact on surrounding uses, including traffic, noise and/or safety, as determined by the Planning Director.
- F. Development standards.** Construction of the live-work unit as a non-residential structure is permitted within the development standards of the zone that the property is located in, as well as all other applicable building and accessibility regulations.

G. Conditions of approval.

1. Parking.
 - a. Two covered or uncovered parking spaces shall be provided for the residential use of the live-work unit.
 - b. Required parking for the non-residential use will be based on the applicable parking standard as determined by the Planning Director.
2. Signage.
 - a. Wall business sign permitted: maximum height 18 inches; maximum length 30% of façade width; roof sign prohibited.
 - b. Monument sign permitted: maximum 48 inches in height, including base; maximum length 72 inches; for maximum total of 24 square feet per sign face.
3. Owner or employee residency required. The owner of the property or an employee of the live-work business shall be required to live on the premises.
4. Employees. Up to three (3) persons other than residents of the dwelling may be employed, unless otherwise provided by the use permit.
5. Hours of operation. No customer or client may come to the premises except during the hours of 7 a.m. to 10 p.m. No deliveries may originate from or be made to the premises except during the hours of 8 a.m. to 6 p.m.
6. Number of live-work activities. No more than one (1) live-work use is allowed per legal dwelling unit on the property.
7. Outdoor storage and activity. No outdoor storage of materials or equipment related to the business activity shall be permitted. No outdoor activity related to the business activity shall be permitted.
8. Nuisance. The live-work use shall not create discernible noise, glare, dust, odor, vibrations, or unreasonable disturbance in excess of that which is normal to a residential use, nor shall the live-work use cause or generate any other condition that interferes with the peace, health, safety or general welfare of people or property in the surrounding area.
9. Specific conditions. The Director may add specific conditions to the approval of a live-work permit in order to address concerns which are not covered by the above conditions and which, in the Director's opinion, are necessary to protect neighboring property from any potential adverse effects of the proposed home occupation.

H. Revocation. Live-work permits may be immediately revoked by the Director based upon a finding that any one of the following conditions exists:

1. The use has changed either in nature or extent to the point that it differs substantially from the use requested in the approved application for the live-work permit.
2. The use fails to comply with any condition or intended purpose as described in this section.
3. The holder of the live-work permit failed to allow inspections at a reasonable time for the purpose of investigating a complaint or to verify compliance of the live-work use with the required conditions.
4. The holder of the live-work permit failed to comply with any applicable city, county, state or federal ordinance, law or regulation including failure to obtain and/or renew a business license.

The director shall notify in writing the holder of the live-work permit of such revocation and the reasons thereof. The Director's decision may be appealed in accordance with Section 17.36.030.