

## Downtown Plan Rezoning

Ancillary Text Amendments

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*Amendments to the following sections of the Zoning Ordinance will be required to accommodate new downtown zoning districts:*

**~~6-4-4-4: RESIDENTIAL CARE HOMES - REQUIREMENT FOR MINIMUM DISTANCE (CATEGORY I - FOUR TO EIGHT RESIDENTS) AUTHORIZED AS PERMITTED USES IN CERTAIN RESIDENTIAL AND NONRESIDENTIAL DISTRICTS:~~**

~~Residential care homes (Category I) shall be permitted, as of right, upon the issuance of a license pursuant to Section 6-4-4-2, in the R1, R2, R3, R4, R5, R6, B1, B2, B3, C1a, D1, D2, D3, D4, MU, T1 and T2; provided, however, that Residential Care Homes (Category I) established in the B1, B2, B3, C1a, D2, D3, and D4, shall be located above the ground floor and further provided that no residential care homes (Category I or Category II) shall be permitted within nine hundred feet (900') of another residential care home or transitional treatment facility.~~

**~~6-4-4-5: RESIDENTIAL CARE HOMES (CATEGORY I - FOUR TO EIGHT RESIDENTS) AUTHORIZED AS SPECIAL USES IN CERTAIN RESIDENTIAL AND NONRESIDENTIAL DISTRICTS:~~**

~~Residential care homes (Category I) may be permitted as special uses, pursuant to the provisions set forth in Section 6-3-5, "Special Uses", and upon the issuance of a license pursuant to Section 6-4-4-2, in the MUE District; provided, however, that no residential care home (Category I) shall be permitted within nine hundred feet (900') of another residential care home or transitional treatment facility.~~

**~~6-4-4-6: RESIDENTIAL CARE HOMES (CATEGORY II - NINE TO FIFTEEN RESIDENTS) AUTHORIZED AS PERMITTED USES IN CERTAIN RESIDENTIAL AND NONRESIDENTIAL DISTRICTS:~~**

~~Residential care homes (Category II) shall be permitted, as of right, upon the issuance of a license pursuant to Section 6-4-4-2, in ... the R4, R5, R6, D1, and MU; provided, however, that no residential care homes (Category II) shall be permitted within nine hundred feet (900') of another residential care home or transitional treatment facility.~~

**~~6-4-4-7: RESIDENTIAL CARE HOMES (CATEGORY II - NINE TO FIFTEEN RESIDENTS) AUTHORIZED AS SPECIAL USES IN CERTAIN RESIDENTIAL AND NONRESIDENTIAL DISTRICTS:~~**

~~Residential care homes (Category II) may be permitted, as a special use, upon the issuance of a license pursuant to Section 6-4-4-2, in the R1, R2, R3, B1, B2, B3, C1a, D2, D3, D4, MUE, T1 and T2; provided, however, that residential care homes (Category II) established in the D2, D3, and D4, shall be located above the ground floor and further provided that no residential care homes (Category II) shall be permitted within nine hundred feet (900') of another residential care home or transitional treatment facility.~~

Rather than simply changing the references from 'D1, D2, ...' etc. to 'RD-1, RD-2, ... etc.' staff recommends removing the list of districts entirely (the district regulations themselves reference this section, so there is no need to do the reverse here).

Removing this text also corrects an error regarding the C1a district that exists in the code.

Staff also recommends simplifying this complex section of code by removing the duplicative text relating to the requirement for licensing, which is stated here and in section 6-4-4-2 to which this code refers

... therefore making Sections 6-4-4-5, 6-4-4-6, and 6-4-4-7 unnecessary.

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### **6-9-2-3: SPECIAL USES:**

The following uses may be allowed in the B1 district, subject to the provisions set forth in section 6-3-5, "Special Uses", of this title:

....

Residential care home - category II (when located above the ground floor and subject to the requirements of section 6-4-4, "Residential Care Homes and Child Residential Care Homes", of this title).

### **6-9-3-3: SPECIAL USES:**

The following uses may be allowed in the B2 district, subject to the provisions set forth in section 6-3-5, "Special Uses", of this title:

....

Residential care home - category II (when located above the ground floor and subject to the requirements of section 6-4-4, "Residential Care Homes and Child Residential Care Homes", of this title).

...

### **6-9-4-3: SPECIAL USES:**

The following uses may be allowed in the B3 district, subject to the provisions set forth in section 6-3-5, "Special Uses", of this title:

....

Residential care home - category II (when located above the ground floor and subject to the requirements of section 6-4-4, "Residential Care Homes and Child Residential Care Homes", of this title).

...

### **6-9-5-2: PERMITTED USES:**

The following uses, provided they are twenty thousand (20,000) square feet or less in size, are permitted in the B1a district:

....

Residential care home - category I (when located above the ground floor and subject to the requirements of section 6-4-4, "Residential Care Homes and Child Residential Care Homes", of this title).

....

### **6-10-3-3: SPECIAL USES:**

The following uses may be allowed in the C1a district, subject to the provisions set forth in section 6-3-5 of this title:

....

Residential care home - category II (when located above the ground floor and subject to the general requirements of section 6-4-4 of this title).

District-specific regulations for B1, B2, B3, B1a and C1a should be amended to add the restriction allowing residential care homes above-ground-floor only.

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### 6-4-6-6: SPECIAL REGULATIONS APPLICABLE TO SATELLITE DISH ANTENNAS:

(G) All Zoning Districts Except ~~D1, D2, D3, and D4~~ Downtown Districts: In any zoning district, except ~~D1, D2, D3, and D4~~ downtown districts, ~~One~~ permanent extendible, retractable, or telescoping ground mounted tower, mast or support, with an accompanying antenna that is accessory to a permitted or special use may be erected to a maximum height of seventy feet (70') above established grade; provided such antennas shall only be located in a side or rear yard a minimum of ten feet (10') from any lot line. Such antenna shall be kept in a lowered position when not in use. (Ord. 100-0-01)

Leaving only the reference to the Downtown districts will suffice here.

### 6-4-6-7: SPECIAL REGULATIONS APPLICABLE TO FENCES:

(F) ~~Special Regulations For Fences Accessory To All Uses Within The Residential, Business, Commercial, Transitional Campus, University, Downtown, And MU Transitional Manufacturing Districts districts And and for Residential residential And and Mixed mixed Uses uses Within The the MUE Transitional Manufacturing Districtdistrict and MXE Mixed Use Employment district: The following standards shall regulate the erection, construction, replacement, or installation of a fence accessory to all uses within the R1, R2, R3, R4, R5, R6, B1, B1a, B2, B3, C1, C1a, C2, T1, T2, U1, U2, U3, RP, O1, OS, D1, D2, D3, D4, and MU districts and residential and mixed uses within the MUE district: (Ord. 136-0-05)~~

Referencing zoning district categories instead of specific district codes is sufficient here, and provides much more flexibility for future changes.

....  
(G) ~~Within the Industrial districts and for nonresidential uses within the MUE Transitional Manufacturing District and MXE Mixed Use Employment districts: Within the Industrial districts and for nonresidential uses within the MUE Transitional Manufacturing District and MXE Mixed Use Employment districts:~~

### 6-7-1: DISTRICTS:

- ....
- (D) Downtown districts:
  - ~~D1 Downtown fringe district~~
  - ~~D2 Downtown retail core district~~
  - ~~D3 Downtown core development district~~
  - ~~D4 Downtown transition district~~
  - RD-1, RD-2 and RD-3 Residential-Downtown Transitional district
  - DT-1 and DT-2 Downtown Traditional district
  - DC-1, DC-2 and DC-3 Downtown Core district

RD-1, RD-2 and RD-3 are considered different subareas of the same district.

- (E) ~~RP - Research park district (Reserved)~~
- ....

Using "(Reserved)" as a placeholder when removing items from the middle of a numbered list does not require renumbering all of the remaining items that follow.

### 6-8-1-11: OFFICE:

In residential districts wherein it is listed as a special use, office use may occur only in the following instances and subject to the following conditions:

- (A) The subject property shall be adjacent to ~~any a Business, Commercial, Downtown, Industrial RP, O1, MU, or MUE, or~~ zoning district.
- ....

Section 6-8-1-11 was created by moving section 6-4-9 from chapter 4 to chapter 8. Refer to ordinance 88-O-09 Section 7.

Zoning district code shortcuts (e.g., "the 'C' districts") should never be used in regulation text. Use the category name.

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### **6-16-1-4: EXEMPTION OF REQUIRED PARKING SPACES:**

Except as limited in section 6-16-1-3 of this chapter, the first two thousand (2,000) square feet for any building on a nonresidential lot in the ~~Business-B1, B1a, B2, B3, C1, C1a, C2~~Commercial, O1, MU, and MUE districts, and the first ~~three-four~~ thousand (3,000/4,000) square feet for any building on a nonresidential lot in the ~~D1, D2, D3, and D4~~Downtown districts located on the ground floor shall be exempt from the calculation for required parking spaces. The exemption shall be applied to the least generating use on the lot.

Only one exemption shall be allowed per zoning lot. (Ord. 136-0-05)

Plan recommendations 2.4.1(C), 3.4.1(C) and 4.4.1(C) call for an increase of the exemption to 4,000 square feet, provided the use is located on the ground floor.

### **6-16-2-10: RETAIL/SERVICE USES REQUIRED ON GROUND FLOOR OF PARKING STRUCTURES IN ~~B, Business- and C Commercial AND D~~ DISTRICTS:**

Parking structures located in the ~~B1, B1a, B2, B3~~Buisness, C1, C1a, C2and Commercial, ~~D1, D2, D3 and D4~~districts shall include retail or service uses at the ground level of any portion of the structure fronting a dedicated public street. (Ord. 136-0-05)

Ground floor treatment of structured parking in the downtown districts is regulated within the district regulations themselves.-

### **6-16-3-5: PARKING REDUCTION ALLOWANCE FOR THE D1, D2, D3, AND D4 DISTRICTS:**

For all new buildings located in the D1, D2, D3, and D4 districts, there shall be available a parking reduction allowance of twenty percent (20%). The reduction allowance shall be used to reduce the portion of a building's nonresidential parking requirement so that buildings in the D1, D2, D3, and D4 districts shall be required to provide only eighty percent (80%) of the nonresidential required parking spaces for a given use. Parking spaces provided to satisfy a building's residential parking requirement in the D1, D2, D3, and D4 districts shall be provided in full. (Ord. 43-0-93)

### **~~6-16-2-9: PROVISION FOR COLLECTIVE PARKING:~~6-16-2-9: (RESERVED)**

~~(C) Within the RP Research Park District a land user may request and the Zoning Administrator may authorize a reduction in the total number of required parking spaces for two (2) or more nonresidential uses jointly utilizing off-street parking when their respective hours of operation do not overlap based upon an estimation of parking demand as computed from the following tables of the Urban Land Use Institute:~~

This section of course is not needed

~~1. The table of default values as a percentage of peak month demands for various land uses and times, which also may be known as Table 16-F, Monthly Variation In Peak Parking Demand Ratios-Default Values (Percent Of Peak Month); and~~

~~2. The table of default values as a percentage of peak hour demands for various land uses and times, which also may be known as Table 16-G, Representative Hourly Accumulation By Percentage Of Peak Hour.~~

~~Any reduction in the total number of required parking spaces authorized by this subsection is subject to the provisions of subsections (A) and (B)4 of this Section.~~

~~Nothing herein shall prohibit a land user within the RP Research Park District from requesting and the Zoning Administrator from authorizing a reduction in the total number of required parking spaces for two (2) or more nonresidential uses jointly utilizing off-street parking when their respective hours of operation do not overlap based on Table 16-D of this Zoning Ordinance as provided for in subsection (B) of this Zoning Ordinance.~~