



AGENDA MEMORANDUM

Public Hearing and First Reading Ordinance for the City Council Meeting of September 24, 2013
Second Reading Ordinance for the City Council Meeting of October 8, 2013

DATE: September 11, 2013

TO: Ronald L. Olson, City Manager

FROM: Mark E. Van Vleck, P.E., Director, Development Services Department
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<p>Changing Limitations on Restaurants In Neighborhood Commercial and Office Zoning Districts</p>

CAPTION:

Ordinance amending the Unified Development Code for limitations on restaurants in the neighborhood commercial and office zoning districts by revising subsection 5.2.11 – Restaurant; and providing for severance, penalties, and publication.

PURPOSE:

The purpose of this item is to amend the Unified Development Code (UDC) by increasing the square footage limitation on restaurants in the Neighborhood Commercial and Office zoning districts.

BACKGROUND AND FINDINGS:

The current UDC and former Zoning Ordinance provided two different zoning districts with the Neighborhood Commercial category, which are the “CN-1” Neighborhood Commercial District and the “CN-2” Neighborhood Commercial District.

In the former Zoning Ordinance, the “CN-2” Neighborhood Commercial District provided more restrictions on commercial uses than the “CN-1” Neighborhood Commercial District because the purpose of the “CN-2” District, when it was created in 2000, was to provide pedestrian-oriented commercial development that would be compatible next to single-family dwellings, particularly in areas transitioning from residential to commercial uses. For example, the “CN-1” district allowed restaurants while the “CN-2” District did not. When the UDC was adopted in 2011 as the City’s new zoning code, however, it equalized the restrictions of the “CN-1” and “CN-2” Districts specifically pertaining to restaurants.

The regulations of restaurants in the former Zoning Ordinance, current UDC, and the proposed amendments are summarized in the following table. The proposed amendments aim to add distinction between the two Neighborhood Commercial districts and will increase flexibility for businesses (restaurants) while continuing to protect neighborhoods.

	Former Zoning Ordinance	Current UDC	Proposed Amendments
	Restaurants Permitted	Restaurants Permitted	Restaurants Permitted
CN-1 District	Yes, unlimited size	Yes, limited to 2,500 SF	Yes, limited to 5,000 SF
CN-2 District	No	Yes, limited to 2,500 SF	Yes, limited to 3,000 SF
ON District	No	Yes, limited to 2,500 SF within an office building	Yes, limited to 3,000 SF within an office building

The proposed amendments to the UDC would continue to allow restaurants in both the “CN-1” and “CN-2” Districts with the restrictions summarized in the table above. The amendments would increase the limitation on restaurant floor area from 2,500 to 5,000 square feet in the “CN-1” District and from 2,500 to 3,000 square feet in the “CN-2” and “ON” Districts.

ALTERNATIVES:

Denial or alteration of the proposed amendments to the UDC.

OTHER CONSIDERATIONS:

Not applicable

CONFORMITY TO CITY POLICY:

The proposed text amendments conform to the policies of the City’s Comprehensive Plan.

DEPARTMENTAL CLEARANCES:

Planning/Environmental Services, Legal, and Planning Commission

FINANCIAL IMPACT:

Operating

Revenue

Capital

Not applicable

Fiscal Year: 2013-2014	Project to Date Expenditures (CIP only)	Current Year	Future Years	TOTALS
Line Item Budget				
Encumbered / Expended Amount				
This item				
BALANCE				

Fund(s):

Comments: None

RECOMMENDATION:

Planning Commission and staff recommend approval of the proposed amendments to the UDC.

LIST OF SUPPORTING DOCUMENTS:

Ordinance