

Case No. 17AMEND1001

LDC Text Amendment - Private Institutional Uses in Single-Family Zoning Districts



Planning/Zoning, Land Design and Development
Committee

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August 1, 2017

Request

Amend the LDC related to private institutional uses in single-family zoning districts (R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N)

Background

- June 8, 2017 – Metro Council passed Ordinance No. 96, Series, 2017, that:
 - Places a 90-day moratorium on development of new private institutional uses in single-family zoning districts; and
 - Directs the Planning Commission, through Staff, to research changes to the LDC related to such uses in such districts.
- Deadline for PC to make a recommendation and to transmit to Metro Council is August 7, 2017.

Institutional Use - Public, semipublic, and private elementary schools, middle schools, high schools, civic buildings, community buildings and uses including substations, governmental buildings, churches, museums, art galleries, fire houses, post offices, police stations, reservoirs, libraries, parks, essential services, hospitals, and similar uses, any of which may have additional requirements to use set forth within. For the purposes of this code all institutional uses shall be considered as non-residential uses.

Background

- Concerns stated in the moratorium Ordinance:
 - In a SF zone, a public institutional use must often go through the Community Facilities Review process.
 - Private institutional uses, where permitted by right, do not have to go through such a process and can be established without public input on the specific proposal.
 - Siting
 - Buffering
 - Noise
 - Traffic
 - Environmental and visual impacts
- Planning Committee met on the case on June 9 and generally agreed with the concerns and direction given in the moratorium Ordinance

Research – Louisville

Use	Permitted (P), Permitted with Standards (PS), Conditional Use Permit (CUP)	Single-Family Zoning Districts
Colleges, schools, and institutions of learning (except training schools)	PS ¹	R-R
	P	R-E, R-1, R-2, R-3, R-4, R-5, U-N
Community service facility ²	CUP ³	R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N
Convents and monasteries	PS ¹	R-R
	P	R-E, R-1, R-2, R-3, R-4, R-5, U-N
Hospitals and medical clinics	CUP ⁴	R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N
Libraries, museums, historical buildings and grounds, arboretums, aquariums, and art galleries	P	R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N
Parks, playgrounds, and community centers	PS ¹	R-R
	P	R-E, R-1, R-2, R-3, R-4, R-5, U-N
Private non-profit club	PS ¹	R-R
	CUP ⁵	R-E, R-1, R-2, R-3, R-4, R-5, U-N
Religious buildings	PS ¹	R-R
	P	R-E, R-1, R-2, R-3, R-4, R-5, U-N
Sewage disposal plants	CUP ⁶	R-E, R-1, R-2, R-3, R-4, R-5, U-N
Zoos	CUP ⁷	R-E, R-1, R-2, R-3, R-4, R-5, U-N

Research – Louisville

- Changes in use (such as from residential to private institutional) without building or parking expansion require compliance with landscaping, screening, and tree canopy provisions
- New or expanded private institutional uses are reviewed by Staff / Planning Commission / BOZA if they meet certain thresholds or require variance or waivers

Research – RLUIPA

- Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) prohibits zoning regulations that “substantially burden” religious uses.
- Government should not regulate places of worship any differently from other similar, secular uses (such as community center)
- In draft options, Staff does not recommend that religious buildings, including convents and monasteries, be required to obtain a Conditional Use Permit in single-family zoning districts.

Research – Other Communities

- APA researched Austin, Cincinnati, Indianapolis, Kansas City, Memphis, Nashville, New Orleans, Raleigh, Tucson, and Tulsa. (Attachment 2)
- Austin
 - Private schools require a CUP
 - Site must be located on a street that has a paved width of at least 40 feet
 - Associated dwelling units must comply with residential requirements
- Cincinnati
 - Most institutional uses require a CUP (public or private)
 - No specific standards

Research – Other Communities

- Tucson
 - Private museums, libraries, botanical gardens, zoos, nature reserves, and wildlife refuges require CUPs
 - Setbacks (100')
 - Screening from adjacent residential uses or districts
 - Access from a major street or from a local street that is not an internal residential neighborhood street
 - Noise impacts
 - Hours of operation
 - Shielding of outdoor lighting from adjacent residential uses
 - Trip generation and traffic impacts

Research – Other Communities

- Tulsa
 - College or university; library or cultural exhibit; safety service; religious assembly; or schools established after 1/1/1998 require CUPs
 - No distinction between public and private
 - Minimum lot size of one acre for all uses
 - High schools must have frontage on an Arterial

Planning Commission Recommendation



Applicable Plans and Policies

- These proposed amendments to the LDC text are consistent with the policies & objectives of Cornerstone 2020 listed in the Staff Report

PC Recommendation

- The Planning Commission conducted a public hearing on 6/29/2017
- Councilmember Coan spoke.
- The Commission made sufficient findings that the proposal complies with the Comprehensive Plan-Cornerstone 2020
- The Commission recommended approval of the text amendment as presented today to the Planning/Zoning, Land Design and Development Committee (6 members voted)