

PROPOSED H-TD TEXT CHANGE

ZB APPLICATION 224-11

July 22, 2024

Applicant's proposed changes dated June 21, 2024 in **are in yellow highlight**

LUB proposed changes dated July 22, 2024 are in **blue highlight**

Matter in red and underlined is added

Matter in ~~strikethrough~~ is deleted

Note – Sections have been renumbered per Zoning Regulation reorganization 224-07

AMEND Section 5.N. "HT-D HIGH TECHNOLOGY DISTRICT" as follows:

The Zoning Board, upon application in the manner prescribed herein, may designate any parcel and/or aggregation of parcels of land as an HT-D High-Technology District subject to the following requirements in this Section.

5.N.1. Purpose

The HT-D High-Technology District is intended to promote and maintain **high technology, and research, industrial, recreational, and educational, uses** ~~in industrially zoned areas, which high technology and research uses require specialized infrastructure, technology and communications facilities and are dependent upon special structural features.~~ **Infilling new residential development is permitted where it serves to promote the maintenance and viability of existing industrial/flex type uses in new or existing buildings.**

5.N.2. Criteria for Designation

To qualify for designation as an HT-D District, any parcel of land or aggregation of parcels must satisfy all of the following requirements:

- a. The proposed HT-D area must be **located within Master Plan Categories 12 or 13** ~~comprised exclusively of land zoned M-L or M-G~~ and consist of not less than five (5) acres **of land**, undivided by City Streets;
- b. The proposed HT-D area may be **owned by a** ~~single or multiple~~ **entities** ~~ownership~~, but must be developed ~~and/or managed under a common Development or management scheme, as~~

approved administratively by the principal planner or other designated representative of the Land Use Bureau, and all owners, contract purchasers or their authorized agents shall be signatories to the application for re-designation under a common *General Development Plan*;

- c. The proposed HT-D area must be capable of supporting industrially used *Building(s)* containing not less than 200,000 square feet of aggregate space to be used in accordance with Subsection 3 below;
- d. The proposed HT-D area must be served by *Streets*, public water, public sewers, and other municipal services and utilities of sufficient capacity to accommodate the existing and proposed *Development*; and
- e. The use and location of the proposed HT-D area shall be consistent with all of the stated purposes and objectives of the HT-D District, and shall be compatible with the land use policies and goals which have been articulated for the adjacent areas.

5.N.3. Permitted Uses

The following uses are permitted in the HT-D District:

- a. **Industrial Uses.** ~~Industrial Uses are a~~ All uses ~~currently permitted, in the same manner permitted,~~ either as-of-right or by *Special Permit* in the M-G and M-L Districts except for the following uses which shall be prohibited in the HT-District:

- Sand & Gravel Banks
- Auto Wrecking Areas
- Junk Yards
- Brick, Tile, Terra Cotta, Cement Block, Cast Stone Manufacturing
- Casting, Foundry
- Crematory
- Meat Processing
- Sand and Gravel Pits
- Auto and Airplane Assembly
- Chemical Manufacturing and Storage
- Coal Storage and Sales
- Contractor's Material Storage Yard

- Demolition Materials Recycling Facility
- Gas manufacturing or storage, Wholesale (not gasoline)
- Petroleum Products and Storage
- Smoke Shop

Notwithstanding their designation in Appendix A, all Special Permit uses shall be subject to approval by the Zoning Board.

- b. **Research, ~~and~~ ~~d~~Development and Educational ~~u~~Uses:** Colleges and Universities; Experimental Electronic Laboratories for the research, design, development, storage (as an *Accessory Use* only), servicing and assembly of light electronic and electrical mechanical equipment; ~~Experimental Engineering Research Laboratories;~~ Experimental and Research Laboratories; Research and Development Laboratories. (216-04)
- c. **Child Day Care Services** (222-31)
- d. **Multifamily Residential:** Subject to Special Permit approval by the Zoning Board. Within a Zoning Lot, existing building(s) may be adaptively reused and/or redeveloped, in whole or in part, for multifamily residential use., provided that a minimum of thirty percent (30%) of the total Floor Area in the HT-D district is used for non-residential uses permitted within the district.
- e. **Senior Housing and Nursing Home Facility Complex:** Subject to the same conditions as d. above.

5.N.4. Development Standards

The following standards shall apply to all new and existing *Buildings, Structures* and uses within the HT-D District:

	Residential Uses	All other Uses⁴
a. Minimum Lot Size	<u>40,000 sf</u>	<u>20,000 sf</u>
b. Maximum Building Coverage	<u>60%</u>	<u>60%</u>
c. Maximum Lot Coverage	<u>85%</u>	<u>85%</u>
d. Maximum Building Height	<u>4 Stories / 60 feet</u>	<u>4 Stories / 60 feet</u>
e. Maximum FAR¹	<u>0.30 for senior or homeownership units</u> <u>0.25 for multi-family rental units</u>	<u>1.0</u>

f. Residential Density Divider	1,250 sf (1,000 sf if all required BMR Units are provided on-site) ³	n/a
g. Minimum Setbacks from Property Lines²		
Front	15 feet	15 feet
Side	15 feet	15 feet
Rear	30 feet	15 feet
h. Distance between standalone residential and industrial buildings	50 feet	50 feet

1. FAR in aggregate shall not exceed 1.0 for all uses. For each square foot of *Senior* and/or home ownership housing constructed, the total permitted FAR shall be reduced by one (1) square foot. For each square foot of market rate multifamily rental housing constructed, the total permitted FAR shall be reduced by two (2) square feet.

Example A: Where a site maintains 0.30 FAR of senior housing use, the aggregate FAR for all uses shall be limited to 0.70.

Example B: Where a site maintains 0.25 FAR of market rate multi-family rental housing, the aggregate FAR for all uses shall be limited to 0.50.

[DELETE footnote 1?]

2. Setbacks to internal property lines may not be required if part of a *Zoning Lot Development Agreement* or *General Development Plan*.

3. Senior Housing and Nursing Home Facility Complex shall have a Density Divider of 1,000 sf.

4. Existing legal nonconformities may continue provided that any modification of a building or property does not exacerbate or create a new nonconformity.

~~a. Minimum size of a single Lot within an HT-D area: 0.5 acres~~

~~b. Minimum frontage or right of way width: 25 feet~~

~~c. Minimum Yards:~~

- Front: 10 feet
- Rear: 15 feet
- Side: None required but if provided must be at least 4 feet

~~d. Maximum Building Height: 60 feet / 4 Stories~~

~~e. **Maximum Building Coverage:** 60%~~

~~f. **Maximum Floor Area:** 1.0 FAR, but the total floor area devoted to business and professional office use in the HT-D District shall not exceed one-half (½) the total area designated as an HT-D District and shall not exceed one-half (½) the land area of any separately owned and controlled Lot.~~

~~i. **Parking.** Off-street parking shall be provided in accordance with Section 12, except that setbacks for parking spaces shall not be required for **internal** property lines within the HT-D zoning district, as provided by the General Development Plan. Existing parking, loading spaces, and drive aisles which may or may not conform to the standards of Sections 12.A, 12.B and 12.C may continue to be used provided the Zoning Board, in consultation with Transportation, Traffic, and Parking Bureau staff, finds that such conditions do not create unsafe circulation or maneuverability of parking operations **or any safety issue.**~~

~~j. **BMR Requirement.** Below Market Rate Housing shall be provided pursuant to Section 7 of these Regulations.~~

~~k. **Conveyance of Individual Parcels.** Nothing contained herein shall preclude the ownership and conveyance of separately owned parcels in an HT-D zoning district, provided that **they comply with the requirements of the General Development Plan and any applicable Zoning Lot Development Agreement** each such separately owned parcel(s) satisfies the development standards and architectural criteria in this Section 9.~~

~~l. **Offsite Improvements.** Development that is a change of use to residential **shall make financial contributions to, or in-kind construction of, offsite traffic, transportation, and/or pedestrian infrastructure improvements to help mitigate the existing conditions and potential impacts of such change in use. Such contributions or in-kind construction shall be approved** by the Zoning Board in consultation with the Transportation, Traffic and Parking Bureau.~~

~~Notwithstanding the provisions in the Development Standards, any parcel or aggregation of parcels with legal non-conformities with respect to *Lot Frontage, Building setbacks or location of Parking Spaces*, which existed in the underlying M-G or M-L zones, may be designated as an HT-D District, and such legal non-conformities shall be permitted to continue in said HT-D District. (203-32)~~

~~5.N.1. Site Design and Architectural Criteria~~

~~Site and architectural plans shall conform to the application requirements and review standards of Section 19.D. of these Regulations and to the following additional standards and criteria:~~

~~a. An HT-D designation area shall have:~~

- (1) redundant access to at least one fiber optic loop;
 - (2) not less than one back up generator on the site, having a minimum size of 480 volts, 3 phase, 300 amp;
 - (3) Not less than ten percent (10%) of the *Lot Area* (exclusive of parking *Lot* islands and *Building* fringe landscaping) as open space;
 - (4) *Parking Facilities* and *Building(s)* which are landscaped in an attractive manner so as to enhance the appearance of the site from adjacent and nearby properties.
- b. Not less than fifty percent (50%) of the total square footage of the *Buildings* on the HT-D designation area shall:
- (1) have access to multiple fiber optic telecommunication services;
 - (2) provide expanded electrical service exceeding standard office electrical service (e.g. exceeding 480 volt, 3 phase, 1600 amp service);
 - (3) be adaptable to accommodate live floor loads of not less than 125 pounds per square foot;
 - (4) have ceiling heights (measured floor to deck) of at least fourteen feet (14');;
 - (5) have access to a loading dock.

5.N.2. Parking Requirements

Off street parking shall be provided as follows:

- a. Parking for 2 vehicles for each one thousand (1,000) square feet or portion thereof of total floor area within an HT-D district;
- b. The location and dimensions of off street parking shall comply with all other applicable requirements of Section 12.A;
- c. In no event shall parking exceed 3 spaces for each one thousand (1,000) square feet or portion thereof of total floor area within an HT-D district;
- d. In no event shall more than fifty percent (50%) of parking provided be within Structured parking; and any such *Structured* parking constructed within an HT-D district shall count against the non-office *FAR* permitted on site.

5.N.5. Review Procedures

- a. All new construction, redevelopment and adaptive reuse in a new or existing HT-D District shall be subject to a *General Development Plan* pursuant to Section 2.J of these Regulations and Site and Architectural Plan and Requested Uses approval pursuant to Section 2.D.
- b. Large Scale Development Plan Review pursuant to Section 19.E. of these Regulations shall be required for all new construction, redevelopment, or adaptive reuse of 50,000 sf or more of Floor Area.
- c. For new construction, redevelopment or adaptive reuse projects of less than 50,000 square

~~feet, the Land Use Bureau Chief, or their designee, shall determine compliance with the General Development Plan prior to review by the Zoning Enforcement Officer, or their designee for a Zoning Permit.~~

d. ~~A Zoning Lot Development Agreement may be permitted within the HT-D zoning district. A preliminary agreement and allocation of Transferrable Rights submitted at the time of any GDP application. A final agreement, including allocation of transferable rights, and other required items shall be required at the time of Site and Architectural Plan Approval. Such transfer will be subject to approval by the Zoning Board in compliance with all applicable requirements. Such agreement may be applicable to contiguous or noncontiguous Tax Lots provided all such lots are covered by a General Development Plan and are within the HT-D District.~~

a. ~~The application for HT-D High Technology District designation shall include the following:~~

~~(1) A written statement describing how the designation to HT-D High Technology District will accomplish the purposes in Subsection 9.J.1 and a generalized time schedule for staging and completion of the *Development*;~~

~~(2) Application contents shall include all of the plans and information as specified by Section 19.D.3. of these Regulations.~~

~~All of the requirements set forth above shall be contained in site and architectural plans which shall be submitted to and be subject to the approval of the Zoning Board in accordance with the specific objectives of the HT-D District, the procedures and review standards of Section 19.D. Site Plan Review, and the general purposes and other applicable standards of these Regulations, which shall not approve same until after a public hearing.~~

b. ~~Within any HT-D High Technology District, applications requesting approval of site and architectural plans shall include all of the plans and information as specified by Section 19.D.3. of these Regulations. Such applications shall be submitted to and be subject to the approval of the Zoning Board in accordance with the specific standards and objectives of the District, the procedures and review standards of Section 19.D. Site Plan Review, and the general purposes and other applicable standards of these Regulations.~~

e. ~~Subsequent to designation of a HT-D District, the establishment or change of uses of *Buildings* and the minor alteration of site and architectural plans or permitted *Signs* shall be subject to review and approval by the *Zoning Enforcement Officer*, provided that any establishment or change of use involving more than 10,000 square feet of *Building* floor area that would potentially exceed the 0.50 *FAR* of office use shall be subject to~~

administrative review and approval by the Zoning Board. (201-04)

AMEND subsection 1.j.(1) of “Zoning Lot” definition as follows:

j. Zoning Lots shall only be permitted if:

- (1) All individual Tax Lots are located in one or more of the following Zoning Districts: C-D, C-C, C-G, DW-D, HT-D, MX-D, R-HD, TCD-D, and V-C (outside of Glenbrook and Springdale); or

AMEND Table 12.5 as follows:

Table 12.5. Minimum Distances of *Parking Areas* from *Lot Lines* and *Buildings* ⁽¹⁾

Zoning District	Minimum Distance of surface <i>Parking Areas</i> and <i>Loading Spaces</i> from any <i>Street Line</i>	Minimum Distance of surface <i>Parking Areas</i> and <i>Loading Spaces</i> from any <i>Interior Lot Line</i>	Minimum Distance of surface <i>Parking Areas</i> from any <i>Building</i> , including <i>Accessory Buildings</i> ⁽²⁾
RA-3, RA-2, RA-1 R-20	The lesser of 50’ or the required front <i>Street Line</i> setback	The lesser of 20’ or the required <i>Side Yard</i> setback	5’
C-D, IP-D, HT-D	50’	50’	5’
All other Zoning Districts	10’	5’	5’

¹⁾ Reasonable accommodations shall be made for *ADA* accessibility as approved by the Bureau Chief of Transportation, Traffic, and Parking or their designee.

²⁾ This provision shall not apply to *Parking Areas* located partially or fully beneath *Buildings*.