



Transect Zones Overview

CodeNEXT Research Group

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Transect Zones, where applied, would replace our current residential and commercial zoning classifications. Transect zones T3, T4 and T5 are designed to increase the **residential density** and **commercial uses in neighborhoods** while **reducing parking**. Here is how they do that:

1. Transects allow **duplexes** and **multiple residential structures** in all **single-family residential neighborhoods** and on all **lots** with a Transect classification.

2. Transects allow **more units** and **smaller lots** than currently permitted by Code. Currently the minimum lot size is 5,750 sq. ft. for SF-2 or SF-3 single-family homes and 7,000 sq. ft. for duplexes.¹ All Transect zones would allow at least three residential units per lot ² And in most Transect zones, the lots can be smaller than under the current code. For example, in Transect zones T3N.DS and T3N.IS, a duplex and an additional dwelling (3 total units) require only a 5,000³ sq. ft. lot, and in T4N.IS, they require only a 4,000³sq. ft. lot. The number of units allowed is also larger. In Transect zone T4N.IS, up to 5 residential units are allowed on a 6,000³sq. ft. lot. In Transect zone T4N.SS, up to 9 units are permitted on a 5,000³sq. ft. lot. In Transect zone T5N.SS, 12 units are permitted on a 7500³sq. ft. lot. And, in T4.NC, up to 13 units are allowed on a 5,000³sq. ft. lot. These are examples and do not cover all possibilities in all Transect zones but serve to illustrate that Transect zoning allows **more units on smaller lots** than the current code.

Note: There are also two potential problems in T3N.DS, T3N.IS, T4N.IS and T4N.SS concerning lot widths for homes and two-story duplexes. Footnote 1 in Part D in these Transect zones states that lot widths can be "25' for lots existing at time of adoption of this Land Development Code." This leaves open the possibility that a lot could be divided before the adoption of

¹ Current § 25-2-57 and § 25-2-773.

² Part D in §§ 23-4D-2080 to 2180.

³ Or smaller as, for example, when the property is on an alley.

CodeNext, thus **manufacturing** a right to **Small Lot Amnesty**. Additionally it could be construed to permit the disaggregation of a parcel of land composed of several old 25 ft. wide lots on which a single family home sits, thereby incentivizing the removal of that home and replacement with multiple structures out of character with the neighborhood.

To accommodate the added residential density, the **on-site parking** requirement for **residential uses is cut** to one parking space per household (unit) – half of what is required today for single-family homes.⁴ See Paragraph 6, below, for commercial parking reductions.

3. Transects permit ADUs, day care centers, small group homes and home occupations (with signage) in converted homes or new structures in all neighborhoods and on all lots with a Transect classification.⁵ ADUs in Transect Zones are treated differently than ADUs in Non-Transect Zones. In Non-Transect Zones, if there is both an ADU and the Primary Structure, only one can be a rental property.⁶ We have found no similar rule for Transect Zones. In addition, in Transect Zones, an ADU may be as large as 1,344 square feet, while in Non-Transect zones ADUs are capped at 1,100 square feet.⁷

4. Transects provide the option for sub-zones in most T3, T4 and T5 Transect zones.⁸ Where permitted, sub-zones (called “**Open zones**”) **allow commercial uses** such as office, retail, personal services, food sales and restaurant uses in converted homes or new structures. The distinctions in the current code between office and retail uses are largely eliminated. A Transect Open zone is open for both uses. The distinction between **medical offices** and other professional offices reflected in the existing Neighborhood Office district, which excluded medical office use⁹ no longer exists. Additional uses, most notably bars and lounges and larger restaurants, are permitted as a **conditional use** in several Transect neighborhoods with the approval of the Land Use Commission.¹⁰ The Commission’s decision is final unless an interested party formally appeals to the City Council.¹¹ The standard **petition rights** of neighbors in zoning cases do not apply to conditional use permits.¹² In Transect T4 Main Street, hotels, banks and larger retail and medical services are permitted even without an Open subzone.

⁴ Part I in §§ 23-4D-2080 to 2180.

⁵ Part N in §§ 23-4D-2080 to 2180.

⁶ Table 23-4E-6030A

⁷ See, for example, 23-4D-2090 & 23-4E-6030.

⁸ Part N in §§ 23-4D-2110 to 2180.

⁹ Current code §25-2-491.

¹⁰ Part N in §§ 23-4D-2110 to 2140.

¹¹ § 23-4B-1020 (G).

¹² See § 23-4B-3090.

Bars and nightclubs are especially disruptive. Today, to open a bar outside the CBD typically requires a zoning change. Transect zoning has dramatically increased the ability to open a bar outside the CBD. In some Transect zones, Bars require only a **Minor Use Permit** which does not require a hearing or Council approval though some as yet undetermined administrative appeal will be allowed.¹³ In other Transect zones, they are a **permitted use** or conditional use. This is discussed in more depth in a separate paper.

5. Transects allow **taller buildings** (and a broader range and size of commercial uses) on “main streets” through and adjoining neighborhoods and in the T5 Transect zones.¹⁴ Transects up to and including T4N.SS are limited to 2 stories, and properties in these transects are now required to have 20 ft. setbacks compared to the existing 10 foot setback for SF-2 and SF-3 properties. But from there, the permissible height increases and in the T5 zoning category, the **setbacks don’t keep up**. For example, in T5N.SS a 4 story building only requires a 20 ft. rear setback. In T5U.SS, T5U and T5MS up to 6 stories are allowed. In these latter transects (which may be located on arterial like Burnet Road) only a 50 ft. setback is required from an abutting 4-6 story building. The current compatibility standards would require a 200 to 400 foot setback. Furthermore, although the text is too ambiguous to know for sure, it appears that structured parking a/k/a **parking garages**, at least when not incorporated into the “primary building,” are subject to only a 5 foot setback in the rear in the T5 Transects.¹⁵ If true, this is a setback loophole so large you could park a Mack truck in it.

Further, the **side setbacks** are either non-existent or woefully deficient when a tall building is next to a low-intensity residential use. These rules also do not address residences across the street and do not adequately protect homes across an alley from tall buildings. All of that said, the setback provisions are Transect zone specific and, as is apparent, cannot be easily summarized. The code provisions need to be consulted on a property by property basis, but clearly in many cases the **compatibility setback standards** are **half-baked** not “baked in” as contended.

The **compatibility standards** involve more than just setbacks. They also involve scale and clustering, screening, lighting and noise requirements. The treatment (or lack thereof) in CodeNext of these compatibility elements is discussed in a separate paper. Another aspect of compatibility in the present code is the application of the **traffic generation limits** as determined through a Neighborhood Traffic Impact Analysis. See Land Development Code § 25-6-114. This provision has not yet been released for CodeNext but is projected to be included as §23-9C-2030. This will need to be watched to see if (how) it is weakened.

¹³ §23-4B-1030.

¹⁴ § 23-4D-2140 – 2180.

¹⁵ See Part I in §§23-4D-2150 thru 23-4D-21-2170.

6. Transects **reduce or eliminate altogether parking** requirements for several non-residential (**commercial**) uses in these zones, effectively transferring parking to the neighborhood streets.¹⁶ For example, a 2,500 sq. ft. medical office is required to provide **zero parking** for staff and patients. A 3,000 sq. ft. retail store, general office or bank is required to provide only a single parking space. And, the Director of Planning, **whose decision is unreviewable**, may further reduce or eliminate the on-site parking requirement for a variety of reasons such as proximity to a corridor, or bike racks or off-site parking 1,000 feet away.¹⁷ Further, the proposed off-site parking provision eliminates from the application process existing considerations such as the impact of the parking facility on traffic patterns and nearby residents. Compare current Land Development Code §25-6-502 (C) with proposed §23-4E-3060.

7. Transects prescribe the types of buildings and frontages permitted in Transect zones¹⁸

8. The draft code initially provided that **Neighborhood Plans** will constitute an overlay zone the purpose of which is to require property to be “developed in a manner consistent with the goals, policies and objectives” of the Neighborhood Plans.¹⁹ Under the proposed overlay zone, use restrictions, development standards, and other standards and regulations governing development as provided in the Neighborhood Plans were to apply. This provision was understood to be the City’s attempt to keep its **promise** regarding Neighborhood Plans. Before the effectiveness of this provision could be assessed, City Staff posted a note that “Section 23-4D-7090, Neighborhood Plan Overlay, is being **deleted from the draft Land Development Code**”, claiming that this provision, which covers a page and one-half, had been “included in error.”

Disclaimer: While the contributors to this overview made a concerted effort to be accurate, given the draft’s mind-numbing complexity, head-scratching ambiguity, new terminology, and the mistakes and contradictions in and between the City’s draft and the City’s promotional documents, there may be errors or misunderstandings herein. There is no pretense that this overview addresses all of the issues of importance to different neighborhoods or addresses any issue completely. The reader is encouraged to check statements in this document against the draft code, its amendments, deletions and additions.

¹⁶ Part I in §§ 23-4D-2080 to 2140.

¹⁷ §23-4E-3060.

¹⁸ . §23-4D-2060 and §23-4D-2070.

¹⁹ §23-4D-7090(A).