

Tab 3

## **COMMERCIAL APARTMENTS**

Incorporate a new use of “Commercial Apartment” into the Zoning Code.

**Zoning Code Amendment  
Staff Report  
Commercial Apartment  
February 17, 2011**

**Issue**

The current zoning ordinance does not identify “Commercial Apartment” as a separate use. The City Attorney’s Office recommended that the Code be amended to more accurately reflect this use after Conditional Use 2010-05 was approved for a commercial apartment in a commercial building owned by Paul Budick at 702 9<sup>th</sup> Street W.

**Background**

In order to consider a commercial apartment in the current zoning Code for CU 2010-05, staff referred to the Sec. 4.2. - Schedule of Permitted and Conditional Uses by District which allowed Multi-Family Residential uses as a Conditional Use in all office and commercial zoning districts except CHI (Heavy Commercial/Light Industrial). However, Sec. 3.2. - Definitions of terms of the Zoning Code defines Multi-Family as more than one unit:

*Dwelling, multi-family: A structure containing three (3) or more attached dwelling units either stacked vertically above one another, or attached by side and rear walls, or both.*

**City of Palmetto Comprehensive Plan**

The Plan defines “Commercial Apartment” as – *A dwelling unit that is located within the same structure but above commercial retail, service or office uses.*

The Future Land Use Element of the Comprehensive Plan provides for FAR incentives in the General Commercial category for mixed uses such as commercial apartments.

*Up to 3.0 floor area ratio (FAR) maximum may be considered in this land use designation. In order to encourage the development of residential uses in conjunction with office and retail uses, residential development can be guided by the floor area ratio (FAR), whenever residential is designed within the same structure as commercial and/or office uses, such as apartments over commercial.*

**Downtown Development Guidelines/Plan**

The Downtown Commercial Core Redevelopment Incentive Plan prepared by the CRA offers Commercial Apartment Incentives applicable for properties designated by the CRA with no upper (above first) floor Commercial Apartments and for existing upper non-residential use floors redeveloped to Commercial Apartments.

**Current Code**

The current code makes no reference to Commercial Apartments.

**Proposed Code Changes**

**Sec. 3.2. Definitions of Terms**

**Commercial Apartment** – A dwelling unit that is located within the same structure; above or side by side with commercial retail, service or office uses

**Sec. 4.2. - Schedule of permitted and conditional uses by district.**

X = Permitted use

C = Conditional use (see Ordinance No. 196)

— = Prohibited use

Residential uses (see section 6.15)	E-R	RS -1	RS -2	RS -3	RS -4	MHP -1	RM -5	RM -6	GO	CN	CC	CG	CHI	P
Congregate living facilities	C	C	C	C	C	C	X	X	X	X	X	X	X	X
Single-family	X	X	X	X	X	—	X	X	—	—	—	—	—	—
Two-family	—	—	—	—	—	—	X	—	—	—	—	—	—	—
Multifamily	—	—	—	—	—	—	—	X	C	C	C	C	—	—
<b>Commercial Apartment</b>	—	—	—	—	—	—	—	—	<b>X</b>	<b>X</b>	<b>X</b>	<b>C</b>	<b>C</b>	—
Mobile homes (see section 6.16)	—	—	—	—	—	X	—	—	—	—	—	—	—	—
Travel and transient trailers (see section 6.16)	—	—	—	—	—	C	—	—	—	—	—	—	—	—

**Staff Recommendation**

Staff recommends **APPROVAL** of the proposed amendment to the Zoning Code to insert a definition of Commercial Apartment to Sec. 3.2. Definitions of Terms and to add Commercial Apartment to Sec. 4.2. - Schedule of Permitted and Conditional Uses by District indicating which districts may permit, prohibit or allow them by conditional use permit.

**Planning & Zoning Board Recommendation**

Approval, Approval with Conditions or Denial