



DEVELOPMENT SERVICES

RULE INTERPRETATION DETERMINATION

Determination #: 2024-001

Title: *IDZ Clarification of Base district use and Overlay district use*

Drafted by: *Land Development Division, Zoning Section*

Rule in Question: *Chapter 35, Section 343.01(b), Use Regulations*

Department Action: *This RID is for clarification purposes and includes suggested UDC amendments.*

A blue ink signature of Michael Shannon, PE, CBO.

Michael Shannon, PE, CBO
Development Services Director

2/29/24

Date

Effective Date of Determination: Immediately

Please note RIDs often result in direct or related UDC amendments to codify the clarification addressed within the RID. RIDs can also be superseded by subsequent RIDs or UDC amendments. The Development Services Department will remove RIDs from the website when they are no longer valid.

Staff Analysis: Staff has begun receiving zoning change applications requesting to utilize the “IDZ-3” High Intensity Infill Development base zoning designation with an “IDZ” Infill Development Overlay to waive all parking requirements.

After consultation with the City Attorney’s Office, it has been determined that this is not permitted under the Unified Development Code. Thus, staff is preparing this Rule Interpretation Determination (RID) to clarify the provisions of Section 35-343.01 (b) and Section 35-343.01 (k) to avoid further misinterpretation or confusion.

Staff Position and Interpretation: “IDZ-2” Medium Intensity Infill Development Zone and “IDZ-3” High Intensity Infill Development Zone as a base zoning designation require a minimum

of 50% parking. Section 35-343.01 (b) must be read in conjunction with Section 35-343.01 (k) (Parking), which states: *The minimum vehicle parking requirements in subsection 35-526(b) shall not apply to IDZ-1. Minimum parking requirements are also not required for "IDZ" when used as an overlay district. Within "IDZ-2" and "IDZ-3" the minimum parking requirements in subsection 35-526(b) may be reduced by fifty (50) percent. Where parking is provided, subsections 35-526(c) through 35-526(f) shall apply to infill development.*

Conversely, the "IDZ" utilized as an overlay may be utilized to waive parking requirements but not in conjunction with the base "IDZ-2" and "IDZ-3". Therefore, the amendments listed below are proposed.

Future UDC Amendments:

Sec. 35-343.01(b). – Use Regulations

(b) **Use Regulations.** The "IDZ" may be approved as an overlay district [or a base zoning district](#). ~~The "IDZ" may be~~ [If approved as a base zoning district, the application and approval](#) and must specify if the request is for "IDZ-1" Limited Intensity Infill Development Zone, "IDZ-2" Mid Intensity Infill Development Zone, or "IDZ-3" High Intensity Infill Development Zone, and the ordinance shall include an indication of gross density for all residential uses in units per acre, the list of zoning districts and/or permitted uses.

(1) **Overlay District.** When the ordinance designates the "IDZ" as an overlay zoning district:

A. When "IDZ" is adopted as an overlay district, the base zoning district standards shall remain in effect. ["IDZ" as an overlay must be utilized solely as an Overlay. The "IDZ" as an Overlay cannot be combined with any "IDZ" base zoning district.](#)

Sec. 35-343.01(k). – Parking

The minimum vehicle parking requirements in subsection 35-526(b) shall not apply to "IDZ-1". ~~Minimum parking requirements are also not required for "IDZ" when used as an overlay district.~~ Within "IDZ-2" and "IDZ-3" the minimum parking requirements in subsection 35-526(b) may be reduced by fifty (50) percent. Where parking is provided, subsections 35-526(c) through 35-526(f) shall apply to infill development. [Minimum parking requirements are not required for "IDZ" when used as an overlay district.](#)