

COMMISSION ACTION FORM

SUBJECT: AMENDMENT TO CORRECT SCRIVENER'S ERROR IN TABLE 29.805(3)—ZONE DEVELOPMENT STANDARDS IN PRC ZONE

BACKGROUND:

In 2007, Table 29.805(3) (Planned Regional Commercial Zone Development Standards) was amended to reflect new requirements for the then-new Northeast Gateway Overlay District. The amendment added new requirements for setbacks from the street lot line.

The Table currently reads:

Table 29.805(3)
Planned Regional Commercial (PRC) Zone Development Standards

DEVELOPMENT STANDARDS	PRC ZONE
Minimum Lot Area	One Acre
Minimum Lot Frontage except in the O-GNE	50 ft.
Minimum Lot Frontage for O-GNE only	50 ft. or cross-access easement agreements to which the City is a party for the limited purposes of modification or termination of the legal access rights
Minimum Building Setbacks: Street Lot Line except in the O-GNE Street Lot Line O-GNE only Side Lot Line Rear Lot Line Lot Line Abutting an R Zoned Lot	50 ft. As specified in approved master plan 0 50 ft. side 50 ft. rear
Maximum Building Setbacks: Street Lot Line	None
Landscaping in Setbacks Abutting a Residentially Zoned Lot	20 ft. @ L3. See Section 29.403
Maximum Building Coverage	50%
Minimum Landscaped Area	15%
Maximum Height	100 ft. or nine stories
Parking Allowed Between Buildings and Streets	Yes
Drive-Through Facilities Permitted	Yes
Outdoor Display Permitted	Limited to garden centers and similar accessory uses, automotive and marine trade, in defined areas
Outdoor Storage Permitted	No
Trucks and Equipment Permitted	Yes

Below is the table as it read prior to the 2007 amendment. Note that the setback for a Rear Lot Line was 0 feet.

Table 29.805(3)
Planned Regional Commercial (PRC) Zone Development Standards

DEVELOPMENT STANDARDS	PRC ZONE
Minimum FAR	.50
Minimum Lot Area	One Acre
Minimum Lot Frontage	50 ft.
Minimum Building Setbacks:	
Street Lot Line	50 ft.
Side Lot Line	0
Rear Lot Line	0
Lot Line Abutting an R Zoned Lot	50 ft. side 50 ft. rear
Maximum Building Setbacks:	
Street Lot Line	None
Landscaping in Setbacks Abutting a Residentially Zoned Lot	20 ft. @ L3. See Section 29.403
Maximum Building Coverage	50%
Minimum Landscaped Area	15%
Maximum Height	100 ft. or nine stories
Parking Allowed Between Buildings and Streets	Yes
Drive-Through Facilities Permitted	Yes
Outdoor Display Permitted	Limited to garden centers and similar accessory uses, automotive and marine trade, in defined areas
Outdoor Storage Permitted	No
Trucks and Equipment Permitted	Yes

There appears to be a mistake in the formatting of the Council-approved Ordinance No. 3928 in 2007 which only recently came to light. That Minimum Building Setback row of the current table should read:

Minimum Building Setbacks	
Street Lot line except in O-GNE	50 ft
Street Lot Line in O-GNE only	As specified in approved master plan
Side Lot Line	0
Rear Lot Line	0
Lot Line Abutting an R Zoned Lot	50 ft. side 50 ft. rear

ALTERNATIVES:

1. The Planning and Zoning Commission can recommend that the City Council approve the zoning code text amendment to correct the Rear Lot Line setback requirements in Table 29.805(3).
2. The Planning and Zoning Commission can recommend that the City Council not adopt the proposed text amendment.
3. The Planning and Zoning Commission can refer this issue back to staff for further information.

RECOMMENDED ACTION:

Staff believes that the proposed amendment returns the code to the intent of the ordinance prior to the 2007 amendments. As currently written, the requirement is ambiguous and open to wide interpretation. Staff therefore recommends that the Commission act in accordance with Alternative 1, which is to recommend that the Council approve the zoning code text amendment to correct the Rear Lot Line setback requirements in Table 29.805(3).