



Legislation Text

File #: ID 14-0098, **Version:** 1

Ordinance Text Amendment - Interior Setbacks / Multifamily Developments

Department: Planning
Council District: All Districts

Public Hearing: Yes
Advertising Date/By:

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PURPOSE:

The purpose of the text amendment is to amend the Land Development Ordinance (LDO) by replacing the determination of setbacks related to a percentage of the building length with numeric side and rear yard setbacks based on building orientation and adjacent land uses; and clarify Type 1 (Planning Director) / Type 2 (TRC) modifications for multifamily developments. The City Council is required to hold a public hearing on this amendment before considering its approval.

BACKGROUND:

As several multifamily developers were preparing plans for submission to the Technical Review Committee for approval, it became apparent that the setback requirements were excessive and extremely different from those contained in the previous Unified Development Ordinance. This difference also had inadvertently rendered many of the existing multifamily complexes as nonconforming.

Current ordinance provisions establish a minimum setback for multifamily projects through a percentage calculation. For example, buildings of two stories or less are required to have a minimum interior setback of 25 feet or 20% of the building length facing the lot line, whichever is greater. Buildings of three stories or more have a minimum interior setback of 40% of the building length facing the lot line.

Staff has worked with TREBIC, the Neighborhood Congress, and several local developers to create a workable ordinance that will return the requirements to the concept under which the many of the previous multifamily projects were constructed. As a result, this change will address the concerns from the development community without adversely impacting abutting land uses.

The amendment proposes that multifamily buildings oriented at 45 degrees or greater to the lot line and adjacent to a residential district or single family dwelling have a minimum side yard setback of 20 feet and a rear setback of 40 feet. Multifamily buildings oriented at 45 degrees or greater adjacent to a non-residential use would have a minimum side yard setback of 15 feet and a rear setback of 20 feet. For buildings exceeding 50 feet in height the building setback would increase one foot for each foot of height above 50 feet.

The amendment also clarifies the two types of modifications available for reducing the setbacks contained in a multifamily development in certain cases. All townhouse and multi-family projects are eligible for a Type 2 Modification, granted by the Technical Review Committee (TRC), for a reduction up to 50% of the required setback but, in no case below 15 feet. Townhouse and multi-family buildings located in the RM-26 and RM-40 zoning districts would continue to be eligible for a Type 1 Modification, granted by the Planning Director, for a perimeter setback reduction up to 5 feet, but in no case below 15 feet, subject to following three criteria:

- The setback being modified abuts a parcel that is in a zoning district of equal or higher density;
- The setback being modified abuts a collector or higher classification of roadway; or
- The setback being modified abuts land that is not occupied by a residential use.

It should be noted that the applicant will have the option of seeking a variance from the Board of Adjustment if a waiver, greater than those allowed via a modification, is needed or desired.

BUDGET IMPACT:

This item will have no budget impact.

RECOMMENDATION / ACTION REQUESTED:

The Planning Board recommended these amendments at its February meeting on a vote of 9-0. Staff recommends that City Council receive citizen comments and consider adoption of the proposed text amendment.