

**MEMORANDUM**

TO: Mayor & City Council  
Planning Commission

FROM: Gregory Mann, Planner II

VIA: John Schlichting, Director of Planning and Code Administration  
Martin Matsen, Planning Division Chief

RE: Proposed Text Amendment CTAM-7245-2016

DATE: February 26, 2016

During the Mayor and City Council’s February 16, 2016 regular session, Staff received sponsorship for a proposed Text Amendment to Chapter 24 of the City Code, subsequently designated as CTAM-7245-2016. Specifically, Staff is proposing to amend Article III, entitled “Regulations Applicable to Particular Zones,” Division 17, entitled “E-1 Zone, Urban Employment,” § 24-152, entitled “Performance Standards,” § 24-153, entitled “Outdoor Storage,” § 24-157, entitled “Yard Requirements,” § 24-158, entitled “Height Restrictions,” and Division 18, entitled “E-2 Zone, Moderate Intensity Industrial Park,” § 24-160C, entitled “Development Standards and Requirements”.

The purpose of the proposed amendment is to increase the maximum building height in the E-1 (Urban Employment) Zone from forty-five (45) feet to eighty-five (85) feet. As a result of cross-referencing, this amendment will also increase the height limit in the E-2 (Moderate Intensity Industrial Park) Zone. Staff notes that the current forty-five (45) foot height limitation may not accommodate a newly constructed four story building. Additionally, during the review of the E-1 and E-2 Zones, Staff has noted minor “housekeeping” items, including incorrect Code cross-references, which will also be corrected with this amendment.

The City is forecast to continue to grow over the next 10 years. As such, barring annexations, most growth will be in the form of redevelopment of existing parcels. Additionally, most E-1 and E-2 properties are reaching the end of their usable and marketable life cycle and thus are ready for redevelopment opportunities. As such, to encourage redevelopment of these older properties and to facilitate the uses desired in the E-1 and E-2 Zones, the proposed amendment would increase the maximum building height to eighty-five (85) feet from the current forty-five (45) feet. Eighty-five (85) feet is a building height that could accommodate a typical six story building. It is important to note, if approved, the new maximum building height would be by-right as both the E-1 and E-2 are Euclidean zones. The following reflects the proposed changes to Section 24-158:

*The maximum ~~building~~ height of any building in the E-1 Zone shall be must not exceed ~~forty five (45) feet~~ eighty-five (85) feet exclusive of any mechanical or other equipment placed upon the rooftop.*

The existing E-1 and E-2 Zones neighbor both commercial, and most notably, residential properties. In response, this amendment requires buildings over forty-five (45) feet to provide additional side and/or rear yard setbacks when abutting a residential zone. The following reflects the proposed changes to section 24-157:

\* \* \* \* \*

*(b) Rear and side yards. Twenty (20) feet, ~~except that ;provided, that one foot shall be added for each foot of building height over thirty (30) feet. one (1) foot shall be added for each foot of building height over forty-five (45) feet to any individual rear or side yard(s) abutting a residential zone property as defined by Chapter 24, Article III, Divisions 1-8.~~*

To put this into perspective, when abutting residential zones, an eighty-five (85) foot tall building would need to provide a sixty (60) foot rear or side yard as applicable. Staff is of the opinion this is sufficient to protect adjacent residential properties, since in realty the distance between buildings is actually far greater; typically between seventy (70) and ninety (90) feet. The chart below illustrates the required residential zone setbacks and what the distances between face of buildings would be for an eighty-five (85) foot tall building abutting residential.

Zone	Setback	Maximum Building to Building Distance
<b>R-A</b>	Rear Yard: 30 Feet Side Yard: 15 Feet	Rear Yard: 90 Feet Side Yard: 75 Feet
<b>R-90</b>	Rear Yard: 30 Feet Side Yard: 10 Feet	Rear Yard: 90 Feet Side Yard: 70 Feet
<b>R-90C</b>	20 Feet external boundary	80 Feet
<b>R-20</b>	Rear Yard: 30 Feet Side Yard: 20 Feet	Rear Yard: 90 Feet Side Yard: 80 Feet
<b>RP-T</b>	20 feet outside boundary line	80 Feet
<b>R-6</b>	20 feet outside boundary line	80 Feet
<b>R-18</b>	20 feet outside boundary line	80 Feet

Lastly, in review of the E-1 and E-2 zones, Staff has noted some minor “housekeeping” items. The proposed changes are listed below.

**Sec. 24-152. Performance Standards.**

Performance standards were repealed by Ordinance O-8-92. As such, Section 24-152 should have been removed as part of Ordinance O-8-92. Staff is proposing to keep Section 24-152 in reserve.

**Sec. 24-153. Outdoor Storage.**

Section 24-153(h) had an incorrect cross-reference to Section 9-3. Chapter 9 changed from, “Fences, Walls, Hedges and Trees”, to “Excavation of Underground Utility Facilities” with Ordinance O-15-89. More specifically, Section 9-3 referenced maximum height of fences, walls and hedges. This amendment fixes the cross-reference to reference Section 24-167, “fences walls and hedges”. Staff is proposing the following changes to Section 24-153(h):

\* \* \* \* \*

*(h) Any development requiring approval by the planning commission for uses developed under section 24-153 shall not be subject to the height limitations stipulated in section ~~9-3~~ 24-167 of the City Code.*

**Sec. 24-160C. Development Standards and Requirements.**

Section 24-160C requires the E-2 Zone to comply with the development standards and requirements set forth in the E-1 Zone. As discussed earlier, with the removal of Section 24-152 “Performance Standards”, the current cross-reference is incorrect. This amendment proposes to fix that cross-reference. Staff is proposing the following changes to Section 24-160C:

*All uses in the E-2 Zone shall comply with the development standards and requirements set forth in section ~~24-152~~ 24-153 through and including section 24-160, inclusive of this Code. Provided, however, the Traditional Neighborhood Design (TND) option may be used as an alternative method of development, subject to compliance with the standards set forth in section 24-22.3 of Chapter 24 of this Code.*