



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: February 15, 2021

Re: Zoning Text Amendments - **#A11: 29-4.7(g) Neighborhood Protection Standards - Lot Lines; 29-5.1(f)(3) Subdivision Standards - Lots - Lot Lines** (Case #49-2021)

Executive Summary

Approval will amend Sections 29-4.7(g) and 29-5.1(f)(3) of the Unified Development Code (UDC) to allow parking lots and pavement to be constructed over lot lines.

Discussion

As a result of adopting a revised definition of "structure" for the UDC, which mirrors the definition found within the adopted Building Code, nearly all things that are constructed are considered structures. In addition, adoption of the UDC eliminated the ability to construction buildings **and structures** over a lot line which was previously permitted.

By definition pavement is considered a structure and constructing a parking lot over a lot line is not permitted in any zoning district and is often the source for "design adjustments" when a proposed subdivision action is presented to the Planning Commission and City Council for new development involving surface parking areas. The proposed revision to Section 29-5.1(f)(3) would grant an exception for surface parking areas to cross lot lines, except when other regulations, such as typical setbacks and landscaping requirements, prevent it.

Additionally during staff's review, it was identified that the prohibition on allowing structures to cross lot lines occurs within both Sections 29-4.7(g) and 29-5.1(f)(3). Because references in each section are worded exactly the same, the redundancy is unnecessary. Section 29-5.1 addresses all subdivision plat-related requirements prior to issuance of a building permit. Section 29-4.7 is addressing "Neighborhood Protections" which are applicable only in certain instances. To reduce confusion in applying the prohibition, generally triggered at the time of platting and new development, this amendment proposes deleting the reference in Section 29-4.7(g).

The Planning and Zoning Commission considered this request at their January 21, 2021 meeting. Staff presented its report. No member of the public spoke during the public hearing. Following limited discussion, a motion to approve the zoning text amendment passed (8-0). As a note, the PZC reviewed a draft of the proposed text amendment during three work sessions prior to the public hearing.

The Planning Commission staff report, proposed text amendment sheet, and meeting minute excerpts are attached.



Fiscal Impact

Short-Term Impact: None

Long-Term Impact: None

Strategic & Comprehensive Plan Impact

[Strategic Plan Impacts:](#)

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

[Comprehensive Plan Impacts:](#)

Primary Impact: Not Applicable, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action
3/20/2017	Approved Chapter 29 of the City Code, referred to as the Unified Development Code.

Suggested Council Action

Approve UDC amendment A11 as recommended by the Planning and Zoning Commission.