



PREPARED FOR THE PLAN COMMISSION

Proposal: Zoning Text Amendment

Legistar File ID #: [49552](#)

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The following is a summary of the proposed zoning text amendment related to side yard setback reductions in the IL and IG Zoning Districts

[49552](#) Allow a zero side yard setback in Industrial Limited (IL) and Industrial General (IG) Districts that are adjacent to other property zoned IG or IL, while preserving a 10-foot side yard setback if adjacent to any other district.

This ordinance modifies the minimum side yard setback requirement for principal buildings in the IL and IG zoning Districts. The intent and purpose of the side yard setback is to establish minimum buffering between properties and to ensure uniform space between principal buildings on lots. The IL and IG districts are the most intensive zoning districts, allowing the most intensive land uses.

Most of the property in the IL and IG zoning districts was developed under the city's former Zoning Ordinance, where setbacks varied from *no setback required* to a 10' setback being required. Setbacks naturally were provided, due to building code and drainage requirements:

- Building codes require a higher level of construction when a wall is placed less than 10'. Limits on number of windows and doors (openings) in a wall, necessary building exiting, the inability for an eave or overhang to extend across a property line, and the fire rating of the side wall result in buildings being placed with some amount of side setback. As a result, few buildings provide no setback at all.
- Newer industrial subdivisions (newer than 1994) tend to have drainage easements at along all lot lines, which prohibit or significantly limit construction within easement areas.

These factors resulted in the principal buildings being placed at a minimum 0'-10' setback or greater, but typically about 10'.

With the new zoning ordinance, a 15' minimum side yard setback was introduced for these districts. All existing principal buildings with a less than 10' side setback became nonconforming. This creates problems when property owners wish to construct additions to existing principal buildings. For an existing principal building that was placed at a 10' setback to have an addition constructed, either the new construction must be placed at the 15' minimum setback or a variance must be obtained. The greater (15') setback introduces an irregular form to the building. These buildings are typically pre-

engineered/modular boxes with continuous side walls in a single plane and typically four corners only in design. With the minimum 5' jog required to meet the new setback requirement, the result is unusual and unique construction, reduces the efficiency of the building and adds unnecessary cost relative to the intent and purpose of the setback. Zoning variances would be very difficult to obtain for these developments, given the standards of approval that each zoning variance must meet. An existing wall placement at less than the required setback is not enough to satisfy all standards of approval for a zoning variance.

The amendment to the setback does maintain a requirement when adjacent property is not zoned IL or IG. In this case, the side yard setback is a minimum 10', which meets or exceeds the minimum side yard setback required for other zoning districts that might have uses which could be adversely affected by the IL or IG zoned property.

Typically, the greatest concern regarding potential adverse impact of this amendment applies when residentially zoned property abuts property in IL or IG. In reviewing the zoning district map, there are very few instances where IL or IG zoned property abut residentially zoned property. In the few instances where these districts abut, it is most common to find the side yard or rear yard of the IL/IG zoned property abutting a rear yard of the property in a residential district (which typically has a greater setback requirement).

Staff supports this amendment.