



PREPARED FOR THE PLAN COMMISSION

**Proposal:** Zoning Text Amendment  
**Legistar File ID #:** [64250](#) (Setbacks and Street Trees)  
**Prepared By:** Planning and Zoning Staff

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[64250](#) – In zoning districts which currently have a zero foot (0') building setback requirement in front or street side yards, this amendment increases the required setback to five feet (5') in cases where the distance between the curb and property line is less than fifteen feet (15'). In cases where the curb to property line is less than fifteen feet (15'), in lieu of the five foot (5') setback, a no-build easement may be granted to the City to ensure a minimum fifteen foot (15') space between the building and curb face is provided. Impacted districts include the following:

- LMX, NMX, TSS, MXC, CC-T, CC (all of the Commercial and Mixed-Use Districts)
- DC, UMX (some Downtown Districts)
- TE, SE, EC, IL, IG (most of the Employment Districts)
- CI (Campus-Institutional)

The [Urban Forestry Task Force Report](#) (2020) recommended zoning policies to encourage more street trees, including consideration of required building setbacks in areas where intensive redevelopment impacts opportunities for healthy street trees (trees planted in City-owned right-of-way). Please reference this report for more background and rationale for supporting trees as a critical and important part of our urban environment.

As proposed, this provision would be unique within the zoning code, as it works dynamically with characteristics of the public right-of-way adjacent to private property. Usually, the area between a property line and the curb includes a public sidewalk and a public terrace, which often supports street trees as an important part of our public infrastructure. This distance varies greatly throughout the city based on the presence and width of sidewalks and terraces. While imprecise, the amendment seeks to ensure a minimum of approximately ten feet between a building face and the center of a (future or existing) street tree. This allows space for a greater variety of tree species to reach maturity without significant canopy pruning to protect adjacent buildings.

On the whole, staff believes that this change will have a minimal to modest impact on redevelopment potential. Many multi-story buildings recently approved and/or constructed in relevant zoning districts have incorporated voluntary setbacks, even when no setback was required, in order to create space for amenities such as outdoor seating, bicycle parking, landscaping, or simply a wider and more functional sidewalk. Others, such as development in the Capitol East District, are required by Urban Design ordinances to be set back at a distance beyond the reach of this proposed amendment, and would not have been impacted. Still other recently approved buildings would have needed to incorporate a few additional feet between the building and the property line to meet this proposed requirement. Staff anticipates that small impacts will be experienced along commercial and mixed-use corridors such as South Park Street, Williamson Street, Monroe Street, and others. Acknowledging the unique challenges that even a change this slight may present to certain properties in the downtown area, the proposal exempts properties on and near "flatiron" (acute) corners, as specified on the map included in the ordinance amendment. In practice, when (re)development is proposed, a property owner

can work with Planning and Zoning staff to assess the current situation regarding curb to property line distance, and propose their strategy to meet the ordinance and optimize development potential.

Meanwhile, the impacts of this small change should meaningfully impact street tree options and viability, more than doubling the number of species that can be considered in (re)developing areas where new buildings are anticipated to have a strong street presence and be multiple stories in height. Looking years ahead, the ordinance should result in a greater variety of street trees in central and redeveloping commercial and mixed-use corridors, a reduced need for pruning trees adjacent to buildings, and a significantly reduced need to remove maturing street trees due to proximity to buildings.

In order to better visualize the proposed ordinance change and the impacts on potential (re)development and on opportunities for street trees, please see the visuals prepared for the March 2021 [staff presentation](#).

In March, 2020, this amendment was considered by and unanimously recommended for adoption by the Finance Committee (March 8) and Urban Design Commission (March 10). The Economic Development committee will consider the ordinance at their March 17 meeting, and their recommendation will be shared with the Plan Commission on March 22.

Staff supports this amendment.