



January 22, 2025

Planning and Zoning Commission Members,

I, David Kral, called this meeting today to discuss recommending the following code addition to Zoning Code section 206.3 which would allow for a “Special Exception” based “Setback relaxation”:

**206.3**

*Special exception uses and structures.*

**1~~~~~4**

**5. Setback relaxations**

**a. Minimum Rear Yard requirement to be reduced to ‘None’**

Adding this language to section 206.3 would allow for the Zoning Board of Adjustment to vote on the allowance of a setback relaxation for rear yards in the C-1 Commercial – Central Business District to be reduced to “None”. The front and side requirements are currently “None” however the rear setback requirement minimum is 15’. Multiple buildings in our downtown C-1 area do not conform to this standard as written. This also can hinder potential future development in our downtown area.

Current setback table:

206.4. Minimum Lot Area and Width	Minimum Yard Requirements	Maximum Height
Commercial Activities	Front: None	75 feet
None Multi-family dwelling Area: 6,000 square feet plus 1,000 square feet for each unit over three Width: None	Side: None except where a side yard is adjacent to an "R" district the adjoining yard shall be not less than 15 feet Street side, Corner lot: Same as side yard above	Except: As permitted by special exception
	Rear: 15	

Example for special exception usage on next page.



**Example:**

I was approached by an architect working on a remodel project for the RISE building located at **16 1<sup>st</sup> st SW**. They want to install a carport type canopy over the parking lot area outlined in the picture below. Seeing as how this structure falls into the requirements needing a setback, the structure would not conform to our zoning requirements. Allowing a setback relaxation for this type of structure would not detract from the area or potentially cause a nuisance to any neighboring buildings. The 15' rear setback makes sense for the generally required setback in consideration for a car pulling out of an enclosed garage and having adequate space to see traffic, a dumpster, or a general parking spot. When it comes to the open carport, however, it wouldn't be necessary. The carport design requested would be similar to the second picture shown. The 3<sup>rd</sup> picture is to get a sense of how buildings that currently exist in the area conform, or don't conform, to this setback.

