<table>
<thead>
<tr>
<th>Requested Interpretation</th>
<th>Case Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neil Riemann has requested the following: Assume the lot faces a primary street in a public right of way and an alley in a public right of way abuts the back of the lot. Questions for interpretation: (1) Will the alley be considered a &quot;primary&quot; or &quot;side&quot; street for purposes of 5.4.2.B.a? (2) Will the alley be considered a &quot;public right-of-way&quot; for purposes of 5.4.2.B.b? (3) If the lot is vacant, will the alley be considered a &quot;public-right-of-way&quot; for purposes of 5.4.2.B.c? (4) Will the alley be considered a &quot;public right of way&quot; for purposes of 5.4.2.B.d? If so, does this mean that the entire principal building will be subject to regulation in this case?</td>
<td>UI-8-2017</td>
</tr>
</tbody>
</table>

**Site Address/PIN:** NA

**Date Submitted:** 6-14-2017  
**Date Issued:** 6-19-2017  
**Code Section:** 5.4.2.B Applicability of Streetside Historic Overlay Districts

### STAFF ANALYSIS

An alley is a secondary means of access to abutting property. The alley is specified as a street in Section 8.4.2 of the UDO. In 8.4.2.E an alley is classified as an industrial or service street. However, in 5.4.2.A.1 alleys are specifically excluded from the category of a right-of-way. Therefore an alley may be identified for dimension criteria as a street type but it is has been excluded as a public right-of-way. Additionally, 5.4.2.B.a of the UDO states "the public right of way for primary and side streets", it does not specify alley. Thus an alley is not a side or primary street nor a public right-of-way.

Since the first part of this section of the code references primary and side street(s), in the development of the code the term public right-of-way was interchanged with the terms primary and side street(s) and therefore in sections 5.4.B.a, b and c the term public right of way are deemed to be synonymous with primary and side street(s). Additionally, as stated 5.4.2.A.1 specifically excludes alleys.

### STAFF INTERPRETATION

Staff has determined that lots that are adjacent to an alley are not subject to the provisions of 5.4.2.B.

### SIGNATORY

Gary D. Mitchell, Planning & Zoning Administrator