



Requested Interpretation		Case Number
<p>General Interpretation Section 3.3.3.A. indicates the intent of the building massing regulations is to manage the impact of the tall buildings located near the public right of way. Section 3.3.3.B.1 indicates the building step back is only required on building faces adjoining the public street. The diagram shows the street immediately adjacent to the building similar to a downtown development.</p> <p>Please identify the setback distance that is not considered “near the public right of way” or “adjoining the public street” when used in determining whether or not building massing is required for an 8 or more story building. A project we are currently working on is over 150’ from the nearest public right of way.</p>		UI-10-2017
<p>Site Address/PIN: General Question</p>		
<p>Date Submitted: 6/19/17</p>	<p>Date Issued: 6-28-2017</p>	<p>Code Sections 3.3.3</p>

STAFF ANALYSIS

The essential question is does the setback distance specify when said distance is not deemed to be near the public right-of-way or adjoining street. Unfortunately, such a specification does not exist in the UDO. Since the UDO does not address or specify or define what is meant by the phrase “near the public right of way”, then there is no method of altering or interpreting specified distance. There are administrative alternates that you may seek or if the hardship is unique to your property then you may have grounds for a variance however that determination would rest with the Board of Adjustment.

STAFF INTERPRETATION

The UDO does not allow for a method of altering what the phrase near the public right of way means in relation to the distance from the street. Therefore, specific distances from the public right of way are not interpretable, if the parcel has frontage along a public right of way the building has to comply with Sections 3.3.3.A and 3.3.3.B.1.

SIGNATORY



Gary D. Mitchell, Planning & Zoning Administrator