

Zoning Text Amendments

Committee of the Whole – 07/15/25



BACKGROUND

Over the past several years, the Board of Zoning Appeals (BZA) has considered multiple dimensional variance applications seeking **to allow new basement egress window wells within the required three (3) foot side setback** and applications **to allow nonconforming front yard parking to be replaced and continue.**

Given the consistent approvals by the BZA's, Planning Department staff initiated Zoning Ordinance text amendments to establish Administrative Departures to facilitate an administrative review of these types of requests.

At the request of City Commission, on 4/24/25 Planning Commission reconsidered the amendments and affirmed their original recommendation.

Zoning Review Processes

By-Right / Permitted / Administrative Review

Uses that are listed as permitted within the zone district and comply with the requirements of the Ordinance. These are uses/projects that support the vision of the city.

Review standards: Should be objective. If a plan meets ordinance, then a permit must be issued. Limited discretionary authority.

Review authority: Planning Director.

Administrative Departure

To allow specific minor deviations from Zoning Ordinance requirements under defined circumstances

Review standards: Generally objective with some discretionary authority.

Review authority: Planning Director.

Variance

To provide relief from complying with a zoning regulation upon demonstration of a practical difficulty specific to the property that prevents its development or improvement in compliance with the strict provisions of the Zoning Ordinance.

Review standards: Discretionary, established by state law and court decisions.

Review authority: Board of Zoning Appeals.

minimum

TIME, EFFORT AND COST

maximum

BASEMENT EGRESS WINDOW WELLS

Why Administrative Departure?

- Opportunity to request additional information based on site conditions.
- Discretionary standards and decision-making process allows staff to consider:
 - Existing site conditions: is there an unobstructed path of egress?
 - Product specifications suited for conditions: location of ladder in well.
 - Proximity of adjacent structure(s): will a 1-foot setback undermine foundation of adjacent structure, is within the sphere of influence?
- Allows transitional period between being not permitted and permitted.

Sec. 5.2.05. Lot and Yard Requirements.

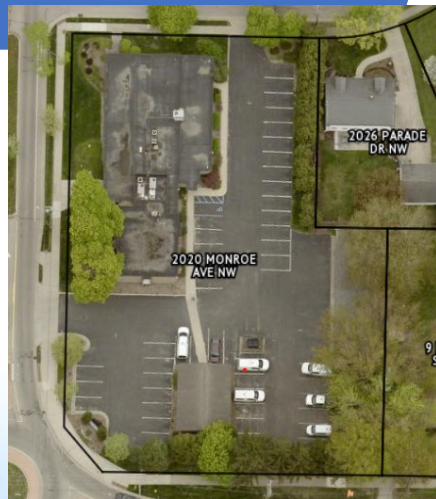
F. Permitted Encroachments into Setbacks and Yards.

5. *Basement Egress Window Wells.* Basement egress window wells are permitted in all yards, provided the following conditions are met:
 - a. *Setback.* A window well shall be set back at least three (3) feet from the side or rear lot line, and at least ten (10) feet from the front lot line.
 - b. *Front Yard Screening.* When in a front yard, a three (3) foot high landscape or building material screen shall be provided in front of the window well. If screened with a building material, the material shall be compatible with the materials and colors used for the main building.
 - c. *Building Code.* The requirements of Chapter 131 of the City Code shall be met.
 - d. *Administrative Departure. An Administrative Departure may be approved to reduce the minimum setback of a window well from a side or rear lot line where the following conditions are met:*
 - i. *It is demonstrated that no other feasible location is practical.*
 - ii. *The window well is set back a minimum of one (1) foot from any side or rear lot line.*
 - iii. *A clear path to the public way is provided.*
 - iv. *Adequate fall protection to adjacent walking surfaces is provided.*
 - v. *Adjacent properties will be protected during excavation.*

FRONT YARD PARKING

Why Administrative Departure?

- Aligns with existing land use principal which does not generally allow parking in a front yard.
- This amendment would provide a departure from a land use principal.
- Utilizing the Administrative Departure process (versus a by-right process) avoids a more complicated code logic that is more difficult to be consistent in the administration and enforcement.



Sec. 5.3.06. - Nonconforming Site Elements.

Part D. Administrative Departures.

2. The replacement of a nonconforming off-street parking lot in a front yard may be permitted where the following conditions exist:
 - a. The existing parking lot is nonconforming due to its location in the front yard.
 - b. A primary structure is located on the lot and is not proposed for demolition or replacement.
 - c. There is no other practicable alternative for the location of the required parking spaces.
 - d. The parking lot is not expanded and does not result in an increase of any nonconformities.
 - e. Landscaping is brought closer to conformance with the requirements of Article 11.
 - f. The number of spaces provided does not exceed twenty (20) spaces or the required number of parking spaces by more than twenty (20) percent, whichever is greater, unless demonstrated by a Parking Demand Study consistent with the requirements of Section 5.10.04.A.