

# Memorandum



To: Planning Commission Members

CC:

From: Marcus Baker, City Planner

Date: 10/10/2008

Re: Revision to the Zoning Ordinance, Section 5.12.06.01

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**Agenda Item 3C: Revision to Section 5.12.06.01 C-3 Zoning District – Height Restriction**

Staff has had several requests, regarding development projects in the C-3 zone, to exceed the 45-foot maximum height requirement in that zone. Some have been granted by creating a Planned Unit Development (i.e. Courtyard by Marriott and Embassy Suites), while others may need to go through a Variance process. It seems reasonable to staff that the maximum height should be greater in our Highway Commercial / Office Park Zoning District. Therefore, staff is proposing an increase from 45' to 90'. (Note this is a change from the previous request of 75'.) This would accommodate a seven story building with a pitched roof. It is possible that the FAA may not always allow a height up to 90', so in those cases the height would be lower. Also, parking requirements or fire code requirements may limit the height of a building.

The Chief Building Official, City Planner and City Engineer researched existing building heights in Southport and appropriate setbacks for taller buildings. Existing buildings above the 45' maximum in Southport include the Embassy Suites (>98'), Courtyard by Marriott (>78'), and Hampton Inn (>53'). City Staff would like to allow for taller buildings such as these as long as residential properties are not impacted.

**Staff Recommendation Item 3C:** Recommend approval of the revision to Section 5.12.06.01 to the City Council.

### **Section 5.12 C-3 Highway Commercial / Office Park District**

**5.12.01 Intent:** The Highway Commercial / Office Park District is intended for large scale commercial and office park development. In addition, this district prohibits all exterior storage by a primary use unless a separate Conditional Use Permit is requested for the use and granted by the City.

#### **5.12.02 Permitted Uses:**

- 5.12.02.01 *Medical/dental offices and business services including: attorneys, banks, insurance, real estate offices, postal stations, credit services, security brokers, dealers and exchange, title abstracting, finance services and investment services; but not including uses defined in Adult Establishment. (Ordinance No. 950, 3-1-05)*
- 5.12.02.02 Museum, art gallery.
- 5.12.02.03 Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
1. Book store, not including uses defined in Adult Establishment.
  2. Brew-on premises store.
  3. Dry cleaning and laundry pickup.
  4. Floral shop.
  5. Gift and curio shop.
  6. Jewelry store.
  7. Reservation center.
  8. Restaurants, cafes and fast food establishment.
  9. Travel agencies.
  10. Office Park developments.
  11. Video store, not including uses defined in Adult Establishment.
  12. Meeting Halls not including Adult Establishments.
- 5.12.02.04 *Publicly owned and operated facilities. (Ordinance No. 950, 3-1-05)*

#### **5.12.03 Permitted Conditional Uses:**

- 5.12.03.01 Theater, indoor, not including uses defined in Adult Establishment.
- 5.12.03.02 Automobile display, sales, service, and repair.
- 5.12.03.03 Brew Pubs.
- 5.12.03.04 Micro breweries when in conjunction with a restaurant.
- 5.12.03.05 Coffee Kiosks.
- 5.12.03.06 Automated Teller Machines when not within the interior of a primary use.
- 5.12.03.07 Tavern and cocktail lounge, not including uses defined in Adult Establishment.
- 5.12.03.08 Convenience store with limited fuel sales.
- 5.12.03.09 Churches and temples.
- 5.12.03.10 Hotels, including restaurants, convention and meeting facilities and other related uses, not including uses defined in Adult Establishment.
- 5.12.03.11 Department Stores.
- 5.12.03.12 Retail trade centers.
- 5.12.03.13 Shopping centers.
- 5.12.03.14 Commercial Strip Shopping Center.
- 5.12.03.15 Outlet Shopping Center.
- 5.12.03.16 Health Clubs and tanning salon, not including uses defined in Adult Establishment.
- 5.12.03.17 Health Recreation Facilities, not including uses defined in Adult Establishment.

#### **5.12.04 Permitted Temporary Uses**

Temporary Uses require a permit from the City of La Vista and shall be valid only for a specific amount of time as indicated on said permit. *All platted lots or tracts of land may have a maximum number of four (4) temporary uses per calendar year. Such uses shall not last more than two (2) weeks per use, except as provided for hereafter. (Ordinance No. 998, 7-18-06)*

- 5.12.04.01 Temporary greenhouses.
- 5.12.04.02 Temporary structures as needed for sidewalk and other outdoor sales events.
- 5.12.04.03 Fireworks stands, provided the criteria are met as established by the City through separate Ordinances.
- 5.12.04.04 Buildings and uses incidental to construction work *are permitted to remain until completion or abandonment of the construction work, at which time they shall be removed. (Ordinance No. 998, 7-18-06)*

5.12.04.05 Temporary structure for festivals or commercial events.

**5.12.05 Permitted Accessory Uses**

- 5.12.05.01 Buildings and uses customarily incidental to the permitted uses.
- 5.12.05.02 Parking as permitted in Section 7.05 through 7.09.
- 5.12.05.03 Signs allowed in Section 7.01 through 7.04.
- 5.12.05.04 Landscaping as required by Section 7.17.

**5.12.06 Height and Lot Requirements:**

5.12.06.01 The height and minimum lot requirements shall be as follows:

| Uses                       | Lot Area<br>(SF) | Lot<br>Width | Front<br>Yard    | Side<br>Yard | Rear<br>Yard | Max.<br>Height | Max. Lot<br>Coverage |
|----------------------------|------------------|--------------|------------------|--------------|--------------|----------------|----------------------|
| Permitted Uses             | 10,000           | -            | 25' <sup>1</sup> | 15'          | 15'          | 45-90'*        | 60%                  |
| Permitted Conditional Uses | 10,000           | -            | 25' <sup>1</sup> | 15'          | 15'          | 45-90'*        | 60%                  |

<sup>1</sup>. 25' front yard setback required only when no parking is present in the front yard. If parking is located in the front yard then front yard setback is a minimum of fifty (50) feet.

*\*Any building within 100 feet of a residentially zoned property shall not exceed 45 feet in height.*

**5.12.07 Use Limitations:**

- 5.12.07.01 When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in any required yard within fifteen (15) feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property, as per Section 7.14.04.
- 5.12.07.02 Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.