



Town Council Agenda Report

Date: November 12, 2019 Item No. 13
To: Honorable Mayor and Town Council
Subject: DISCUSSION OF ACCESSORY TANK SETBACKS AND
LANDSCAPE BUFFER REGULATIONS
From: Douglas Robertson, Town Manager
Submitted by: Lori Lamson, Assistant Town Manager
Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

Receive and provide direction.

SUMMARY:

On May 10, 2019, the Town Council and Planning Commission held a joint workshop to discuss issues pertaining to the Development Code regarding non-residential development. At that meeting, the regulations for large petroleum/water tanks and landscape setbacks was briefly mentioned, but definitive direction was not provided to staff. The purpose of this discussion is to provide staff with information necessary to assist the Planning Commission in further deliberation of these topics and form a recommendation for the Town Council to consider. Part of this discussion may be to modify or to leave the current Development Code regulations in their current state.

BACKGROUND:

The Development Code is silent on the setback requirements for above ground tanks, such as petroleum or water tanks in a commercial district. Currently, staff interprets the setbacks for said tank to be the same as the primary structure. However, because the regulations are silent, tanks are not formally defined as a structure or equipment. Currently petroleum or gas (i.e. LPG) tanks, larger than 200 gallons, and water tanks larger than 5,000 gallons require a Special Use Permit. Defining them as an accessory structure or utility equipment does not allow them to be located in the front or street side setback.

Typically, you will find propane tanks at gas stations, which requires the tank to be in an accessible location for RV's or other large vehicles to access. However, the visibility of the tank may be an issue that should be mitigated. At the joint workshop, there was

mention by the public, that with dense vegetation, the tank might be able to be located in the front or street side building setback.

In addition to the placement of above ground tanks, the issue of reducing the amount of landscaping on-site was also mentioned. Currently, the Development Code allows a reduction in landscape coverage and setbacks, if an amenity such as the following is incorporated into the project:

- Trip reduction
- Shaded public spaces/plaza
- Public art, sculpture, or fountain
- Enhanced landscaping
- Or other amenities as approved by review authority.

It is unclear what the definition of enhanced landscaping is and how that would be achieved with a reduction in overall landscaping. The Development Code deviations with the amenity, would allow: a 10% reduction in required landscape setbacks; a 1% reduction of overall landscaping when 10% of landscaping is required; and, a 2.5% reduction of overall landscaping when 15% of landscaping is required.

The Landscape requirements, in a commercial district, adjacent to property line, include the following:

- A 10-foot landscape setback is required on any street frontage for commercial development
- A 5-foot setback is required between a parking space or drive aisle and an interior side or rear property line.
- A 25-foot setback is required between a parking space or drive aisle and property line of an adjacent residential lot.

Along the street, the 10-foot landscape setback, may include the landscape parkway within the right of way. With a 10-foot parkway (within the right-of-way), the sidewalk is 6 feet wide and the remaining 4 feet can be landscaping. This typical scenario would allow a 4-foot encroachment into the right of way. However, there is no provision described in the Code to address when there is a right of way dedication requirement for a project, but not the requirement to improve. In other words, the adjacent right-of-way is not improved based on full ultimate width. The provision of allowing landscape to encroach (typically 4 feet) into the parkway should be after ultimate right of way has been accounted for through dedication and improved.

The Development Code requires a street corner or area adjacent to a driveway to have clear sight so as not to visually impede on-coming vehicular or pedestrian traffic. This is referred to in the Code as a "clear sight triangle." There is a maximum height of vegetation and signage or other structures that is allowed in this triangle area. There is no reference of a tank being able to locate in this area, however, due to the height of most tanks and its use, it may be appropriate to restrict tanks from being located in this area. For street

corners, this area is 30 feet in each direction along the corner and connected by a straight line. For driveways this dimension is 10 feet. For the location of above ground tanks, the Fire Code requires that they be located a minimum of 10 feet from the right-of-way.

Below are some suggestions for keeping existing regulations and consideration of amendments to the Code. These amendments would address the above ground tank locations and issues associated with them and issues related to landscape setback along the right-of-way and adjacent to parking spaces and drive aisles along the interior side or rear lot lines.

1. Continue to require a 10-foot landscape setback on the street frontage and street side of a project and allow a portion of that landscape setback to be within the right of way;
2. Add a provision that the 10-foot landscape strip can be in the right of way provided that the ultimate dedication of right of way has been dedicated;
3. Include a definition of Enhanced Landscaping;
4. Maintain the provision for projects with amenities, which allows the reduction in setbacks of the structure or canopy by 10% and reduce the amount of overall landscaping;
5. Enhanced/Additional landscaping can be an incentive to reduce the setbacks of a structure or canopy by 10%, but not the setbacks of a tank;
6. A provision could be included that this landscape reduction for said amenity, could include a reduction in the landscape strip along the right of way, up to 2 feet in width or the overall percentages currently allowed, whichever is greater;
7. Parking stalls shall continue to be setback 10 feet from a street frontage or street side property line and 5 feet from an interior side or rear setback;
8. Parking stalls adjacent to residential shall continue to be setback 25 feet from the side or rear property line;
9. Tanks shall not be located in landscape setbacks or clear sight triangles;
10. Tanks shall be accessible to large vehicles or RV's;
11. Tanks shall be required to have a low wall surrounding three sides when adjacent to a right of way, shielding the tank from view from the right-of-way. Bollards should be installed on the open side of the wall, and

12. Only allow encroachment of an above ground tank into the landscape planter with a Deviation Permit, if it maintains a 10-foot setback from the right-of-way. This is consistent with the Fire Code.

Fiscal Impact:
Not Applicable