



Requested Interpretation		Case Number
<p>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 "primary" or "side" street for purposes of 5.4.2.B.a? (2) Will the alley be considered a "public right-of-way" for purposes of 5.4.2.B.b? (3) If the lot is vacant, will the alley be considered a "pubic-right-of-way" for purposes of 5.4.2.B.c? (4) Will the alley be considered a "public right of way" 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?</p>		UI-8-2017
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