Hyde Park Baptist Church, Tract 6 Religious Assembly & Education Building

1990 Hyde Park NCCD, **Ordinance** No. 900830-Q

- NCCD Ordinance established zoning of MF-4 on the property.
- "Site development standards otherwise established by the Land Development Code are hereby modified to the extent necessary to authorize development in accordance with either of the NCCD plans attached as Exhibit "C" or Exhibit "C-1." (Part 2, j)
- Exhibit C-1 does not address site development standards in numerical format, but instead provides a graphic plan.

2001 **Site Plan**, SP-01-0525C

- SP-01-0525C was approved in 2002 based on the 1990 Hyde Park Civic District NCCD, (Ordinance No. 900830-Q), after an appeal of extension to review time by the neighborhood was denied.
- Site plan shows a 3-story building with underground parking.
- Site plan was consistent with base MF-4 zoning height limits and compatibility height limits (2-3 stories).
- Height limits and FAR were considered in compliance based on MF-4 zoning as well as Exhibit C-1.
- Plan expired on 10/01/05.

2002 Hyde Park NCCD, **Ordinance** No. 020131-20

- New NCCD was adopted by Council in 2002, but old NCCD was not repealed.
- 2002 NCCD regulations apply, "if they do not conflict with Ordinance No. 900830-Q, as amended."
- The 2002 ordinance directs (in Part 5):
    - 1st—Use the regulations in the Hyde Park Civic District NCCD (1990 ordinance) No. 900830-Q.
    - 2nd—If a use regulation or site development standard is not addressed in the 1990 ordinance, the 2002 ordinance applies.
    - 3rd—if a regulation or development standard is not addressed in either ordinance, "then the base zoning district regulations as they existed on August 3, 1990 apply."
- This site falls under the Speedway District, which provides numerical site development regulations for the following: lot size, lot width, FAR, building coverage, impervious coverage, height, interior side setback, and rear setback.
- Height is limited to 30 feet if it does not conflict with the 1990 NCCD Exhibit "C-1".

2007 **Site Plan**, SP-2007-0321C

- SP-2007-0321C was submitted on 05/25/07. Plan is identical to previously-approved 2001 site plan and shows 3 stories, and 39'7" to the midpoint (meeting the definition of height).
- Because Exhibit "C-1" in 1990 NCCD is unclear with regard to height, and the 2002 NCCD calls out 30' maximum height, staff required that the applicant

provide graphic representation that Exhibit "C-1" shows a building over 30 feet in height.

- The applicant provided an exhibit that demonstrates that the Exhibit "C-1" from the 1990 NCCD does show a building over 30-feet in height.
- The 2002 NCCD height limitation of 30-feet therefore conflicts with the 1990 NCCD, and therefore does not apply. (Because the 2002 ordinance only applies if it does not conflict with the 1990 NCCD)
- According to the 2002 NCCD, if a regulation or development standard is not addressed in either ordinance, "then the base zoning district regulations as they existed on August 3, 1990 apply."
- The height limitation for this site is therefore regulated by zoning regulations. The proposed building meets MF-4 height regulations (max 60') and meets compatibility requirements.