

MEMORANDUM

TO: Planning Commission

FROM: Brett Lenart, Planning Services Manager

DATE: March 8, 2017

SUBJECT: Proposed Zoning Ordinance Amendment –Accessory Structures

This proposed Zoning Ordinance Amendment would result in changes to the placement of accessory structures on some lots. Currently the Ordinance prohibits the placement of accessory structures within any required front open space. The inclusion of the word “required” creates a situation on some parcels where an accessory structure could be constructed in the front yard because the required front yard is not the same as the “established front yard.” The language below is current accessory building language, with a proposed amendment indicated:

5:59. - Accessory buildings.

(1) Accessory buildings in the R-1, R-2, R-3, R-4, R-5, R-6, and P zoning districts shall conform to the following regulations, except as may otherwise be provided in this chapter:

- (a) Accessory buildings shall not exceed 21 feet in height.*
- (b) Accessory buildings shall not be erected in any ~~required~~ front open space.*
- (c) Accessory buildings may occupy required side open space provided that such buildings are more distant from the street than any part of the principal building on the same lot and any part of the principal building on any lot abutting said required side open space; provided, however, that such accessory buildings are not closer than 3 feet to any lot line.*
- (d) Accessory buildings may occupy required rear open spaces provided that such buildings do not occupy more than 35% of the required rear open space and are not closer than 3 feet to any lot line.*
- (e) On any corner lot in a residential zoning district, no part of any accessory building shall be nearer the exterior side lot line than the required open space as regulated in section 5:58.*
- (f) An attached garage or carport shall not occupy any portion of the required side open space.*

In January, the ORC reviewed this proposed ordinance, and recommended adoption. While this ordinance will have the effect of limiting options for accessory buildings for some properties (e.g. lots with small rear yards and “through” lots), it will emphasize the accessory nature of such structures, and relegate them to the side or rear of the primary structure or use.

At a Working Session in February, additional questions were raised by Commissioners regarding the various types of structures that would be considered accessory, as well as the distinction between structures and buildings. More in depth information will be provided in this regard at the working session on March 14th.