



MAYOR & COUNCIL COMMUNICATION

DATE: March 18, 2014
REGULAR
ITEM # 9
ORDINANCE 08-104

AGENDA ITEM: Accessory Structure Ordinance Amendment

SUBMITTED BY: Nick M. Johnson, City Planner

THROUGH: Dean Zuleger, City Administrator

REVIEWED BY: Planning Commission
Kyle Klatt, Community Development Director
Rick Chase, Building Official

SUGGESTED ORDER OF BUSINESS:

- Introduction of ItemCommunity Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff Mayor Facilitates
- Call for Motion Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

POLICY RECCOMENDER: The Planning Commission and Staff recommend amending the City's Zoning Code by updating provisions related to accessory structures to provide better organization and additional clarity.

FISCAL IMPACT: None

SUMMARY AND ACTION REQUESTED: The City Council is asked to consider a zoning text amendment to update the City's accessory structure provisions. This action is intended to improve the organization of the Zoning Code by moving the general accessory structure provisions to Article V – General Regulations. Specific provisions that relate to accessory buildings in the rural, urban residential or Village Mixed-Use districts will be located within those specific articles. This effort is a continuation of the ongoing Zoning Code Update Project.

The Planning Commission and Staff are recommending that the City Council adopt updated accessory structure provisions the through the following motion:

“Move to adopt Ordinance 08-104 as amended, reorganizing and updating the City’s accessory structure provisions within the Zoning Code.”

In addition, Staff recommends proceeding with summary publication of the adopted ordinance through the following motion:

“Move to adopt Resolution 2014-16 to allow for summary publication of Ordinance 08-104.”

LEGISLATIVE HISTORY/PLANNING COMMISSION REPORT:

As part of the Zoning Code Update Project, planning staff have been working to reorganize and improve various sections of the Zoning Code to incorporate best management practices and make use of the new organizational structure of the document. The effort to update the City’s accessory structure provisions is a part of the ongoing effort to update the Zoning Code. In reviewing the City’s existing provisions (Attachment #3), staff identified several opportunities for improve or add clarity to the provisions. Proposed changes within the new provisions include the following:

- Additional clarity is added regarding permit requirements for accessory building depending on State Building Code.
- The permitted size and number of accessory buildings is regulated solely by parcel size, as opposed to having different allowances for properties zoned Rural Residential vs. Agricultural.
- The number of permitted buildings for properties 5 -10 acres and 10-15 acres in size were increased from one to two buildings.
- Exempt structures not counting towards accessory building allowances are identified in the ordinance, along with the standards to regulate these exempt structures. Exempt structures include gazebos, detached decks, animal buildings up to 200 square feet associated with a legal animal use, tennis and sport courts and swimming pools. It is important to note that maximum impervious surface for properties still does apply.
- Regarding structure location, the existing ordinance allows accessory structures in Agricultural (A), Rural Residential (RR) and Rural Single Family (RS) to be located closer to the front lot line than the principal structure by Resolution of the Council. The proposed ordinance includes this provision, but makes it available to all rural districts, not just RS, RR and A.
- Related to architectural design of structures, exemptions from the requirement to match the principal structure are identified for structures where the design of the building is integral to its purpose, such as a greenhouse for example.
- The proposed ordinance amends the definition of a tool shed by eliminating the maximum door size of 28 square feet. The Building Official noted that many sheds are currently non-conforming to this standard. The Planning Commission supported staff and agreed that the max size regulated these structures sufficiently.

The Planning Commission reviewed the proposed accessory structure ordinance at meetings on 2/10/14 and 2/24/14. After two stages of initial review, the Planning Commission held a public hearing on March 10, 2014. Mr. Dave Gonyea, Gonyea Company, spoke at the public hearing to clarify proposed provisions related to attached garages in urban residential districts. Mr. Gonyea's questions were clarified and the Planning Commission continued their discussion. In reviewing the propose ordinance, the Planning Commission recommended minor amendments to the ordinance pertaining to the height of detached accessory structures in the urban residential and Village Mixed-Use districts. The proposed accessory structure ordinance was unanimously recommended for approval by the Planning Commission.

It should also be noted that the Planning Commission recommended that language be added to both 154.456.B.1.a-b and 154.508.B.1.a-b to specify that side loaded garages do not need to meet the front facing garage design requirements, inserting the language "unless the garage is side-loaded" into each section. However, upon further reviewing this recommended change, staff does not think this language is necessary, as subsection 1 in both sections clarifies that only garages facing the primary street must meet the design requirements. Staff would recommend striking "unless the garage is side-loaded" in all of these sections, making it consistent with the way the ordinance was originally proposed. To execute this change, City Council will have to amend Ordinance 08-104 to reflect this correct language.

BACKGROUND INFORMATION (SWOT):

Strengths: Reorganizing and updating the accessory building ordinance improves the structure of the Zoning Code and incorporates additional best practices into the City's accessory building provisions.

Weaknesses: None

Opportunities: The City receives frequent inquiries regarding accessory buildings from property owners and builders. Staff recommends taking the opportunity to reorganize and improve these provisions within the Zoning Code.

Threats: None

RECOMMENDATION:

Based on the aforementioned, the Planning Commission and Staff are recommending that the City Council adopt updated accessory structure provisions the through the following motion:

"Move to adopt Ordinance 08-104 as amended, reorganizing and updating the City's accessory structure provisions within the Zoning Code."

In addition, Staff recommends proceeding with summary publication of the adopted ordinance through the following motion:

“Move to adopt Resolution 2014-16 to allow for summary publication of Ordinance 08-104.”

ATTACHMENTS:

1. Ordinance 08-104
2. Resolution 2014-16
3. Existing Accessory Structure Provisions
4. Planning Commission Reports, 2/10/14, 2/24/14 and 3/10/14