



## MAYOR & COUNCIL COMMUNICATION

**DATE: July 21, 2015**  
**CONSENT**  
**ITEM 10**  
**ORDINANCE 08-125**  
**RESOLUTION 2015-58**

**AGENDA ITEM:** Zoning Text Amendment – Accessory Building Setbacks in Urban Residential Districts

**SUBMITTED BY:** Nick M. Johnson, City Planner

**THROUGH:** Julie Johnson, City Clerk

**REVIEWED BY:** Planning Commission  
Kyle Klatt, Community Development Director

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**SUGGESTED ORDER OF BUSINESS (if removed from the Consent Agenda):**

- Introduction of Item .....Community 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:** Planning Commission

**FISCAL IMPACT:** None

**SUMMARY AND ACTION REQUESTED:** The City has received inquiries from residents within the Savona subdivision about the required setbacks for detached accessory buildings. In reviewing the setback requirements for accessory buildings in the Urban Low Density Residential (LDR) zoning district, the existing rear-yard setback requirement is 20 feet. For this type of zoning district, 20 feet is a large setback requirement for accessory buildings. To address the situation staff conducted research and ultimately drafted a Zoning Text Amendment to reduce the rear-yard setback to 10 feet. The Planning Commission reviewed the research at their 6/22/15 meeting, held a public hearing on 7/13/15, and is recommending approval of the Zoning Text Amendment. If removed from the Consent Agenda, the motion to take the recommended action is the following:

***“Move to adopt Ordinance 08-125, reducing the rear yard setback for detached accessory buildings in the urban residential districts from 20 feet to 10 feet.”***

In addition, due to the fact that the ordinance contains charts, staff is recommending that the City Council authorize summary publication to explain the ordinance amendment through publication. The suggested motion is as follows:

***“Move to adopt Resolution 2015-58, authorizing summary publication of Ordinance 08-125.”***

**BACKGROUND INFORMATION/STAFF REPORT:**

As families have begun to move into the Savona subdivision, City staff has begun receiving inquiries from residents about standards related to accessory buildings and other zoning provisions. One specific inquiry was made about the rear-yard setback for accessory buildings in the LDR zoning district. In reviewing the City’s regulations it was discovered that the existing rear-yard setback requirement for these structures is 20 feet. For lots that are smaller in size in comparison to most signal family neighborhoods in the City, a 20-foot rear yard setback is larger than what is typical in other communities. In fact, the rear-yard setback for accessory building in the Rural Single Family (RS) district is 10 feet. It should be noted that when a City adopts new zoning districts, it is very common that amendments or tweaks to the district standards occur once the districts are adopted and being utilized by property owners. Staff views this process as a natural evolution of the zoning district standards. Following up on the research conducted, staff presented these findings at the 6/22/15 Planning Commission meeting. Upon review of the information, the Planning Commission directed staff to prepare a Zoning Text Amendment and schedule a public hearing. The ordinance as proposed reflects the Zoning Text Amendment prepared by staff with input from the Planning Commission.

**PLANNING COMMISSION REPORT:**

The Planning Commission reviewed the setback requirements for detached accessory buildings in the urban residential district at their meeting on 6/22/15, where they directed staff to schedule a public hearing and prepare a Zoning Text Amendment. The public hearing was held on July 13, 2015. No one spoke during the public hearing and no written correspondence was received. There was very little discussion on the proposed ordinance amendment at the 7/13/15 meeting. The Planning Commission unanimously recommended approval of the zoning text amendment to reduce the rear-yard setback for detached accessory buildings in the urban residential districts from 20 feet to 10 feet (Vote: 6-0).

**STRENGTHS, WEAKNESSES, OPPORTUNITIES, THREATS:**

**Strengths:** Reducing the rear-yard setback for accessory buildings will bring the standard into conformance with what is more typical or common amongst urban residential standards in the surrounding communities. Placing these small structures closer to the rear property line will give residents more usable back yard area for use of their property.

At the same time, a 10-foot setback will keep these structures outside of the City's standard drainage and utility easements.

**Weaknesses:** None

**Opportunities:** Amending the rear-yard setback for accessory structures at this time prior to many more residents moving into these neighborhood types will help alleviate issues or concerns about the placement of accessory buildings.

**Threats:** None.

### **RECOMMENDATION:**

Based on the aforementioned, the Planning Commission and staff are recommending that the City Council approve the proposed amendment to the rear yard setback for accessory structures in the urban residential zoning districts. Should the item be removed from the Consent Agenda, the motion to take the recommended action on the request is as follows:

***“Move to adopt Ordinance 08-125, reducing the rear yard setback for detached accessory buildings in the urban residential districts from 20 feet to 10 feet.”***

In addition, due to the fact that the ordinance contains charts, staff is recommending that the City Council authorize summary publication to explain the ordinance amendment through publication. The suggested motion is as follows:

***“Move to adopt Resolution 2015-58, authorizing summary publication of Ordinance 08-125.”***

### **ATTACHMENTS:**

1. Ordinance 08-125
2. Resolution 2015-58
3. Staff Report to the Planning Commission, dated 7-13-15
4. Staff Report to the Planning Commission, dated 6-22-15
5. Accessory Structure Regulations - Comparison