



## Legislation Details (With Text)

<b>File #:</b>	18-2979	<b>Version:</b>	3	<b>Name:</b>	Ordinance - Public Hearing and First Reading of an Ordinance Amending Section 6300.E.6 of the Zoning Ordinance to Revise the Criteria for a Special Exception to Allow an Increase in the Maximum Allowable Area or Height, or a Reduction of the Minimum Setba
<b>Type:</b>	Ordinance	<b>Status:</b>			Passed
<b>File created:</b>	11/15/2018	<b>In control:</b>			City Council
<b>On agenda:</b>	1/14/2019	<b>Final action:</b>			1/14/2019
<b>Title:</b>	Ordinance - Third and Final Reading of an Ordinance Amending Section 6300.E.6 of the Zoning Ordinance to Revise the Criteria for a Special Exception to Allow an Increase in the Maximum Allowable Area or Height, or a Reduction of the Minimum Setback Requirements for Accessory Buildings or Structures on Lots of 12,000 Square Feet or Larger (OA#18-003)				
<b>Sponsors:</b>	Joe Smolinski, Lisa Sudbury				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Ordinance, 2. Redlined Amendment				

Date	Ver.	Action By	Action	Result
1/14/2019	3	City Council	Approved on Third And Final Reading	Pass
12/10/2018	2	City Council	Approved on Second Reading	Pass
11/26/2018	1	City Council	Approved on First Reading	Pass

Ordinance - Third and Final Reading of an Ordinance Amending Section 6300.E.6 of the Zoning Ordinance to Revise the Criteria for a Special Exception to Allow an Increase in the Maximum Allowable Area or Height, or a Reduction of the Minimum Setback Requirements for Accessory Buildings or Structures on Lots of 12,000 Square Feet or Larger (OA#18-003)

To consider the proposed Zoning Ordinance amendment.

The Planning and Zoning Commission held a public hearing on November 5, 2018, and voted 7 to 0 to recommend approval.

On August 6, 2018, the City Council and the Planning and Zoning Commission held a joint work session with City Council to discuss several amendments to the Zoning Ordinance. As part of that discussion, Staff was directed to draft an amendment revising the regulations in Section 6300.E.6 related to special exceptions for the height, size and setbacks of detached accessory buildings.

In 2001, the City Council adopted an ordinance to regulate the height, size and setbacks for accessory buildings and structures based on lot size. These regulations were adopted in response to citizen concerns that oversized detached accessory buildings or structures detracted from the residential character of a neighborhood, tended to be used for non-residential purposes, and were too close to property lines, crowding the yards of the neighboring properties.

At the same time, the Council recognized that larger properties might have different needs for larger buildings, and provided for a Special Exception process in Section 6300.E.6. Under Section 6300.E.6, the Board may

grant a Special Exception if the following criteria are met:

The property must be at least ½ acre in size;

The Board may grant an increase in an accessory building area not exceeding 4% of the square footage of the lot;

The Board may grant an increase in height of an accessory building not exceeding 24 feet for buildings or structures located on lots of ½ acre to 2 acres in size, and not exceeding 35 feet for buildings or structures located on lots of 2 acres or larger;

The Board may grant a reduction in the minimum required setbacks to allow an accessory building to be located no closer than 5 feet from the side property line and 7.5 feet from the rear property line; and

The Board must find that there will be no negative impact to the abutting properties.

The Planning and Zoning Commission held a discussion on the amendment on October 15, 2018, and a public hearing on November 5, 2018, and recommended that the ½ acre minimum property size criteria be reduced to 12,000 square feet.

Property owners with lots of 12,000 square feet in size could then request a Special Exception to increase the size and height of a detached accessory building, or reduce the required setbacks for the building. Lots with a minimum of 12,000 square feet have larger yards (typically, a 25-foot rear yard and 10-foot side yards) and can take better advantage of the Special Exception than smaller lots.

The remaining criteria for the Special Exception will remain unchanged. A redlined copy of the revised Section 6300.E.6 is attached showing the proposed change.

See information above.

Not applicable

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