



## MEMO

TO: Planning and Zoning Commission

FROM: Trever Fleetham  
Planning & Sustainability Advisor

DATE: May 2, 2016

SUBJECT: Unified Development Code Amendment-Exempt Accessory Structures **P16-004**

### **Background:**

Following the most recent building code adoption and subsequent Unified Development Code (UDC) amendments that changed the allowable maximum square footage of structures exempt from the building code from 144 square feet to 200 square feet, staff has found the need for slight modifications in order to make other provisions workable for residents and property owners.

### **Analysis:**

The Unified Development Code (UDC) states in § 154-02-003(A)(6):

- (b) The following apply to structures exempt from the current Building Code:
1. Accessory structures must be located in the side or rear yard of the property, and no closer than three feet from any property boundary.

The UDC defines a “carport” as:

A roofed structure with two or more open sides under which a vehicle may be driven and the principal use of which is the parking of one or more vehicles.

Attempting to apply the above regulation to *carports* reveals holes in the relationship between the Unified Development Code and the current Building Code. A carport that is 200 square feet or less is exempt from the Building Code and therefore does not require a permit. However, according to the UDC an exempt structure cannot be located in the front yard. Therefore, a carport that is 200 square feet or less in size is no longer allowed in the front yard.

Another issue is the separation requirement between buildings applicable to residential uses. The UDC’s “Table of Residential Lot Development Standards” sets forth minimum space between buildings in all residential districts. Exempt carports that have two or more open sides and are relatively small in size do not have the same impact on other buildings, drainage, or fire concerns as enclosed structures. Therefore, in an effort to provide property owners maximum flexibility for placement of exempt carports an amendment is needed. Accessibility concerns due to the

preferences of property owners to preserve significant trees are the most frequently heard criticisms of the current standards.

In order to clarify current regulations and allow for reasonable development of residential lots, staff suggests the following:

- Exempt accessory structures provisions of the UDC be divided into separate regulations: one category for exempt carports and one category for all other exempt accessory structures
- Carports exempt from the Building Code be allowed in the front yard (as well as the side and rear yards) so long as all setback requirements are met
- The requirement for separation between structures not be applied to exempt carports

**Suggested Motion to recommend APPROVAL:**

If the Commission agrees with the proposed amendments, a possible motion could be:

“I move the Planning and Zoning Commission recommend to the Town Council approval of P16-004, an amendment to the Unified Development Code § 154-02-003(A)(6) – structures exempt from the current Building Code, as outlined in this memo.”