

AMENDMENT(S):

AMD-2023-001



To: Marty Allen, City Manager

From: Josh Campbell, Director, Planning and Inspections

Date: November 2, 2022

RE: Accessory Structure related Zoning Ordinance Amendment

At the October City Council workshop staff reported to Council that since 2000 the City processed 35 variance requests related to accessory structures and that 34 of these requests were approved by the Zoning Board of Appeals. We noted that many of these requests were on lots larger than 1.5 acres and/or located on lots in the historic Old Town. Council directed staff to explore an amendment to the Zoning Ordinance that would minimize the need for board variances in these instances.

Staff has developed an amendment to the Zoning Ordinance to address these issues. Attached is the proposed amendment, identified as Exhibit A. The amendment would create an opportunity for single family residential lots either greater than 1.5 acres in size and/or located in the Old Town Overlay District to be considered for administrative variances related to accessory structure requirements (either district specific or those in Section 604). The amendment would add paragraphs F and G to Section 2012 Administrative Variances.

With this amendment in place at the beginning of 2000, 31 of the 35 variances requested would have been eligible for consideration of administrative variances. The Zoning Ordinance places the authority to grant administrative variances with the Chairperson of the Zoning Board of Appeals. The Chairperson is not obligated to approve requests for administrative variances, and it is important to note that staff does provide a recommendation. The authority to grant administrative variances is limited to those specific instances identified in Section 2012 of the Zoning Ordinance. In the event that the Chairperson does not elect to approve an administrative variance request, the applicant may still apply for a variance that would be heard by the full Zoning Board of Appeals.

Staff is seeking to place this proposal on the November workshop for feedback and direction. If Council is comfortable moving forward with the proposed amendment then the amendment would need to proceed through the normal advertising process, which means it would be reviewed by the Planning Commission and considered by Council at their January meetings.

If you have any questions please let me know.

Exhibit 'A'

Amend the Zoning Ordinance by adding paragraphs F and G to Section 2012. Administrative Variances.

SECTION 2012. Administrative Variances.

The Chairperson of the Zoning Board of Appeals shall have the power to grant Variances (except for density and use Variances) from the development standards of this Ordinance where, in his opinion, the intent of the Ordinance can be achieved and equal performance obtained by granting a Variance. The authority to grant such Variances shall be limited to Variances from the following requirements:

- A. From Yard of Yard Adjacent to Public Street. Variance not to exceed five (5) feet.
- B. Side Yard. Variance not to exceed five (5) feet.
- C. Rear Yard. Variance not to exceed five (5) feet.
- D. Parking Reduction. Variance not to exceed 20 percent less than the minimum number of required spaces.
- E. Parking Excess. Variance not to exceed 110 percent of the maximum for sites with a maximum of more than a 100 parking spaces. Variance not to exceed 10 additional spaces for sites with a maximum of 100 or fewer spaces.
- F. **Accessory Structure requirements – Residential lots greater than 1.5 acres.**
Administrative variances may be granted for accessory structures on single family residential lots greater than or equal to 1.5 acres.
- G. **Accessory Structures requirements – Old Town Overlay District.**
Administrative variances may be granted for accessory structures on single family residential lots within the Old Town Overlay District.

