

ACTION REQUEST FORM

DATE: January 18, 2000
TO: The Honorable Mayor and Board of Aldermen
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on text amendment to the *Unified Development Ordinances* (UDO) proposed by the City-County Planning Board

SUMMARY OF INFORMATION:

Text amendment proposed by the City-County Planning Board to amend Section 3-1.2(G)(1) of Chapter B "Zoning" of the UDO regarding the size requirements for "Accessory Structures". (UDO-59)

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED

STAFF REPORT

DOCKET # UDO-59

STAFF: Ronald B. Grubbs

REQUEST

Proposal to amend Section 3-1.2(G)(1) "Supplemental Dimensional Requirements" of Chapter B "Zoning" of the *Unified Development Ordinances* (UDO) regarding the maximum area for accessory structures.

BACKGROUND

Currently an accessory structure may not exceed five percent (5%) of the actual size of the zoning lot or the minimum permitted lot size of the zoning district, **whichever is smaller**. However, an accessory structure up to five hundred seventy-six (576) square feet in area shall be permitted in all districts. The minimum of 576 square feet is comparable to an accessory building that is 24 feet by 24 feet or the size of a two car garage.

By using the term, "whichever is smaller", accessory buildings on larger lots may not exceed 5% of the lot size of the zoning district and not 5% of the actual lot size. In the RS-9 zoning district, 5% would be 450 square feet (although 576 square feet is allowed as a minimum).

There have been numerous applications with the City Zoning Board of Adjustment to grant a variance to allow an "Oversized Accessory" building. There have been 15 such requests in the last 12 months. There have also been some requests in the county but to a lesser degree. Most of the county would be in larger zoning districts such as RS-40 which would permit up to a 2,000 square foot accessory building.

A complaint was received from a property owner in the city which led to an Alderman requesting the Planning Board to consider changing the word "smaller" to "larger" in this section. The Inspections Division has also asked staff to consider an amendment to this provision to reduce the number of variance requests to both the City and County Zoning Boards of Adjustment. Such a change would give more flexibility to the property owner in installing accessory structures and Inspections staff in administering the Code.

ANALYSIS

Changing the word from "smaller" to "larger" in the accessory structures provisions would allow a property owner to construct a larger accessory building if the lot were larger than the minimum lot size of the zoning district. The size of the building would still be limited, however, in relation to the size of the lot.

Such buildings would still be required to meet applicable setbacks for accessory buildings or principal buildings. An accessory building seventeen (17) feet or less in height may be located within three (3) feet of a side or rear property line but must be located at least seventy-five (75) feet from the front lot line. Any accessory building more than seventeen (17) feet in height must

meet setbacks for principal buildings in the applicable zoning district.

Allowing a property owner in the city with a larger lot the ability to construct the same size accessory building as a property owner in the county which has larger zoning lot sizes, will provide more consistency and fairness in the zoning ordinance. Such a change would also reduce the workloads of both the City and the County Zoning Boards of Adjustment.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the proposed text amendment.

Ronnie Grubbs presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

During discussion by the Planning Board, the following points were made:

1. This will allow people who have larger lots to have larger accessory buildings.
2. The size of the buildings would still be limited, however; tied to the size of the lot.
3. The height limit would stay the same.

MOTION: James Rousseau moved approval of the zoning text amendment.

SECOND: Steve Johnson

VOTE:

FOR: Avant, Bost, Johnson, Powell, Rousseau, Stewart

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning

**AN ORDINANCE
AMENDING CHAPTER B "ZONING ORDINANCE"
OF THE *UNIFIED DEVELOPMENT ORDINANCES*
REGARDING THE MINIMUM AREA
FOR ACCESSORY STRUCTURES**

Be it ordained by the Board of Aldermen of the City of Winston-Salem, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Section 3-1.2 (G) "Size Limits for Accessory Structures" of Chapter B "Zoning" is amended by revising subsection "(1) Maximum Area" by replacing the word "smaller" with the word "larger".

Section 2. This ordinance shall become effective upon adoption.