

LEGISTAR #50630 - Body

DRAFTER'S ANALYSIS: This ordinance amends Chapters 28 (zoning code) and 16 (subdivision regulations) to allow for single-family attached homes on separate lots in the multi-family residential zoning districts. As written, these homes could occur in newly developing areas that have alley access, or, in some cases, in infill areas with private driveway access. This new housing form will allow individuals to own townhome-style homes as single-family owner-occupied homes instead of as condominiums, which have proven to be difficult to finance and a deterrent to home ownership. Staff therefore anticipates that this new housing type will fill a housing need that lies somewhere between ownership of single-family detached homes and rental of units in larger apartment buildings.

The Common Council of the City of Madison do hereby ordain as follows:

1. Table 28C-1 of Subsection (1) of Section 28.032 entitled "Residential District Uses" of the Madison General Ordinances is amended by amending therein the following:

"Residential Districts"																Supplemental Regulations
	SR-C1	SR-C2	SR-C3	SR-V1	SR-V2	TR-C1	TR-C2	TR-C3	TR-C4	TR-V1	TR-V2	TR-U1	TR-U2	TR-R	TR-P	
Residential – Family Living																
Single-family attached dwelling (3-4 dwelling units)				P	P					P	P	P	P			
Single-family attached dwelling (3-8 dwelling units)				C	P						C	P	P		P	
Single-family attached dwelling (>8 dwelling units)				C							C	C	C		P	

2. Subsection (2) entitled "Dimensional Requirements, Permitted and Conditional Uses" of Section 28.039 entitled "SR-V1 District" of the Madison General Ordinances is amended to read as follows:

"(2) Dimensional Requirements, Permitted and Conditional Uses.
Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

SR-V1 District: Permitted Uses					
	Single-family detached	Two-family Two unit	Two-family - Twin	Three-four unit	<u>Single-family attached, three-four unit</u>
Lot Area (sq. ft.)	6,000	8,000	8,000	8,000	<u>2,000/d.u.</u>
Lot Width	50	50	50	60	<u>20 d.u.</u>
Front Yard Setback	25	25	25	25	<u>25</u>
Side Yard Setback	One-story: 5 Two-story: 6	Two-story: 6	One-story: 5 Two-story: 6	6/15 total	<u>Exterior end walls: 6</u>
Reversed Corner Side Yard Setback	12	12	12	12	<u>12</u>
Rear Yard	Lesser of 25% lot depth or 30	<u>Lesser of 25% lot depth or 30</u>			

SR-V1 District: Permitted Uses					
	Single-family detached	Two-family Two unit	Two-family - Twin	Three-four unit	<u>Single-family attached, three-four unit</u>
Maximum height	2 stories/35	2 stories/35	2 stories/35	3 stories/ <u>40</u>	<u>3 stories/40</u>
Maximum lot coverage	60%	60%	60%	60%	<u>90%</u>
Usable open space (sq. ft. per d.u.)	750	750	750	500	<u>100</u> ”

SR-V1 District: Conditional and Nonresidential Uses			
	Single-family attached (<u>5-8 units max.</u>)	Multi-family (<u>5-8 units max.</u>)	Nonresidential
Lot Area (sq. ft.)	2,000/d.u.	2,000/d.u.	6,000
Lot Width	20/d.u.	60	50
Front Yard Setback	25	25	25
Side Yard Setback	<u>6 (one side only)</u> Exterior end walls: 6	10	One-story: 6 Two-story or more: 7
Reversed Corner Side Yard Setback	12	12	25
Rear Yard	Lesser of 25% lot depth or 30	Lesser of 25% lot depth or 30	Equal to building height but at least 30
Maximum height	3 stories/40	3 stories/40	40
Maximum lot coverage	60% <u>90%</u>	60%	60%
Maximum building coverage	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	500 <u>100</u>	500	n/a

- (a) Dispersion of Dwellings: No two-family twin dwelling, three-unit, or multi-family dwelling shall be constructed within three hundred (300) feet of any other two-family twin dwelling, three-unit dwelling or multi-family dwelling(s), as measured from the perimeter of each zoning lot, except by conditional use.”

3. Subsection (2) entitled “Dimensional Requirements, Permitted and Conditional Uses” of Section 28.040 entitled “SR-V2 District” of the Madison General Ordinances is amended to read as follows:

- “(2) Dimensional Requirements, Permitted and Conditional Uses. Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

SR-V2 District: Permitted Uses

	Single-family detached	Two-family Two unit	Two-family - Twin	Three unit	Single-family attached (8 units max.)	Multi-family
Lot Area (sq. ft.)	6,000	6,000	4,000 (2 lots)	8,000	2,000/d.u.	2,000/d.u.
Lot Width	50	50	25/d.u.	60	20/d.u.	60
Front Yard Setback	25	25	25	25	25	25
Side Yard Setback	One-story: 5 Two-story: 6	Two-story: 6	One-story: 5 Two-story: 6	6	40 (end units) <u>Exterior end walls:</u> <u>6</u>	10
Reversed Corner Side Yard Setback	12	12	12	12	12	12
Rear Yard	Lesser of 25% lot depth or 30	Lesser of 25% lot depth or 30				
Maximum height	2 stories/35	2 stories/35	2 stories/35	3 stories/40	3 stories/40	3 stories/40
Maximum lot coverage	60%	60%	60%	60%	60% <u>90%</u>	60%
Usable open space (sq. ft. per d.u.)	500	500	500	500	500 <u>100</u> <u>See (a) below</u>	500

SR-V2 District: Conditional and Nonresidential Uses			
	Single-family attached (>8 units)	Multi-family	Nonresidential
Lot Area (sq. ft.)	2,000/d.u.	2,000/d.u.	6,000
Lot Width	20/d.u.	60	50
Front Yard Setback	25	25	25
Side Yard Setback	6 (end units) <u>Exterior end walls:</u> <u>6</u>	10	One-story: 6 Two-story or more: 7
Reversed Corner Side Yard Setback	12	12	25
Rear Yard	Lesser of 25% lot depth or 30	Lesser of 25% lot depth or 30	Equal to building height but at least 30
Maximum height	3 stories/40	4 stories/52	35
Maximum lot coverage	60% <u>90%</u>	60%	60%
Maximum building coverage	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	500 <u>100</u>	500	n/a"

4. Subsection (2) entitled “Dimensional Requirements, Permitted and Conditional Uses” of Section 28.047 entitled “TR-V1 District” of the Madison General Ordinances is amended to read as follows:

“(2) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

TR-V1 District: Permitted Uses						
	Single-family detached	Two-family Two unit	Two-family - Twin	Three unit	Four-unit	<u>Single-family attached, three-four unit</u>
Lot Area (sq. ft.)	3,000	4,000	6,000.	6,000	8,000	<u>2,000/d.u.</u>
Lot Width	30	40	50	50	50	<u>20 d.u.</u>
Front Yard Setback	20	20	20	20	20	<u>20</u>
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	<u>30 ft. or up to 20% greater than block average</u>
Side Yard Setback	One-story: 5 Two-story: 6 Lot width < 50: 10% of lot width	Two-story: 6 See (b) below	One-story: 5 Two-story: 6 (one side only) See (b) below	One-story: 5 Two-story or more: 6 See (b) below	One-story: 5 Two-story or more: 6 See (b) below	<u>Exterior end walls: 6</u>
Reversed Corner Side Yard Setback	12	12	12	12	12	<u>12</u>
Rear Yard	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	<u>Lesser of 25% lot depth or 25</u>
Maximum height	2 stories/35	2 stories/35	2 stories/35	3 stories/40	3 stories/40	<u>3 stories/40</u>
Maximum lot coverage	70%	70%	70%	70%	70%	<u>90%</u>
Usable open space (sq. ft. per d.u.)	500	500	500	500	500	<u>100</u>

~~(a) Dispersion Requirement. No two-family twin dwelling, three-unit dwelling, or multi-family dwelling shall be constructed within 300 feet of any other two-family twin dwelling, three-unit dwelling or multi-family dwelling, as measured from the perimeter of each zoning lot, except by conditional use.~~

~~(b) Side Yard Setback. Lots with two-family, three-unit and four-unit dwellings that are existing on the effective date of this ordinance and have a lot width less than fifty (50) feet shall have a minimum side yard setback of ten percent (10%) of the lot width.~~

TR-V1: Nonresidential (permitted or conditional)	
	Nonresidential
Lot Area (sq. ft.)	6,000
Lot Width	50
Front Yard Setback	20
Side Yard Setback	One-story: 5

TR-V1: Nonresidential (permitted or conditional)	
	Nonresidential
	Two-story or more: 6
Reversed Corner Side Yard Setback	20
Rear Yard	Equal to building height but at least 30
Maximum Height	35
Maximum Lot Coverage	65%
Maximum Building Coverage	50%

(a) Dispersion Requirement. No two-family-twin dwelling three-unit dwelling, or multi-family dwelling shall be constructed within three hundred (300) feet of any other two-family-twin dwelling, three-unit dwelling or multi-family dwelling, as measured from the perimeter of each zoning lot, except by conditional use.

(b) Side Yard Setback. Lots with two-family, three-unit and four-unit dwellings that are existing on the effective date of this ordinance and have a lot width less than fifty (50) feet shall have a minimum side yard setback of ten percent (10%) of the lot width.”

5. Subsection (2) entitled “Dimensional Requirements, Permitted and Conditional Uses” of Section 28.048 entitled “TR-V2 District” of the Madison General Ordinances is amended to read as follows:

“(2) Dimensional Requirements, Permitted and Conditional Uses.
 Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

TR-V2 District: Permitted Uses						
	Single-family detached	Two-family Two unit	Two-family - Twin	Three-unit	Four-unit	<u>Single-family attached, three-four unit</u>
Lot Area (sq. ft.)	3,000	4,000	6,000	6,000	8,000	<u>2,000/d.u.</u>
Lot Width	30	40	40	50	50	<u>20 d.u.</u>
Front Yard Setback	20	20	20	20	20	<u>20</u>
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	<u>30 ft. or up to 20% greater than block average</u>
Side Yard Setback	One-story: 5 Two-story: 6 Lot width < 50: 10% of lot width	Two-story: 6 See (a) below	One-story: 5 Two-story: 6 (one side only) See (a) below	One-story: 5 Two-story: 6 See (a) below	One-story: 5 Two-story or more: 6 See (a) below	<u>Exterior end walls: 6</u>
Reversed Corner Side Yard Setback	12	12	12	12	12	<u>12</u>
Rear Yard	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	<u>Lesser of 25% lot depth or 25</u>

TR-V2 District: Permitted Uses						
	Single-family detached	Two-family Two unit	Two-family - Twin	Three-unit	Four-unit	Single-family attached, three-four unit
Maximum height	2 stories/35	2 stories/35	2 stories/35	3 stories/40	3 stories/40	<u>3 stories/40</u>
Maximum lot coverage	70%	70%	70%	70%	70%	<u>90%</u>
Usable open space (sq. ft. per d.u.)	500	500	500	500	500	<u>100</u>

~~(a) Side Yard Setback. Lots with two-, three-, or four-unit dwellings that are existing on the effective date of this ordinance and have a lot width of less than fifty (50) feet shall have a minimum side-yard setback of ten percent (10%) of the lot width.~~

TR-V2 District: Conditional and Nonresidential Uses			
	Single-family attached (8 ≥ 4 units max.)	Multi-family	Nonresidential
Lot Area (sq. ft.)	2,000/d.u.	2,000/d.u.	6,000
Lot Width	20/d.u.	60	50
Front Yard Setback	20	20	20
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average
Side Yard Setback	Two-story: 6 <u>Exterior end walls: 6</u>	10	One-story: 6 Two-story or more: 7
Reversed Corner Side Yard Setback	12	12	20
Rear Yard	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	Equal to building height but at least 30
Maximum height	3 stories/40	3 stories/40	40
Maximum lot coverage	<u>90%</u>	70%	65%
Maximum building coverage	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	500 <u>100</u>	500	n/a

~~(a) Side Yard Setback. Lots with two-, three-, or four-unit dwellings that are existing on the effective date of this ordinance and have a lot width of less than fifty (50) feet shall have a minimum side-yard setback of ten percent (10%) of the lot width.~~

6. Subsection (2) entitled “Dimensional Requirements, Permitted and Conditional Uses” of Section 28.050 entitled “TR-U1 District” of the Madison General Ordinances is amended to read as follows:

“(2) Dimensional Requirements, Permitted and Conditional Uses. Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

TR-U1 District: Permitted Uses						
	Single-family detached	Two-family Two unit	Two-family - Twin	Three-four unit	Single-family attached (max. 8 units)	Multi-family (5 - 8 units)
Lot Area (sq. ft.)	3,000	4,000	4,000	4,000	4,000 1,200/d.u.	1,000/d.u. + 300 per bedroom >2
Lot Width	30	40	40	50	20 15/d.u.	50
Front Yard Setback	15	15	15	15	15	15
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average
Side Yard Setback	One-story: 5 Two-story: 6 Lot width < 50: 10% of lot width	Two-story: 6 See (a) below	One-story: 5 Two-story: 6	6 See (a) below	8 (end units) <u>Exterior end walls: 6</u>	10
Reversed Corner Side Yard Setback	12	12	12	12	12	12
Rear Yard	Lesser of 25% lot depth or 30	Lesser of 25% lot depth or 20	Lesser of 25% lot depth or 20			
Maximum height	2 stories/35 <u>See (c) below</u>	2 stories/35 <u>See (c) below</u>	2 stories/35 <u>See (c) below</u>	3 stories/40 <u>See (c) below</u>	3 stories/40 <u>See (c) below</u>	3 stories/40 <u>See (c) below</u>
Maximum lot coverage	75%	75%	75%	75%	75% 90%	75%
Usable open space (sq. ft. per d.u.)	320 See (b) below	320 See (b) below	320 See (b) below	320 See (b) below	320 100 See (b) below	320 See (b) below

(a) ~~Side Yard Setback.~~ Lots with two-family two-unit, three-unit or four-unit dwellings that are existing on the effective date of this ordinance and have a lot width of less than fifty (50) feet, shall have a minimum side yard setback of ten percent (10%) of the lot width.

(b) ~~Usable Open Space.~~ Up to 75% of required usable open space may be located on balconies or roof decks meeting the standards in Sec. 28.140.

TR-U1 District: Conditional and Nonresidential Uses
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	Single-family attached (> 8 units)	Multi-family (> 8 units)	Nonresidential
Lot Area (sq. ft.)	1,000/d.u.	1,000/d.u. + 300 per bedroom >2	6,000
Lot Width	20/d.u.	50	50
Front Yard Setback	15 or avg.	15 or avg.	15 or avg.
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	n/a
Side Yard Setback	8 (end units) <u>Exterior end walls: 6</u>	10	One-story: 5 Two-story or more: 6
Reversed Corner Side Yard Setback	12	12	15
Rear Yard	Lesser of 25% lot depth or 25 <u>Alley accessed: 2</u>	Lesser of 25% lot depth or 25	Equal to building height but at least 30
Maximum height	3 stories/40 See (c) below	5 stories/65 See (c) below	40
Maximum lot coverage	75% <u>90%</u>	75%	70%
Maximum building coverage	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	320 <u>100</u> See (d) below	320 See (d) below	n/a See (d) below

~~Up to 75% of required usable open space may be located on balconies or roof decks meeting the standards in Sec. 28.140.~~

- ~~(a) Side Yard Setback. Lots with two-family two-unit, three-unit or four-unit dwellings that are existing on the effective date of this ordinance and have a lot width of less than fifty (50) feet, shall have a minimum side yard setback of ten percent (10%) of the lot width.~~
- ~~(b) Heights exceeding the maximum may be allowed with conditional use approval.~~
- ~~(d) Usable Open Space. Up to 75% of required usable open space may be located on balconies or roof decks meeting the standards in Sec. 28.140."~~

7. Subsection (2) entitled "Dimensional Requirements, Permitted and Conditional Uses" of Section 28.051 entitled "TR-U2 District" of the Madison General Ordinances is amended to read as follows:

"(2) Dimensional Requirements, Permitted and Conditional Uses. Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

TR-U2 District: Permitted Uses			
	Three-four unit	Single-family attached (max. 8 units)	Multi-family (5 - 8 units)

Lot Area (sq. ft.)	4,000	800 <u>1,200</u> /d.u.	500/d.u. + 250 per bedroom >2
Lot Width	50	20 <u>15</u> /d.u.	50
Front Yard Setback	15	15	15
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average
Side Yard Setback	One-story: 5 Two-story: 6 See (a) below	8 (end units) <u>Exterior end walls: 6</u>	10
Reversed Corner Side Yard Setback	12	12	12
Rear Yard	Lesser of 25% lot depth or 20	Lesser of 25% lot depth or 20	Lesser of 25% lot depth or 20
Maximum height	3 stories/40	3 stories/40	4 stories/52
Maximum lot coverage	75%	75% <u>90%</u>	75%
Usable open space (sq. ft. per d.u.)	140	140 <u>100</u>	140

- (a) ~~Side Yard Setback. Lots with three or four unit dwellings that are existing on the effective date of this ordinance and have a lot width of less than fifty (50) feet shall have a minimum side yard setback of ten percent (10%) of the lot width.~~
- (b) ~~Usable Open Space. Up to 75% of required usable open space may be located on balconies or roof decks meeting the standards in Section 28.140.~~

TR-U2 District: Conditional and Nonresidential Uses

	Single-family attached (> 8 units)	Single-family detached	Two-family Two unit	Two-family - Twin	Multi-family (>8 units)	Nonresidential
Lot Area (sq. ft.)	800/d.u.	3,000	4,000	4,000	500/d.u. + 250 per bedroom >2	6,000
Lot Width	20/d.u.	30	40	40	50	50
Front Yard Setback	15	15	15	15	15	15
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	n/a
Side Yard Setback	8 (end units) <u>Exterior end walls: 6</u>	One-story: 5 Two-story : 6 Lot width < 50: 10% lot width	Two-story: 6 See (a) below	One-story: 5 Two-story: 6 See (a) below	10	One-story: 5 Two-story or more: 6

TR-P District: Permitted Uses

	Single-family detached	Single-family attached	Two-family Two unit	Two-family - Twin	Single-family accessory dwelling unit	Multi-family, except residential building complex
Side Yard Setback	5 <u>Exterior end walls: 6</u>	8 (end units)	5	5	5	10
Reversed Corner Side Yard Setback	8 (10 for garage)	8 (10 for garage)	8 (10 for garage)	8 (10 for garage)	8 (10 for garage)	12 (10 for garage)
Rear Yard	street-accessed: 20 alley-accessed: 2	street-accessed: 20 alley-accessed: 2	street-accessed: 20 alley-accessed: 2	street-accessed: 20 alley-accessed: 2	street-accessed: 20 alley-accessed: 2	Street-accessed: 20 Alley-accessed: 2
Maximum height	3 stories/35	3 stories/40	3 stories/35	3 stories/35	2 stories, no greater than height of principal structure	4 stories. ⁵² See (a) below
Maximum lot coverage	75% <u>90%</u>	75%	75%	75%	80% (per lot)	75%
Usable open space (sq. ft. per d.u.)	500 <u>100</u> <u>See (b) below</u>	320	500	500	800 (per lot)	140

(a) Heights exceeding the maximum may be allowed with conditional use approval.

TR-P District: Conditional and Nonresidential Uses		
	Residential building complex	Nonresidential
Lot Area (sq. ft.)	600/d.u. + 300 per bedroom >2	5,000
Lot Width	50	50
Front Yard Setback	15	15
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average
Side Yard Setback	10	5
Reversed Corner Side Yard Setback	12 (10 for garage)	15
Rear Yard	street-accessed: 20 alley-accessed: 2	equal to building height but at least 20
Maximum height	4 stories/ ⁵² See (b) below	3 stories/40
Maximum lot coverage	75%	70%

Usable open space (sq. ft. per d.u.)	140	n/a
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(b)(c) Heights exceeding the maximum may be allowed with conditional use approval.”

9. Subdivision (d) entitled “Maximum Percentage of Rear Yard Setback” of Subsection (1) of Section 28.131 entitled “Accessory Buildings and Structures on Lots Used Exclusively for Residential and Mixed-Use Purposes” of the Madison General Ordinances is hereby repealed.

10. Subdivision (g) entitled “Rear Yard” of Subsection (2) entitled “Other Encroachment Requirements” of Section 28.132 entitled “Encroachments into Setback Areas” of the Madison General Ordinances is amended to read as follows:

“(g) Rear Yard. ~~The rear yard shall be the lesser of thirty-five percent (35%) of the lot depth or thirty-five (35) feet.~~ A one-story garage projection for garage purposes only may project thirty percent (30%) of the least depth into a required rear yard, provided the balance of the rear yard shall remain unoccupied and unobstructed from the ground upward.”

11. Paragraph 5. of Subdivision (c) entitled “Residential Parking Locations” of Subsection (8) entitled “Parking Design and Location” of the Madison General Ordinances is amended to read as follows:

“5. A maximum of forty percent (40%) of the front ~~and rear yard~~ setbacks may be paved and used for driveway and parking purposes provided lot coverage requirements are not exceeded.”

12. Subsubparagraph vii. of Subparagraph a. of Paragraph 8. entitled “Widths of Streets and Pavements, Parkways and Drainageways” of Subdivision (a) entitled “Streets and Alleys” of Subsection (8) entitled “Design Standards” of Section 16.23 entitled “Land Subdivision Regulations” of the Madison General Ordinances is amended to read as follows:

“vii. Alleys:

A. Alleys shall have a minimum ROW width of twenty-six (26) feet, with a minimum pavement width of twelve (12) feet and one point five- (1.5)foot curbs.

B. Alleys shall be extended through the full block. No intra-block alley intersections shall be allowed.

C. No parking shall be allowed in an alley or in any driveways located adjacent to the alley.

D. No utility pedestals, trees or landscaping, and fences shall be allowed in the alley ROW.

E. Alley ends shall be constructed with aprons providing eight- (8) foot flares to accommodate maintenance vehicles.”

EDITOR’S NOTES:

Sec. 28.131(1)(d) currently reads as follows:

“(d) Maximum Percentage of Rear Yard Setback. Accessory buildings may occupy a maximum of fifty percent (50%) of the area of the rear yard setback.”