



PREPARED FOR THE PLAN COMMISSION

Proposal: Zoning Text Amendments

Legistar File ID #: [37125](#) and [37657](#)

Prepared By: Planning and Zoning Staff

The following is a summary of the proposed zoning text amendments for Plan Commission consideration.

[37125](#) – Amend Standards for Accessory Buildings Used Exclusively for Residential and Mixed-use Purposes

The current standards for accessory buildings in non-residential districts, regardless of use, are primarily designed around a low-density residential model. Height, size and percentage of rear yard occupied use the same residential model, where in practice, accessory buildings at nonresidential uses can be much larger or taller than a typical detached garage at a home. Also, accessory buildings at residential uses that are not located in residential districts do not appear to have clear regulations.

This ordinance amends MGO 28.131 to apply exclusively to accessory buildings exclusively for properties with residential and mixed-use. This will maintain the residential-style regulations for these structures, which constitute the vast majority of structures built under this ordinance. Lot Area, maximum size, and placement standards that previously applied only to residentially zoned properties would apply to all residential and mixed-use developments that are not necessarily under residential zoning. Accessory buildings and structures used for purposes other than residential or mixed-use will continue to be governed by the requirements in whatever district the property exists. The definitions are not changing, so height and area for accessory buildings at nonresidential uses still must be subservient to the principal building.

The amendment also establishes a right of placement for a detached accessory structure at the time of construction. Currently, a 3' setback is allowed when an accessory structure is located behind the rear plane of the principal structure. The setback increases if the garage is located alongside any portion of the principal structure, to the minimum side yard setback required for the principal structure. This amendment will allow for a future addition to a home to be constructed in a location that may end up being alongside an existing accessory structure, where the resulting condition is an accessory structure not *entirely* behind the rear plane of the home. Currently, a variance would be required for this condition to exist, and a variance would be unlikely to be approved.

Staff supports this amendment.

[37657](#) – Eliminate the Parks and Recreation District Maximum Lot Coverage Requirement

The stated purpose of the Parks and Recreation District is to accommodate active outdoor and indoor recreation uses and facilities such as golf courses, stadiums, swimming pools, community centers, large recreations structures, recreational complexes, and similar uses. This amendment eliminates the maximum

lot coverage requirement, which currently states that no more than 10% of the lot may be covered with impermeable surfaces. While this requirement is easy to meet where the facility is, for example, a golf course, it can be problematic for facilities that are larger than 10% of the lot and built with impervious material. This amendment will ensure that the purpose of the district isn't frustrated by the maximum lot coverage requirement. Importantly, even without this requirement, facilities will still be required to obtain necessary approvals related to maintaining adequate impervious surface and draining.

This amendment is strongly supported by Parks Division staff and also supported by Planning Division and Zoning Staff.