



**MEMO**

TO: Planning and Zoning Commission

FROM: Sheila DeSchaaf,  
Planning & Development Director

DATE: April 6, 2015

SUBJECT: Amendment to Unified Development Code §15-02-003; General Development Standards and Zoning Provisions (exempt accessory structures) **P15-003**

**Background**

Subsection A(6) of the Unified Development Code (UDC) § 154-02-003 regulates the construction of accessory structures. Presently, no building permit is required for an accessory structure under 144 square feet as indicated in the current UDC provisions below:

*Accessory uses.*

- (a) *Accessory buildings, structures and uses shall be permitted in all districts, provided each is incidental and subordinate to the primary use, and:*
  1. *A primary permitted structure must be established either prior to or simultaneously with the issuance of a building permit for an accessory use.*
  2. *No use that is to be carried on in an accessory structure shall violate the permitted uses in that district.*
- (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.*
  2. *No accessory structure shall exceed a height of 15 feet, unless otherwise provided by this Code.*
  3. *Three accessory structures shall be permitted if they comply with the density standards for the lot, when these structures are combined in terms of area with other structures on the lot.*
- (c) *Accessory structures exceeding 144 square feet shall require a building permit.*
- (d) *Authorization of a particular class of structure or use in a designated district specified in this Code is prohibited in all other districts unless specifically allowed in that district. A use that is not permitted in that district shall not be considered as an accessory use in that district. The determination of whether or not a use is authorized shall be made by the Zoning Administrator, with rights of appeal to the Board of Adjustments.*

### **Analysis**

Previously, the Unified Development Code exemption from permitting requirements for small accessory buildings mirrored the exemption contained within the building code. Recently however, the Town adopted updates to the building code. The updates to the building code, which are slated to take effect on July 1, 2015, allow a shed or other accessory structure to be up to 200 square feet before a building permit is required.

This proposed amendment would increase the square footage exemption within the zoning code to mirror the new building code size exemption of up to 200 square feet for accessory structures. Subsection (c) shall be amended to read as follows:

*(c) Accessory structures exceeding 200 square feet shall require a building permit.*

### **Staff Recommendation**

#### **Suggested Motion to recommend Approval:**

“I move the Planning & Zoning Commission recommend to the Town Council approval of P15-003, an amendment to increase the square footage exemption for accessory structures from 144 square feet to 200 square feet as proposed by staff.”