



# Memo

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**DATE:** March 6, 2018  
**TO:** Planning Commission  
**FROM:** Angelie Stahlnecker, Planning & Building Administrator  
**SUBJECT:** Proposed Amendments to FMC 22.58.003(a), Accessory Buildings

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## Introduction

Staff is asking the Planning Commission to consider amendments to FMC 22.58.003(a), *Accessory Buildings* as it relates to setbacks for through-lots. The current code establishes the rear setback of a through-lot as the same setback as the required front yard setback for the principal residential structure: 20 feet for R-6 and 25 feet for R-4.

## Process

The March 6<sup>th</sup> meeting will introduce the topic and present two potential options that staff would like the Planning Commission to consider. If there is planning commission support, a public hearing will be held at the April 3<sup>rd</sup> meeting on the preferred draft.

## Summary

Last year, the Planning Commission approved a major variance to construct structure that was no more than 200 square foot in the rear yard setback of a through-lot. The applicant identified many cases where similar sheds have been constructed. Recently, staff has had discussion with a current property owner in a similar situation.

Through-lot regulations were intended to keep “rear” yards of properties fronting on streets such as Claremont Street and Alameda Avenue looking like front yards. From both an aesthetic and functional viewpoint, the requirement was intended to reduce clutter along street frontages and to prevent sight obstructions for pedestrians and vehicles. The idea being that a through-lot backyard could be adjacent to another properties front yard and the intent was not to see large garages lined up along the street. The original regulations included limiting fence heights to four feet, similar to front yards. The code now treats through-lots as rear lots for everything outside of accessory building setbacks.

In addition, accessory structure of 200 square feet or less are exempt from building permits. This creates a situation ripe for confusion and unintentional compliance issues.

Staff is asking the planning commission to consider two possible alterative amendments:

**Current Code:**

**22.58.003 Accessory buildings.**

(a) One or more detached accessory buildings, including, but not limited to, garages, carports, garden sheds, greenhouses and other similar structures, may be constructed on a parcel containing a principal residential structure, subject to the following standards:

Minimum front yard setback	Same as specified for principal residential structure.
Minimum interior side yard setback	3 feet, if located $\geq$ 50 feet from the front property line. 5 feet, if located $<$ 50 feet from the front property line.
Minimum side street side yard setback on a corner lot	Same as specified for principal residential structure.
Minimum rear yard setback	3 feet.
<b>Minimum setback from lot line on either street frontage on a “through lot”</b>	<b>Same as specified for required front yard for principal residential structure</b>
Minimum setback from alley	3 feet...[with] separation of at least 22 feet from the access point to the opposite property line of the alley.
Minimum separation from principal residential structure	5 feet. Note: the building code may require a 6-foot minimum separation based on construction design.

**Option 1:** Set minimum setback of 3 feet if no building permits required. (*Staff Recommended*)

Minimum setback from lot line on either street frontage on a “through lot”	Same as specified for required front yard for principal residential structure, <b>if building permit required, otherwise 3 feet.</b>
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**Option 2:** Remove language referring to “through lot” setbacks, defaulting to the rear setback requirement.

**22.58.003 Accessory buildings.**

Minimum setback from lot line on either street frontage on a “through lot”	Same as specified for required front yard for principal residential structure
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