

Zoning & Subdivision Report

Planning & Development Department ~ 417/864-1611
840 Boonville Avenue ~ Springfield, Missouri 65801

ZONING ORDINANCE AMENDMENT: Accessory Structure Height

DATE: October 1, 2009

PURPOSE: To amend the Zoning Ordinance to allow a proposed accessory structure to exceed the maximum height permitted within each district under certain conditions.

STAFF COMMENTS:

Subsection 3-3601.E. of the *Zoning Ordinance* provides for the Board of Adjustment to grant a Special Exception to allow an accessory structure in any district to exceed the height requirements for accessory structures provided the following conditions are met:

1. The property is at least one-half (1/2) acre in size.
2. The proposed accessory structure shall not be within the front yard.
3. The proposed accessory structure shall be setback a minimum of twenty (20) feet from any property line adjoining a residential district, unless a greater setback is required by *Section 6-1211*, provided the proposed building or structure remains below a thirty (30) degree bulk plane as measured from the boundary of any residential property line. The Board of Adjustment may establish a greater setback to reduce any potential impacts on adjoining properties.
4. The proposed accessory structure otherwise conforms to all other applicable requirements of this article including *Section 5-1000, Accessory Uses and Structures*.

There is an increasing demand for increased height of accessory structures in various neighborhoods. The current Special Exception requirements have proven to be too limiting when trying to encourage rehabilitation and reinvestment in a number of the city's neighborhoods. In certain cases, taller accessory structures would be appropriate despite their inability to meet the above conditions.

This amendment revises the conditions that must be met for the Board of Adjustment to grant a Special Exception for a proposed accessory structure that exceeds the height requirements. The following are the proposed conditions:

1. The proposed accessory structure shall not be within the front yard.
2. The proposed accessory structure shall be setback as required by *Section 5-1005*, unless a greater setback is required by *Section 6-1211*. The Board of Adjustment may establish a greater setback to reduce any potential impacts on adjoining properties.
3. The height and design of the proposed accessory structure shall be consistent with the

- height and design of the primary structure on the lot.
4. The height and design of the proposed accessory structure shall be consistent with the character of the neighborhood.
 5. The proposed accessory structure otherwise conforms to all other applicable requirements of this article including *Section 5-1000, Accessory Uses and Structures*.

The primary changes include the removal of the requirement that the property be at least one-half (1/2) acre in size and the minimum twenty (20) foot setback requirement and maximum thirty (30) degree bulk plane requirement from adjoining residential districts. The half-acre size requirement was a carryover from the Special Exception process that was previously in the Zoning Ordinance to allow accessory structures to exceed the maximum floor area on a lot and does not directly relate to the height of the structure. The twenty foot setback requirement is not necessary because any proposed accessory structure will be required to meet the setbacks required for the appropriate zoning district. In addition, if a greater setback is desired in a particular case, the Board of Adjustment has the authority to require it during the Special Exception process. Like the setback requirement, accessory structures are required to meet the maximum bulk plane requirement within the zoning district it is located if one is required (non-residential zoning districts primarily). In some cases, particularly in residential districts, the existing thirty (30) degree bulk plane requirement is too restrictive.

The proposed changes also include new requirements that the height and design of the proposed accessory structure are consistent with the height and design of the primary structure on the lot and with the character of the neighborhood. These requirements are intended to ensure that the proposed accessory structure is compatible and consistent with the character of the surrounding properties. The Board of Adjustment will have discretion during the Special Exception process to determine if these requirements are being met and can include additional requirements as part of their approval.

RECOMMENDATION: Staff recommends approval.

STAFF CONTACT PERSON:

Alana D. Owen, AICP
Senior Planner

ATTACHMENT A
PROPOSED AMENDMENT

New text is underlined and deleted text is ~~overstruck~~

Section 3-3600. Special Exceptions

3-3601.E. Height of Accessory Structures. The Board of Adjustment may grant a special exception to allow an accessory structure in any district to exceed the height requirements for accessory structures provided all of the following conditions are met.

- ~~1.~~ ~~The property is at least one half (1/2) acre in size.~~
- ~~12.~~ The proposed accessory structure shall not be within the front yard.
- ~~2.~~ The proposed accessory structure shall be setback as required by Section 5-1005, unless a greater setback is required by Section 6-1211. The Board of Adjustment may establish a greater setback to reduce any potential impacts on adjoining properties.
- ~~3.~~ ~~The proposed accessory structure shall be setback a minimum of twenty (20) feet from any property line adjoining a residential district, unless a greater setback is required by Section 6-1211, provided the proposed building or structure remains below a thirty (30) degree bulk plane as measured from the boundary of any residential property line. The Board of Adjustment may establish a greater setback to reduce any potential impacts on adjoining properties.~~
- ~~3.~~ The height and design of the proposed accessory structure shall be consistent with the height and design of the primary structure on the lot.
- ~~4.~~ The height and design of the proposed accessory structure shall be consistent with the character of the neighborhood.
- ~~54.~~ The proposed accessory structure otherwise conforms to all other applicable requirements of this article including *Section 5-1000, Accessory Uses and Structures.*

The Board of Adjustment may place conditions upon the granting of a special exception, and may require that a bufferyard be provided adjacent to any adjoining properties zoned residential.