



**DATE:** April 18<sup>th</sup>, 2023

**CASE:** TA-03-23 Text Amendment to Address Maximum Height Limitations for Accessory Structures

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**BACKGROUND**

The staff is proposing an amendment to the Concord Development Ordinance (CDO) to address maximum height limitations for accessory structures. We have had several instances where accessory structures are proposed to be located within the principal structure setback of a parcel. In these instances, the CDO limits the height to fifteen (15) feet instead of the principal structure height within the particular zoning district.

Accessory structures are permissible in any zoning district, but are more typically seen in residential districts in the form of detached garages or garden sheds. Accessory structure setbacks for residential districts are five (5) feet from the side and rear setbacks.

From a planning standpoint, allowing taller accessory structures within a principal structure setback appears to be reasonable.

Staff is proposing to allow accessory structures to be increased to two (2) stories when they are located within a principal structure setback. This change will allow some flexibility for the development of uses such as accessory dwelling units (over a garage) in residential zoning districts.

The amendment is in approval form for referral to Council.

#### 8.4.2. LOCATION

- A. Accessory structures shall be required meet the setback standards for accessory structures as set forth in Section 7.6.3 Dimensional and Density Standards. Accessory structures may be located within a setback yard for principal structures and shall be regulated in accordance with the standards below. No accessory structure shall be located less than 36 inches from the exterior wall of the principal structure. Structures that are located closer than 36 inches shall be considered as additions to the principal structure and shall conform to all applicable setbacks.
- B. For residential lots not exceeding two (2) acres, detached accessory buildings shall not be located in the front yard. Detached accessory buildings may be built in the required rear yard but such accessory buildings shall not occupy more than thirty (30%) percent of the required rear yard and shall not be closer than five feet to any side or rear lot line or setback line.
- C. For residential lots exceeding two (2) acres, detached accessory buildings may be located in the front yard but not closer than seventy-five feet (75') from the front property line/street right-of-way. Detached accessory buildings may be closer than the distance specified above if they are not visible from a public street.
- D. The location of permitted non-residential accessory structures shall be governed by the same dimensional regulations as set forth for the principal use structure(s).
- E. Accessory buildings on double frontage lots shall not be closer to either street than the required front yard setback.

#### 8.4.3. HEIGHT

- A. Accessory buildings shall not exceed:
  - 1. The standard height regulations of the zoning district as set forth in Section 7.6.~~2.B3~~ where accessory structure is located within the buildable lot area;
  - 2. Shall not exceed fifteen (15) feet in height, where accessory structure is located within an accessory a principal structure setback yard. Accessory structures may be two (2) stories in height when located within a principal structure setback yard.