



Modification of Maximum Coverage Limitation for Minimum Required Rear Yards

Proposed Zoning Ordinance Amendment
Item Type: Recommendation

Development Process Committee
May 23, 2017

Cathy S. Belgin, Deputy Zoning Administrator

Why Are We Proposing This Amendment?

- Applicable only to single-family detached residential lots;
- Increasingly common to have more hardscaping and other outdoor amenities in rear yards, including patios, pool decking, and hardscape features;
- Provide residential property owners increased flexibility and a means of requesting relief;
- Problematic for P District lots with very small rear yards.

Current Zoning Ordinance Provisions

Use Limitations for Accessory Uses and Structures

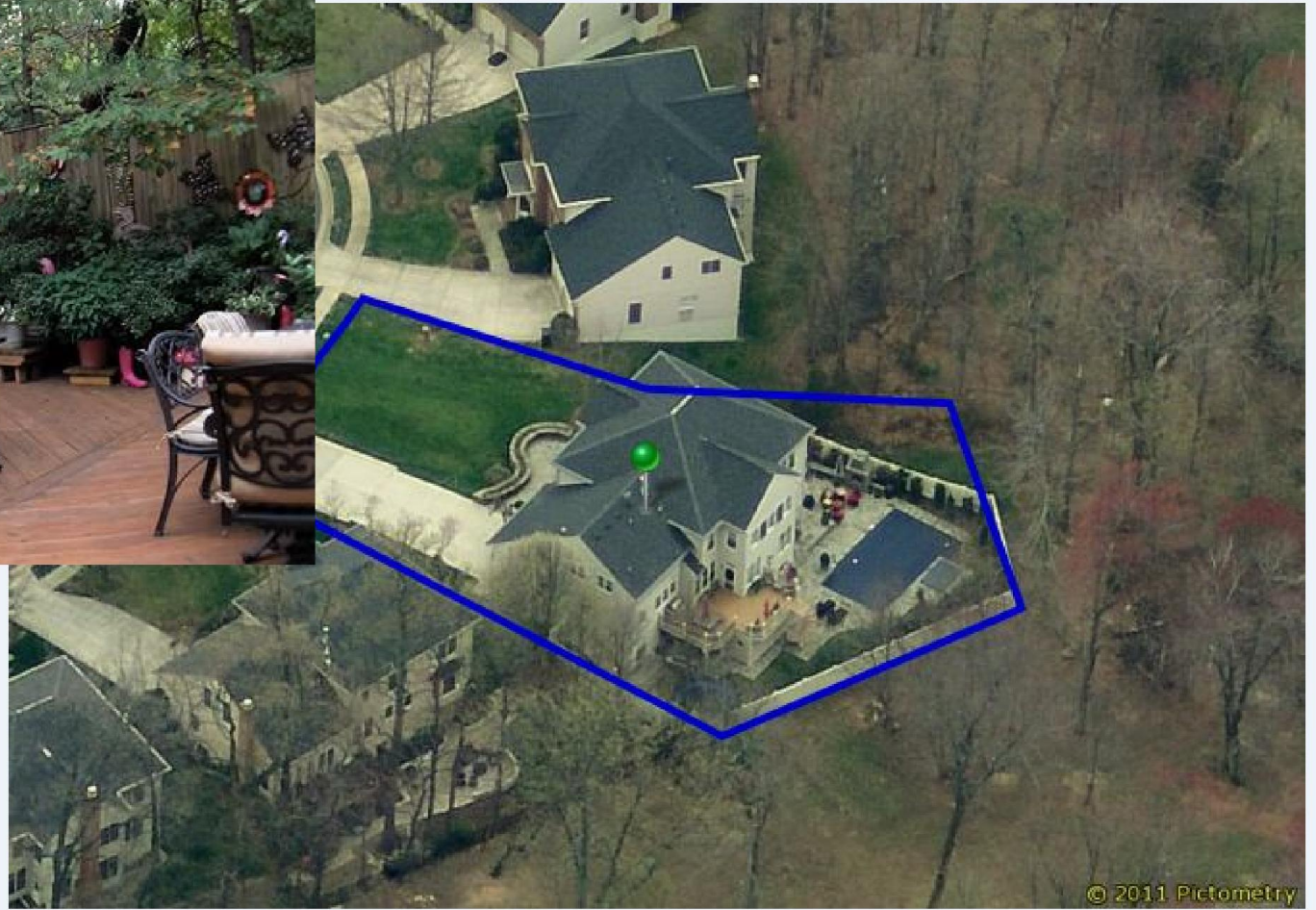
Par. 3 of Sect. 10-103:

“(a) All uses and structures accessory to single family detached dwellings, to include those extensions permitted by Sect. 2-412, shall cover no more than thirty (30) percent of the area of the minimum required rear yard.”

Where is the Minimum Required Rear Yard?

The area of the rear yard extending across the full width of the lot that is located between the rear lot line and the minimum required setback line.

Rear Yard Coverage Examples



Rear Yard Coverage Examples



Overview of Proposal

Amendment as Proposed Would:

- 1) Distinguish between lots in Conventional vs. P Districts;
- 2) Exempt P District Lots below certain size;
- 3) Increase the by-right coverage allowed on each lot type;
- 4) Create Special Permit to exceed by-right coverage;
- 5) Clarify what is counted as coverage and how it is counted.

Additional Option to also be discussed for Board Consideration

Distinguish between Conventional and P Districts

Properties located in P districts are frequently smaller lots than those in conventional zoning districts, and often have significantly smaller minimum required yards.

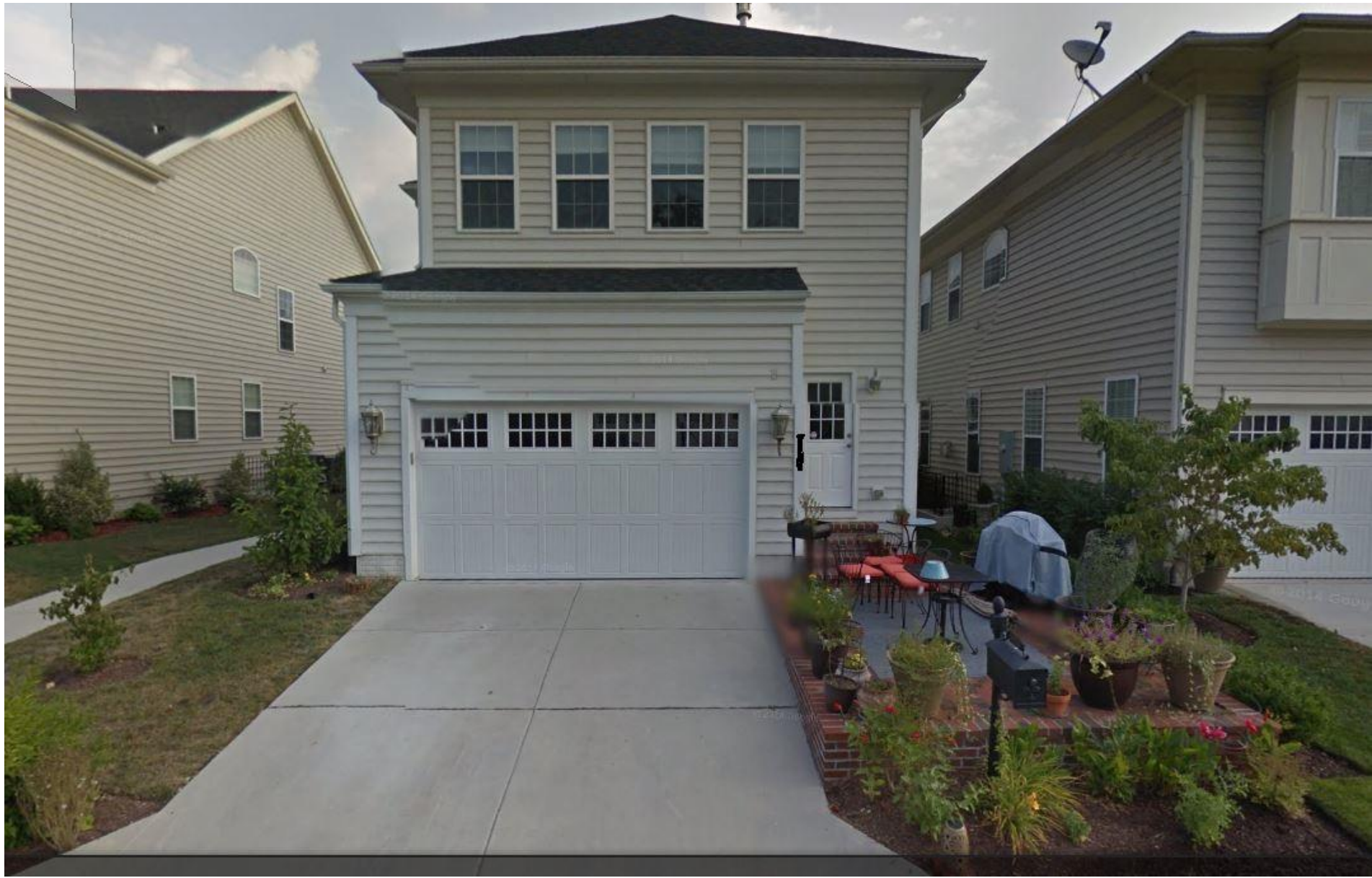
Therefore, staff is proposing to allow a higher percentage of coverage by right and with Special Permit for lots in P Districts.

Exempt P District Lots Below 5,000 Square Feet

The most dense zoning district that permits single family detached dwellings is R-5;

R-5 District minimum lot size for single family detached dwellings is 5,000 square feet;

Lots below 5,000 square feet have a unique and more difficult circumstance with respect to this provision.



Example P District Lot Below 5,000 Square Feet

Increase Percentage of Coverage Allowed By-Right

Propose to increase the maximum by-right percentage of minimum required rear yard coverage:

From 30% to **40%** (*or as high as 50%*) for R districts;

From 30% to **50%** (*or as high as 60%*) for P districts.

Create New Special Permit to Exceed Coverage Limit

- To exceed coverage currently requires variance approval, or PCA and/or FDPA approval in P Districts.
- Create Special Permit to request an increase in maximum coverage of minimum required rear yard to as high as **60% for conventional districts;**
75% for P Districts.
- Filing fee of \$910 (*Same as other residential special permits.*)

Create a New Special Permit to Exceed Coverage Limit

- Add calculation of coverage as submission requirement on all special permit applications for single family detached dwellings;
- Doesn't change ability of Board to modify coverage in P Districts as part of a rezoning application;
- Variance still required for coverage beyond that permitted by special permit, or P district lots may still pursue PCA and/or FDPA approval.

Clarify Coverage Calculations

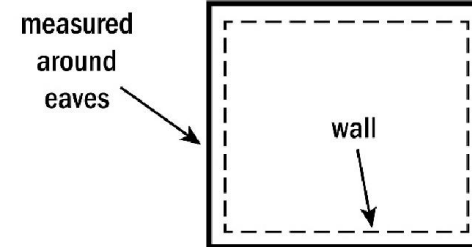
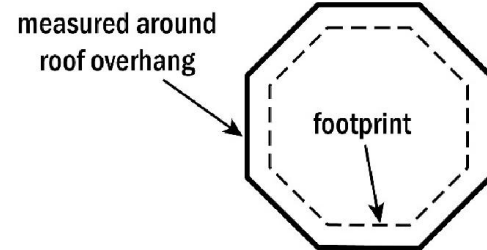
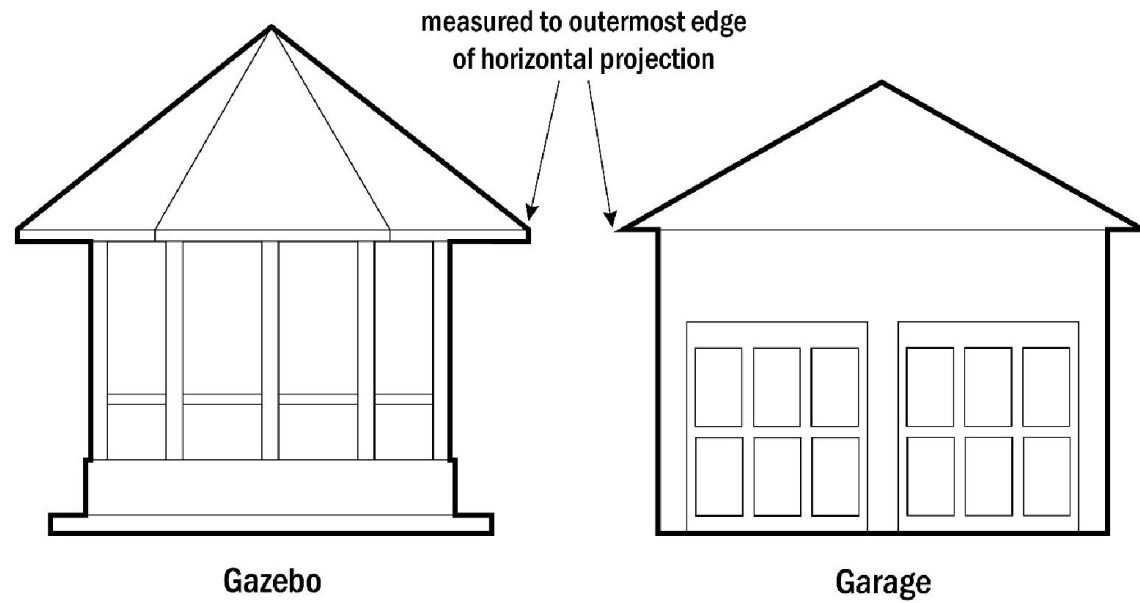
Walkways 5 feet in width or less would not count, irrespective of surface.

Illustrations will be added to Zoning Ordinance for clarity.

Detached accessory structures would be measured to the outermost horizontal surface (*see Plate 1*);

Illustration 6
Plate 1

Maximum Coverage Limitation for Minimum Required Rear Yards



Freestanding Accessory Structures

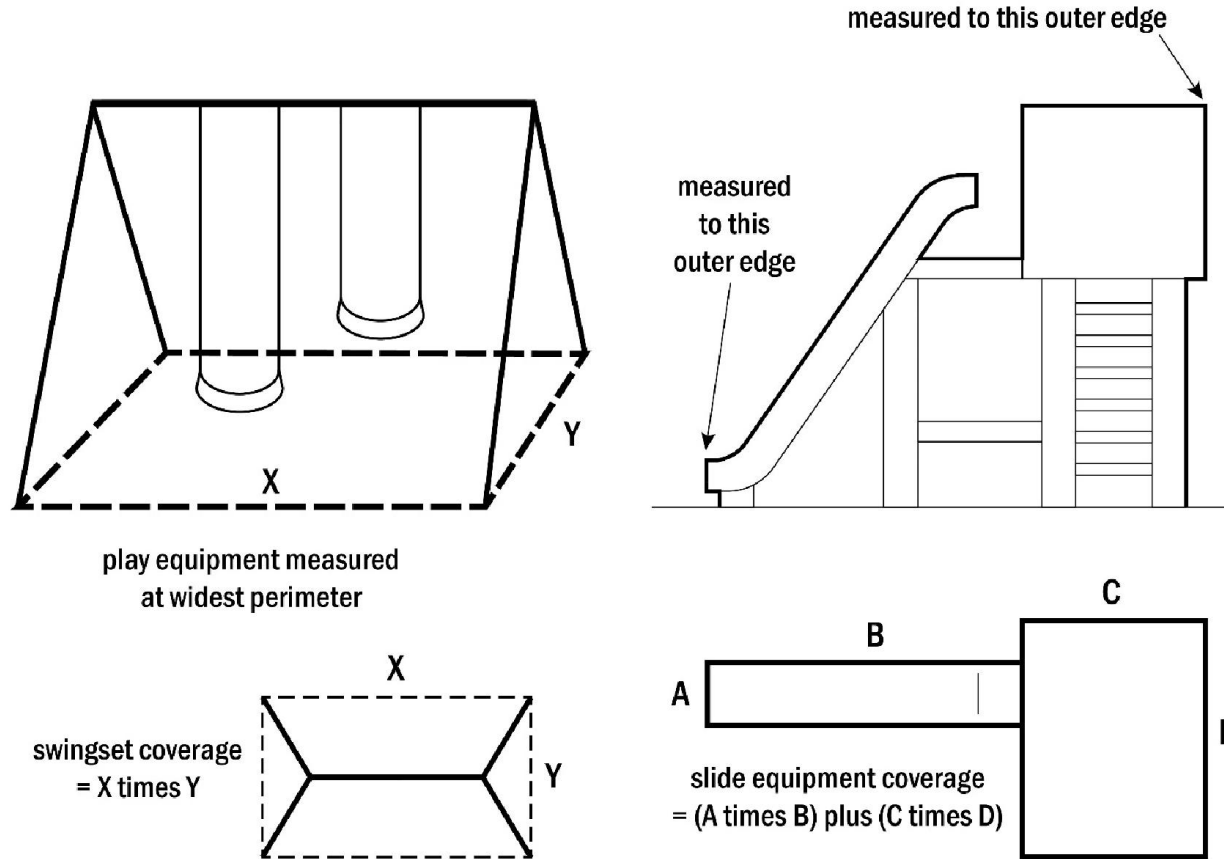
Clarify Coverage Calculations

Play equipment coverage would be measured to the outermost perimeter of any part of the structure, even if that exceeds the footprint (*see Plate 2*);

Soft landing areas beyond the perimeter would not count as they had been with recent interpretation (*see photo*).

Illustration 6
Plate 2

Maximum Coverage Limitation for Minimum Required Rear Yards





Clarify Coverage Calculations

Decks and other projections from the dwelling would only count when such structures touch the ground.

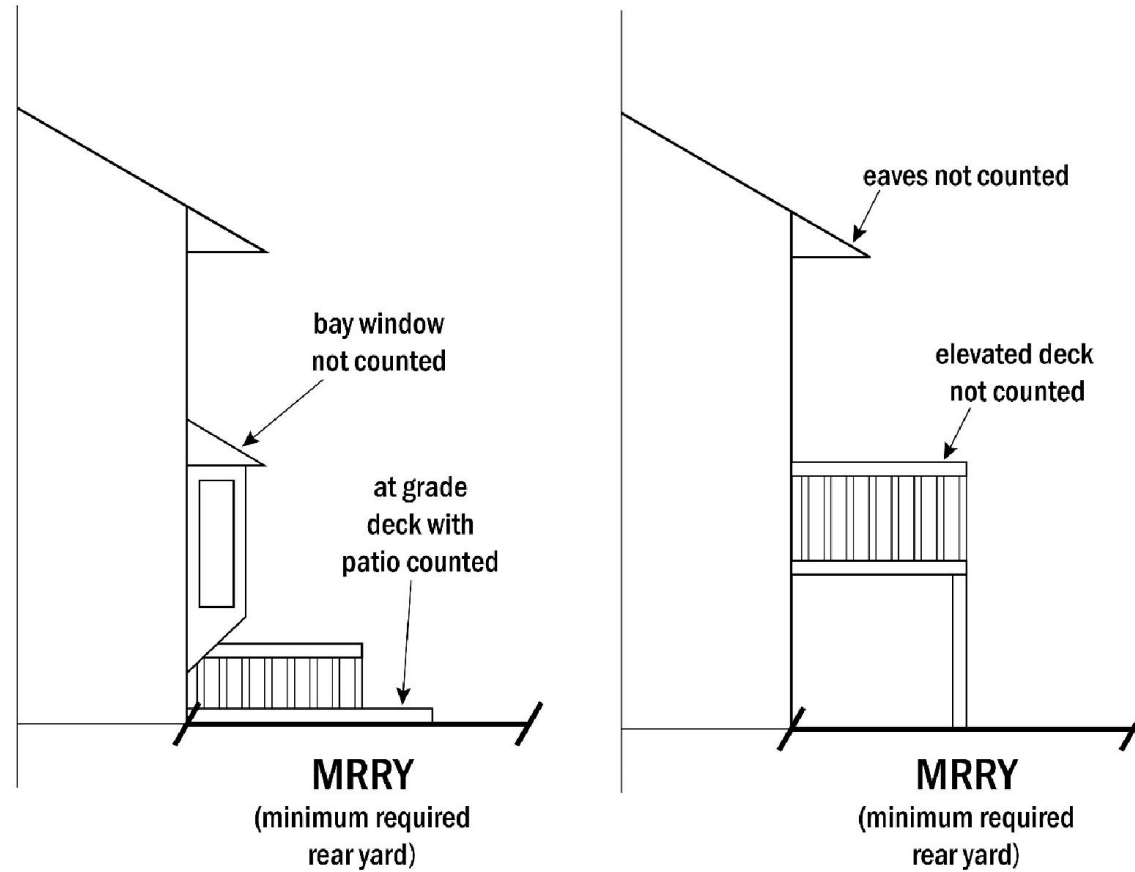
Examples:

Patios and chimneys would count;

Eaves, bay windows, and elevated decks would not count, *(see Plate 3)*.

Illustration 6
Plate 3

Maximum Coverage Limitation for Minimum Required Rear Yards



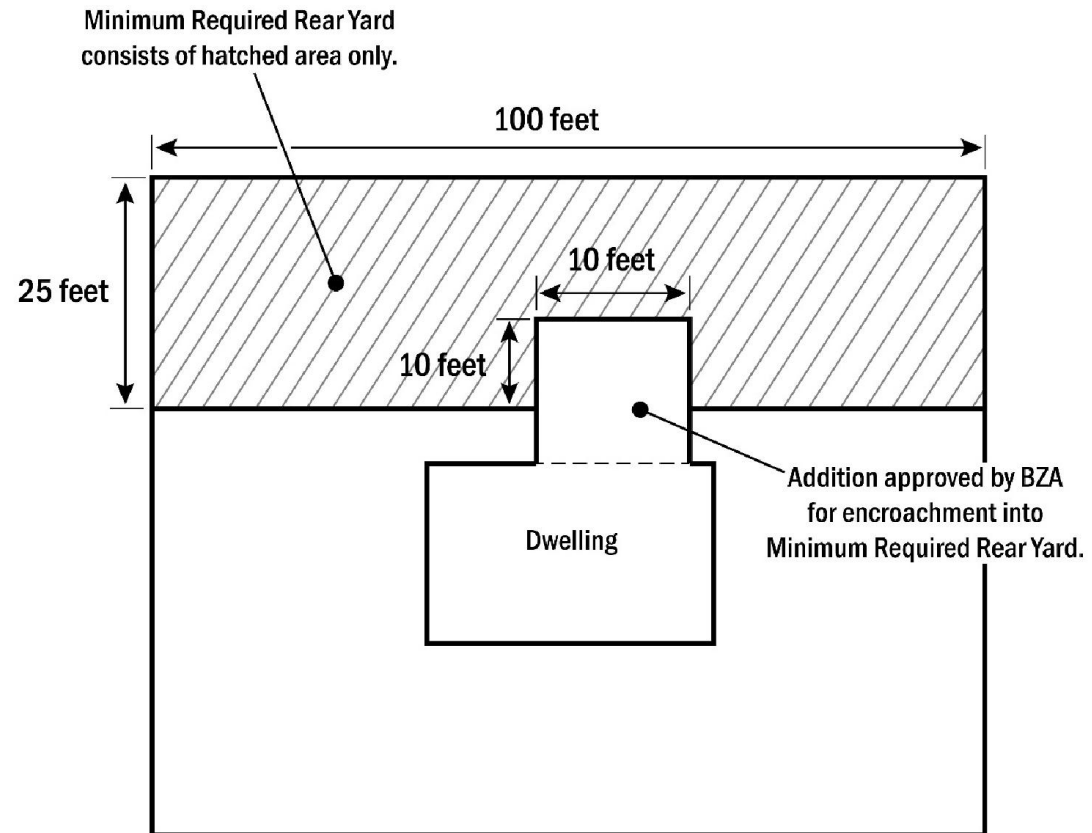
Horizontal Projections from Principal Dwelling

Clarify Coverage Calculations

Portions of the dwelling approved to extend into the minimum required rear yard by other zoning approvals would not count, and such structures would reduce the yard area from which to calculate coverage (*see Plate 4*).

Illustration 6
Plate 4

Maximum Coverage Limitation for Minimum Required Rear Yards



Minimum Required Rear Yard area = (25 times 100) minus (10 times 10) = 2500 sf minus 100 sf = 2400 sf

Minimum Required Rear Yard with Previously Approved Encroachment Excluded

Additional “Housekeeping” Item

Amend Par. 5 of Sect. 10-102 to remove the 100 sq. ft. limitation for a child’s play house, so playhouses would be regulated the same as other accessory structures, based on size, area, and extent in relation to the principle use.

Alternative Option for Discussion

Exempt P Districts altogether from the coverage limitation, rather than just for those lots below 5,000 square feet.

Pros and Cons:

- Creates inequity, as larger P District lots have conventional district equivalents that would be subject to the coverage.
- However, minimum required rear yards are consistently larger (typically 25 feet) in the R Districts, whereas they can vary and be significantly smaller in the P Districts.

Direction Needed from Board

- Proceed with Staff Recommended Option only;
 - Proceed with Additional Option only;
 - Proceed with Both Options.
-
- Return to Development Process Committee With Update Before Requesting Authorization?
 - Specific Board Members' Land Use Committees?

Draft Schedule-Outreach

Previous Updates:

Board of Zoning Appeals: *April 27, 2016*

Planning Commission

Policy and Procedures Committee: *May 4, 2017*

Land Use Aides Briefing: *May 9, 2017*

Proposed Outreach:

Meet with Citizen Groups in Several Areas of the County in Summer/Early Fall (*dates to be determined*)

Proposed Board Authorization: November 21, 2017



Questions?