



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Haley Anderson, Planner

**DEPARTMENT:** Planning & Development

**MEETING:** Planning & Zoning – July 10<sup>th</sup>, 2025

**SUBJECT:** **Text Amendment** to amend Article 3, Sec. 3.6 Accessory Use Standards

Applicant: Ashley Hunter

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### **BACKGROUND:**

The applicant, Ashley Hunter, is applying for a text amendment to modify Article 3, Sec. 3.6 Accessory Use Standards (See Attachment 1). The applicant is pursuing this text amendment because they wish to build an accessory structure on their property that is inconsistent with the current ordinance regulations. She proposes the following changes:

1. to allow larger lots the ability to have more than one accessory structure,
2. base the size of the accessory structure(s) on the size of the lot instead of the size of the primary structure, and
3. increase the height allowed for the structures (See Attachment 2).

### *Number of Accessory Structures*

The applicant desires two separate accessory structures. This would apply to all accessory structures, residential and nonresidential. They would like to build a garage and office space and keep their existing storage shed. The current ordinance states there can be only one accessory building per lot, with limited exceptions (See Attachment 3).

### *Size of Accessory Structures*

Based on the current ordinance, the size of the accessory structure is limited by the size of the primary structure. The applicant proposes an amendment that the size of an accessory structure would be based off lot size rather than the footprint of the home. Lots with smaller homes would be more limited in the size of their accessory structure, regardless of the size of the lot. Basing the size of the accessory structure on the lot size would be more equitable for adjacent property owners within a residential zoning district because the lots have similar characteristics, but could not exceed the lot coverage of the primary structure. This amendment applies to all residential accessory structures.

### *Height of Accessory Structure*

The applicant also desires to increase the height allowed because they would like to match the roof pitch of their single-family home which she stated would be difficult to accomplish with the current 15' accessory structure height limitation.

The current Town Ordinance permits (See Attachment 3):

- only one accessory structure per lot,
- requires the accessory structure be no more than 25% the size of the primary structure, and
- limits the total height of the structure to 15' in height.

## **HISTORIC CONTEXT**

### *Number of Accessory Structures*

At least since 2000, the number of accessory structures has been limited to one structure per lot.

### *Accessory Structure Size*

With the adoption of the 2000 ordinance, accessory structures were allowed to be up to 25% of the allowable lot coverage. At the time, lot coverage in residential districts was capped at 40% the size of the lot. At some point between 2000 and 2004, a table footer was added that stated:

\*In any case, accessory structures may not constitute a proportionate size greater than 25% of the actual developed area, regardless of lot size.

In 2009, a text amendment was proposed by staff to require an accessory structure be no larger than 25% the size of the primary structure size. This change was made because the ordinance did not define developed area, but it did define principal structure.

(b) **Table 3.9.2 Lot Coverage Standards for Accessory Structures in Residential Districts**  
(1) *Within Residential (R) Districts and the MX-1 Mixed Use District.*  
Accessory structures shall conform to the following standards in the designated zone districts:

| <b>Zoning District</b> | <b>Lot Size</b> | <b>Maximum Allowable Lot Coverage of Structures</b> | <b>40% Maximum Allowable Lot Coverage</b> | <b>75% of Max. Allowable Lot coverage allocated to Single-Family Dwelling</b> | <b>25% of Maximum Allowable Lot Coverage allocated to Accessory Building*</b> |
|------------------------|-----------------|---|---|---|---|
| <b>R-1</b>             | 5,000 sq. ft.   | 40%   | 2,000 sq. ft.                             | 1,500 sq. ft.   | 500 sq. ft.   |
| <b>R-1B</b>            | 5,000 sq. ft.   | 40%   | 2,000 sq. ft.                             | 1,500 sq. ft.   | 500 sq. ft.   |
| <b>R-2</b>             | 7,000 sq. ft.   | 40%   | 2,800 sq. ft.                             | 2,100 sq. ft.   | 700 sq. ft.   |
| <b>R-3</b>             | 12,000 sq. ft.  | 40%   | 4,800 sq. ft.                             | 3,600 sq. ft.   | 1,200 sq. ft.   |
| <b>C</b>               | 80,000 sq. ft.  | 6%  | 4,800 sq. ft.                             | 3,600 sq. ft.   | 1,200 sq. ft.   |
| <b>MH</b>              | 5,000 sq. ft.   | 40%   | 2,000 sq. ft.                             | 1,500 sq. ft.   | 500 sq. ft.   |
| <b>MF</b>              | 5,000 sq. ft.   | 40%   | 2,000 sq. ft.                             | 1,500 sq. ft.   | 500 sq. ft.   |
| <b>MX</b>              | 5,000 sq. ft.   | 40%   | 2,000 sq. ft.                             | 1,500 sq. ft.   | 500 sq. ft.   |

\*In any case, accessory structures may not constitute a proportionate size greater than 25% of the actual developed area, regardless of lot size.

### *Accessory Structure Height*

Prior to 2005, accessory structures were permitted to be one story in height, with no specific maximum height limit. In 2009, a request was heard to increase accessory structure heights to 25' to accommodate a loft office on top of a storage shed. Staff recommended capping the height at 15 feet, as taller structures could potentially allow for unpermitted improvements. Town Council was concerned anything above 15' could create upstairs apartments or mother-in-law suites which could increase residential density. Therefore, Town Council removed the one-story restriction and established a 15-foot height limit for accessory structures.

### **LAND USE PLAN:**

The text amendment is in general conformity with the CAMA Land Use Plan. The plan does not specifically touch on specifics related to accessory structures and their height, size, or number. Goal 4 of the Land Use Plan does state a desire to reduce overall nonconformities in the town but also respect existing uses and entitlements and the rebuilding of structures. There are parcels in the town that have more than one accessory structure which have potentially existed since before the accessory structures were limited to one per lot. There could be instances where the proposed text amendment may reduce nonconformities.

### **STAFF COMMENTS:**

Staff is in general in support of the proposed text amendment. Staff has been working with the applicants on this and have crafted a language staff is comfortable in regards to the number of structures and the size of the structures. However, staff has concerns regarding the increase in the height of the accessory structures. Historically the town has been restrictive with the height of accessory structures in an effort to limit the illegal conversion of these structures to living area or accessory dwelling units. Staff does also recognize there is a desire from homeowners to use these second stories as office space or to use the increased height allowance to add a roof pitch that better matches the primary structure roof pitch.

### **ACTION REQUESTED:**

Consider recommending approval or denial of the text amendment.

### **MOTION:**

Approval – to amend Article 3, Sec. 3.6 Accessory Use Standards

Denial – to amend Article 3, Sec. 3.6 Accessory Use Standards

**ATTACHMENTS:**

Attachment 1 – Text Amendment Application

Attachment 2 – Proposed Text Amendment Language

Attachment 3 – Current Ordinance Language

Attachment 4 – Other Municipality Ordinances