

## **Accessory Uses & Required Yard**

**Question: What are the potential impacts of allowing accessory uses and structures within the required Front Yard?**

### **Other Jurisdictional Requirements:**

#### **City of Alachua**

The City of Alachua does not allow any accessory uses and structure to be located beyond the front building line of the principal structure. This includes within the Agriculture Zoning District.

#### **Dixie County**

Dixie County does not allow for accessory uses and structures to be located in the required front yard; however, the term yard is synonymous with setback; therefore, it only refers to the front setback and not any unobstructed area in front of the principal use or structure.

#### **Gilchrist County**

Gilchrist County does not allow accessory uses and structures to be located in the required front yard or within 5 feet of a side or rear yard; however, the term yard is synonymous with setback; therefore, it only refers to the front setback and not any unobstructed area in front of the principal use or structure.

#### **Columbia County**

Columbia County does not allow for accessory uses and structures to be located in the required front yard; however, the term yard is synonymous with setback; therefore, it only refers to the front setback and not any unobstructed area in front of the principal use or structure.

#### **Town of Bronson**

The Town of Bronson allows accessory structures as long as they are not located in the required buffer, landscape area, or minimum setback area.

#### **City of Newberry**

The City of Newberry does not allow for accessory uses and structures to be located in the required front yard; however, the term yard is synonymous with setback; therefore, it only refers to the front setback and not any unobstructed area in front of the principal use or structure.

#### **Baker County**

Baker County allows accessory structures in the front yards as long as the accessory structure does not encroach into the required front setback.

## Accessory Uses & Required Yard

### Levy County

See attached separate analysis

**Analysis:** Accessory uses are intended to be customarily accessory and clearly incidental and subordinate to the principal use and structure. For instance, in a residential zoning district, a single-family dwelling would be a principal use or structure while a detached garage or shed would be an accessory use or structure.

There are pros and cons of allowing accessory structures within a front yard. Some of the pros are less burden on property owners, able to locate detached garages past the front of the principal structure, allow for carport structures in driveways that would otherwise be prohibited. On larger lots, like one-acre or larger, allowing such structures or uses does not typically prove harmful to the property or adjacent property owners.

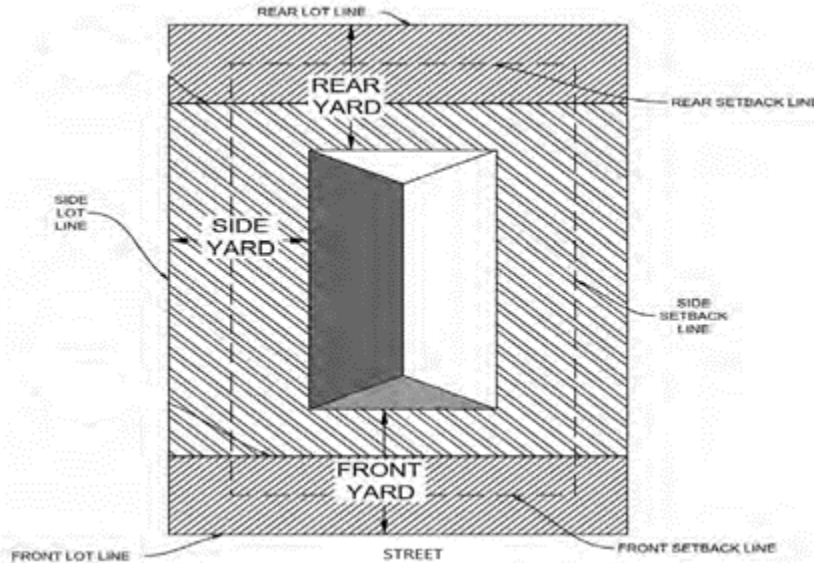
Some of the cons are accessory structures may be unattractive, distract from the aesthetics of a subdivision or neighborhood, someone could put a shed in the front of a principal structure, and general incompatibility issues. On smaller lots, less than one-acre, this could pose huge problems, including code enforcement complaints, create arguments or animosity amongst neighbors, constant complaints to County Commissioners, and the like.

Are there compromises? Yes! Levy County already has a great basis and code for the location of accessory use and structures. Currently, accessory use and structures are not permitted within the front yard (or in front of the principal structure) on lots 5-acres or less. This can be amended to provide leniency. For instance, the acreage could be amended to allow accessory uses and structures in the front yard (in front of the principal structure) on lots greater than 1-acre or 2-acres.

It is not advisable to allow accessory uses and structures in the front yard on lots 1-acre or less. The cons will greatly outweigh any positives that may come from allowing amending the code to allow for accessory uses and structures in the front yard on lots 1-acre or less.

## Levy County – Accessory Structures & Uses on Lot

- Per Section 50.1 of the Land Development Regulations, a Yard is described as, “an area, on the same lot with a building, that is unoccupied and unobstructed from the ground upward except as permitted in this chapter. The diagram below illustrates the concept of lot line, yard and setback.”



- (1) Yard, front, means the yard extending across the full width of the lot from the front lot line to the principal structure.
  - (2) Yard, rear, means the yard extending across the full width of the lot from the rear lot line to the principal structure.
  - (3) Yard, side, means the yard extending across the full depth of the lot from any side lot line to the principal structure.
- Per Section 50.1 of the Land Development Regulations, Open space means a yard area which is open and unobstructed and not used for or occupied by a driveway, off-street parking, loading space, impervious surfaces or structures.
  - Per Section 50-643 of the Land Development Regulations, except as otherwise provided in the article:
    - (1) No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used or intended to be used for any purpose or in any manner other than as permitted in the district in which such building or land is located.
    - (2) No building shall be erected, reconstructed or structurally altered to exceed in height the limit designated for the district in which such building is located.
    - (3) No building shall be erected, no existing building shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon reduced in any manner, except in conformity to the yard, lot area and building location regulations designated for the district in which such building or open space is located.

## Levy County – Accessory Structures & Uses on Lot

- (4) No yard or other open space provided around any building for the purpose of complying with the provisions of this article shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.
- (5) All regulations and requirements in this article apply to any and all agricultural buildings which require electrical service.
- Per Section 50-679(b) of the Land Development Regulations, on lots of 5 acres or more in size, accessory uses and structures are allowed prior to a principal use or principal structure and may be located anywhere within the yard. On lots less than 5 acres in size, no accessory use or structure is allowed until a principal structure exists on the lot and the accessory structure must be located in the side yard or rear yard. Each accessory structure must meet required setbacks.

**Analysis: The question was posed whether accessory structures are permitted in front of a primary structure (i.e. a shed or garage in front of a primary dwelling). According to Section 50.1 of the LDRs, a yard is the area on the same lot with a building, that is unoccupied and unobstructed from the ground upward. Specifically, a front yard is defined as the yard extending across the full width of the lot from the front lot line to the principal structure. The front yard is further clarified via the illustration of yards in Section 50.1 of the LDRs.**

**Section 50-643(3) of the LDRs states that no building shall be erected nor shall any open space surrounding any building be encroached upon reduced in any manner, except in conformity to the yard, lot area and building location regulations designated for the district in which such building or open space is located. Open Space is defined as a yard area which is open and unobstructed and not used for or occupied by a driveway, off-street parking, loading space, impervious surfaces or structures.**

**Section 50-679(b) of the LDRs, on lots less than 5 acres in size, no accessory use or structure is allowed until a principal structure exists on the lot and the accessory structure must be located in the side yard or rear yard. Each accessory structure must meet required setbacks.**

**Therefore, if a subject property is 5 acres or less, no accessory structure is permitted in front of the primary or principal dwelling. On lots greater than 5 acres, accessory structures may be located in any yard as long as they accessory structure meets all required setback.**