



CDC Meeting Date:	January 18, 2023	
Name of Agenda Item:	Open vs Enclosed Patios within Rear Setbacks – LMC 19.22(E)	
Section of Agenda:	Discussion	
Next Steps Proposed by Staff:		Legal Review:
<input type="checkbox"/> Staff revisions	<input type="checkbox"/> Planning Commission	<input type="checkbox"/> Completed
<input type="checkbox"/> Return to CDC	<input type="checkbox"/> Other Committees	<input type="checkbox"/> Recommended
<input type="checkbox"/> Schedule for full Council	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Not Required
Attachments:		
Graphic – Permitted building envelope and encroachments		
Summary Statement:		
<p>At the January 4th CDC meeting the group was joined by Dale Assink who spoke on behalf of a homeowner who is currently in violation of code for enclosing a patio after a permit for roofing the patio was closed out. Assink was the contractor on the job and completed both the permitted and unpermitted work.</p> <p>Rather than conforming, Assink asked the committee to modify the residential design code to allow patios that are within the rear setback to be enclosed. The code in question is found in LMC 19.22(E). Staff noted that, since being put in place about 4 years ago this section of code has been well-utilized to roof outdoor spaces. There has not been confusion about what “open on three sides” means.</p> <p>Staff continues to recommend that the code remain as written. Primary reasons include:</p> <ol style="list-style-type: none"> 1. Regulating a specific ‘degree of openness’ would be very difficult to describe and enforce. 2. Revising ordinance in response to a violation sets a difficult precedent. 3. Partially enclosed spaces are more likely to become fully enclosed (not to code) living spaces. 4. An overall reduction in rear setbacks will likely result in larger homes which are built to the new rear setback without accounting for outdoor patio areas. <p>Staff has since created a graphic which shows the permitted building envelope and the encroachments allowed for garages and roofed patios.</p> <p>Alternatives to maintaining the existing code include:</p> <ol style="list-style-type: none"> 1. Allowing enclosure of patios if the space remains unconditioned space (no grills, or propane heaters permitted in these spaces). 2. Reducing rear setbacks from 30 feet to 18 feet within single-family zoning categories and requiring that all roofed areas, including roofed patios, be constructed within this envelope. 		
Recommended Action:		
No changes recommended. Maintain existing code as written.		