



**Project/Issue Name:** ORD 22-004. Public Hearing and Possible Vote to Recommend the Approval of Amendments and Addition of Sections to Chapter 405 Zoning Regulations

**Submitted By:** BUILDS Department

**Presented By:** Patrick Ruiz, Associate Planner

**Date:** February 13, 2023

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**ISSUE IDENTIFICATION**

Consideration to approve Amendments and Addition of Sections to Chapter 405 Zoning Regulations

**DISCUSSION AND ANALYSIS**

The City of Republic is requesting Amendments to Chapter 405 Zoning Regulations— specifically to Sections 405.020 Definitions and 405.640 Accessory Structures; plus, the Additions of Sections that will be referenced as 405.643 Decks and 405.648 Accessory Dwelling Units. In general, all amendments and additions revised the current ordinance as necessary to ensure clarity and concision on constructing an Accessory Structure, Accessory Dwelling Unit, or Deck for residential lots.

**Together the amendments of 405.020 Definitions served three purposes. The following definitions were added to enhance current and future sections:**

- *Affidavit* - A Legal binding written statement, by oath, that the statements are true to the best of the signee's knowledge.
- *Accessory Dwelling Unit (ADU)* - A habitable structure or unit incidental to and detached from a single-family home located on the same lot.
- *Deck* - A structure that provides an outdoor floor and is supported by a frame, posts, and footings.
- *Deck, Elevated* - Any deck that measures two (2) feet or more from grade to the top finish floor of the decking.
- *Principal Structure* - The structure constructed on the lot intended for the purpose of the main use and conforms to the designated zoning district's regulations.



EXHIBIT A

- *Sight visibility triangle* - Areas at the corners of road and driveway intersections where views of approaching traffic should not be obstructed.

**The following definitions were amended for content:**

- *Carport* – A structure open on at least two (2) sides used for the purpose of providing vehicular protection. Carports shall not be located within ~~side or~~ front yard setbacks.
  - Currently the definition does not allow carports to be in the side yard. The amendment will allow residents to place a carport in the side yard so long as they meet all the required setbacks.
- *Yard, Front* – A yard extending across the front of a lot and being the minimum horizontal distance between the right-of-way or property line and the main building or any projections thereof ~~other than the projections of the usual uncovered steps, unenclosed balconies or unenclosed porches.~~ On corner lots, double multi-frontage lots, or where the front yard is otherwise unclear, the determination of the location of the front yard shall be made by the Administrator of the BUILDS Department ~~Director of Community Development~~ or their designee.
  - The definition of a Front Yard Setback allows for the exclusion of projecting uncovered steps, unenclosed balconies, or unenclosed porches. This contradicts the overall definition of a setback which is - The minimum distance required between the property line and a point of the structure nearest the property line. Thus, the amendment will remove the exclusions currently allowed.

**The following definitions were amended to provide clarification on grammar errors or streamlining previous terminology used for past Department names and titles:**

- *Basement*
- *Floor Area*
- *Grade*

**The amendments in section 405.640 Accessory Structures addressed the following purposes:**

- Redact any redundant language that would be addressed in the two new added sections or add language that would refer to those sections.
- Provides for more flexibility of constructing Accessory Structures within an agriculturally zoned parcel of land.
- Redact the language of “not project beyond the front yard setback line on the adjacent lots” and change it to “abide by the principal structure’s zoning district side street setback requirements” for corner lots. This revision will allow for more freedom of buildable space for accessory



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structures, while still ensuring there is enough space to allow visibility for adjacent properties and public right-of-way.

- Restructuring the height regulations to add building language that will work for accessory structures that do not have any walls.
- Adding language that allowed city staff to require driveways to Accessory Structures to ensure the integrity of City infrastructure.
- Provide clarification on grammar errors or streamlining previous terminology used for past Department names and titles.

**The addition of Section 405.643 Decks:**

This section was added due to the character of decks having features that both resembles accessory structures and additions to a home. The verbiage in this section clarifies when a deck will be deemed an addition or an accessory structure to a principal structure, and which setback regulations a deck must adhere to.

The purpose of adding a separate section for decks is to facilitate spacing of structures in order to prevent related nuisances and hazards. It also allows staff to appropriately permit decks that have unique features in comparison to other accessory structures and home additions.

**The addition of Section 405.648 Accessory Dwelling Units (ADUs):**

The purpose of this section is to provide more housing options in an appropriate fashion with existing housing stock while efficiently using existing infrastructure. Due to the rise of housing prices, there has been a small rise in interest for ADUs. However, the current Zoning Chapter lacks a sufficient guidance for staff to help residents develop such units.

This section provides regulations that maintain the character and scale of single-family residences and dwellings while ensuring ADUs are subordinate to the principal structure. The following areas were addressed during the writing of such section:

- Limit the number of ADUs on a lot to one.
- The height and area of an ADU shall be subordinate to the principal structure.
- Maintain existing density standards of the zoning district by requiring ADUs to adhere to the same setback regulations as the principal structure.
- Prior to occupation a Certificate of Occupancy must be obtained.
- An affidavit will be required to ensure that the owner of the property will reside in either the ADU or principal structure, and that neither one will be rented or leased to a non-family member.



**EXHIBIT A**

In addition, the amendment addresses parking and access for fire services to ensure sufficient flow of traffic will not be impeded to adjacent properties.

**STAFF RECOMMENDATION**

Staff recommends the approval of the referenced Amendments and Addition of Sections.