

**PROPOSED ORDINANCE FOR INTRODUCTION – JULY 2019
AMENDING CHAPTER 58 UNIFIED DEVELOPMENT CODE SECTIONS 58-127, 58-128, 58-261, 58-301, 58-321, AND 58-424:**

1. Amend Section 58-127(d) C-1 “Side Setbacks” as follows:

(d) Side Setbacks.

- (1) The side setback abutting a residential district shall be not less than ~~five (5) feet~~the width of the required buffer pursuant to Sec 58-272(e).
- (2) Where a side setback is provided, the setback shall not be less than three (3) feet.
- (3) On corner lots, the side setback on the side of the lot abutting the side street shall not be less than ten (10) feet, except an accessory building which is not part of the main building may be located as close as five (5) feet from the street side lot line if the lot adjacent to the rear does not front the side street.
- (4) The side setback regulations for detached single family residences and duplexes shall comply with the standards for R-2 districts and the side setbacks for other dwellings allowed in this district shall be the same as those in the R-3 multiple-family residential district.

[Comment: This amendment clarifies that buffers may necessitate increases in side setbacks.]

2. Amend Section 58-128(a) C-2 “Side Setbacks” as follows:

- (a) Side Setbacks. The minimum side setback from a residentially zoned lot shall be ~~ten (10) feet~~not less than the width of the required buffer pursuant to Sec 58-272(e). A corner lot where the rear lot line abuts a residential district ~~all buildings~~ shall have a side setback, on the side street of not less than twenty (20) feet in width unless the setback is modified pursuant to Section 58-125(f).

[Comment: These amendments reconcile a difference between the text and the side development standards tables in Exhibit 58-126 and Exhibit 58-171, and clarify that buffers may necessitate increases in the setbacks.]

3. Add the following to Section 58-261(a) Fence Regulations:

- (7) All fencing exposures facing Gretna City Park shall be of a decorative, transparent nature made of wrought iron, aluminum or other similar material as reflected in the images below:

Sample Images of Fencing Exposures Facing Gretna City Park



[Comment: This amendment requires that fencing facing Gretna City Park be decorative.]

4. Amend Exhibit 58-321 Temporary Structures and Temporary Construction Uses as follows:

Temporary Use	Location of Use	Hours of Use	Operational Limitations	Duration of Use
Temporary Storage Containers and Dumpsters				
Temporary storage containers	On a parcel or lot served by the temporary storage container. No encroachment onto lawn areas or sidewalks is permitted.	NA	NA	Up to five days if located in a residential driveway or up to three months if an active remodeling project is occurring with a concurrent with a valid building permit; temporary storage containers shall be located in side and rear yards whenever feasible, up to one year if located behind the principal building and screened from view from public rights of way.

[Comment: This amendment links the duration that temporary storage structures are allowed to the life of a valid building permit.]

5. Edit section 58-301(d) as follows:

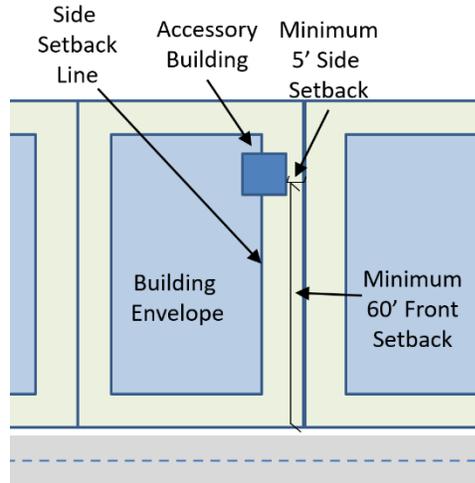
Sec. 58-302 Accessory Buildings and Structures

(d) **Regulation of Accessory Buildings.** Except as otherwise provided for ADUs or guesthouses:

(1) **Accessory Buildings in Side Setback Areas.** A single-story accessory building that is not a part of the main building and not used for an accessory dwelling unit may be built in a required side setback, provided that such accessory building is not less than sixty (60) feet from the front lot line and not less than five (5) feet from the nearest interior side lot line. On through lots, an accessory building may be

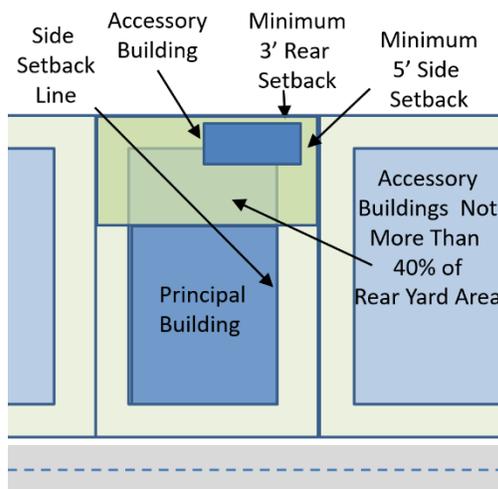
built in a required side setback if no part of such accessory building is less than five (5) feet from the nearest interior side lot line and no portion of such building is located in a front setback area. (see **Exhibit 58-301a**)

Exhibit 58-301a Accessory Building Side Setback



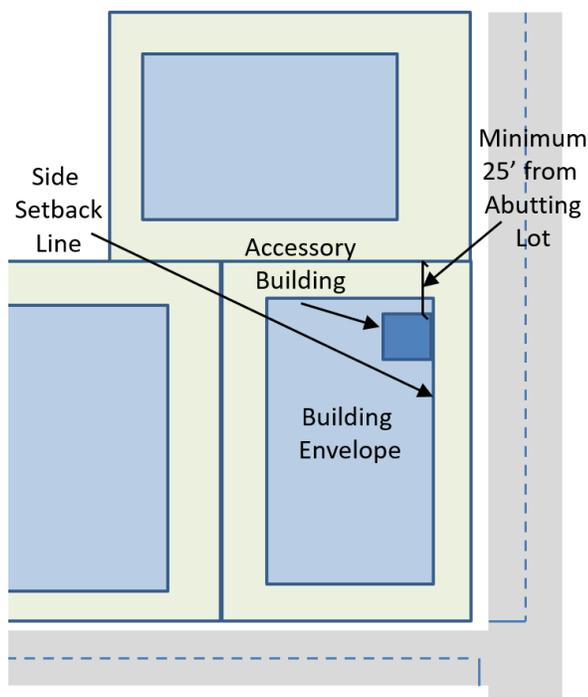
- (2) **Accessory Buildings and Accessory Structures in Rear Setback Areas.** In residential districts, a single-story accessory building or structure that is not used as an accessory dwelling unit may be built in a required rear setback area, but such accessory buildings or accessory structures shall not occupy more than forty (40) percent of the required rear setback area and they shall not be located less than five (5) feet from either side and not less than three (3) feet from a rear lot line, in residential districts. (see **Exhibit 58-301b**)

Exhibit 58-301b Accessory Building Rear Setback and Area



- (3) **Accessory Buildings and Accessory Structures on Corner Lots.** On a corner lot where a side yard is required, there shall be a minimum distance between any accessory building or accessory structure and the side street line equivalent to the width of the required side yard on the side of the lot abutting on the side street. Where a lot to the rear of the corner lot fronts on the side street, no part of any accessory buildings or accessory structures on that corner lot within twenty-five (25) feet of the common lot line shall be placed closer to the side street than the front setback line of the lot facing the side street. (see **Exhibit 58-301c**)

Exhibit 58-301c Accessory Building Rear Setback on Corner Lot



- (4) The mean height, as measured along the slope of the roof of accessory buildings or accessory structures permitted in a required rear or side setback area, may not exceed fifteen (15) feet in height. The Planning Director may grant up to a ten (10) percent increase upon finding that the additional height enables the building design and roof-pitch to be more consistent with the principal structure. Mean height shall not include the height of the parapet if the Planning Director finds that the parapet is consistent with and complementary to the front of the principal structure.
- (5) **Limits on Accessory Building Area and Number.** The combined gross area of all accessory buildings or portions thereof located in side and rear yards shall not exceed forty (40) percent of the required rear setback area, nor shall more than ~~one~~ two (±2) accessory buildings ~~e~~ over any part of a required side or rear setback area.
- (6) **Non-residential Districts.** In BC, C and M districts, all structures shall be considered principle structures unless the Planning Director finds that the

structure and its use are accessory to a principal use being conducted in another building on the site.

[Comment: These amendments clarify the applicability of accessory building setback standards to accessory structures and establish a limit of two accessory buildings that encroach upon building setbacks.]

6. Edit section 58-424 Definitions as follows:

Accessory Building – a structure having one or more walls and a roof that is detached from a principal building on the same lot which is incidental and subordinate to the principal building or use.

Accessory Structure - a subordinate structure on the same lot as the principal or main building or use, occupied or devoted to a use incidental to the principal use. Note that all accessory buildings are accessory structures, but an accessory structure such as a detached carport with no walls is not considered to be an accessory building.

[Comment: These amendments clarify the distinctions between an accessory building and an accessory use.]