



## **Memorandum**

**To:** Planning Commission  
**From:** Thomas Dansie, Director of Community Development  
**Date:** March 28, 2025  
**Re:** Discussion of Potential Revisions to Accessory Structure Regulations

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### ***Executive Summary***

The Planning Commission has discussed revisions to the Town's regulations for accessory structures in the past several work meetings. Based on those discussions the Commission has developed proposed ordinance language that would do the following:

1. Establish new standards for accessory structures intended to reduce structures' visual impact on neighboring properties.
2. Impose limits on the total amount of development allowed on residential properties (primary structure plus all accessory structures).

The Commission has discussed both of these topics extensively and has come to general consensus on proposed policies to address these issues. Staff has developed draft ordinance language based on the Commission's policy decisions. That ordinance language is attached to this report.

As requested, the draft ordinance is presented in two separate and distinct sections, each of which can stand on its own. This will allow the Commission (and ultimately the Council) to take action on one section without impacting the ability to take a different action on the other.

### ***Commission Action***

The Commission should discuss the proposed ordinance language presented in this report to make sure it is consistent with the policy direction discussed in previous meetings.

Based on prior Commission discussions staff believes the proposed ordinance language is at a near final state. Thus, the review at the current work meeting is the penultimate step in Commission's work on this ordinance. The next and final step will be a public hearing where the Commission will make a formal recommendation to the Town Council. Therefore, staff requests the Commission review the proposed ordinance language not only for policy, but also for clarity, consistency, and style. Based on the Commission's review and feedback staff will prepare a final polished draft for public hearing.

**SECTION ONE:**

***CHANGES TO SECTION 10-20-8: ACCESSORY STRUCTURES OF THE TOWN CODE TO INCLUDE STANDARDS  
FOR ACCESSORY STRUCTURE VISUAL IMPACTS***

## 10-20-8: RESIDENTIAL ACCESSORY BUILDINGS/STRUCTURES:

Accessory ~~buildings-structures~~ are ~~buildings-structures~~ erected in the vicinity of a principal structure. ~~Accessory structures on residentially zoned properties and~~ are defined and limited by the following regulations:

- A. ~~An accessory building shall be located behind the front, side and rear yard setbacks of the lot and, except as otherwise provided in this title, at least ten feet from any dwelling existing or under construction on the same lot. Accessory structure setback and location on the property:~~
1. ~~The minimum setback from property lines for accessory structures is based on the height of the accessory structure, as detailed below:~~
    - a. ~~The minimum setback for accessory structures twelve feet or less in height is the same as the required minimum setback for the primary structure on the property.~~
    - b. ~~The minimum setback for accessory structures greater than twelve feet in height is 1.5 times the required minimum setback for the primary structure on the property.~~
  2. ~~Except as allowed by section 10-20-8(E), accessory structures must be located to the side or rear of the primary structure on the same property.~~
  3. ~~Accessory structures must be situated on a property in such a way as to minimize the visual impact the structure will have as seen from adjacent properties and rights-of-way. Specifically, except as allowed by section 10-20-8(E), accessory structures must be set back a distance equal to the height of the accessory structure from the following natural features:~~
    - a. ~~Ridgelines (as defined in section 10-15A-3).~~
    - b. ~~The edges of mesas (as defined in section 10-15A-3), and~~
    - c. ~~Slopes 30% or greater in grade that are protected by section 10-15B-9(A) and that slope downward away from the structure.~~
- B. Except for guesthouses, accessory buildings shall not be used for dwelling purposes.
- C. Accessory ~~buildings-structures~~ shall comply with all the applicable ordinances, codes and laws of the Town and the state, and shall be governed by the requirements of the ~~Uniform Building Code~~~~Town's adopted building code~~. The construction or installation of an accessory ~~building-structure~~ may require a building permit and any other permit required by this title.
- D. The height of all accessory structures on a property is regulated by the building height limit for the zone in which the accessory structure is located, as well as the additional standards below:
1. ~~The residential building height bonus allowed by section 10-15H does not apply to accessory structures.~~
  2. ~~Except as allowed by section 10-20-8(E), the height of any accessory structure on a high visual impact lot or view obstructing lot may not exceed the height of the primary structure on the same property.~~
- E. Exceptions to accessory structure location and height standards: A property owner may request an exception to the standards in this title regulating accessory structure height, setback, distance between the primary building and the accessory structure, or location on a property in order to better preserve viewsheds from adjacent properties and rights-of-way. The Planning Commission shall review such requests and shall grant the request if:

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1. The proposed placement or height of the accessory structure will noticeably reduce the visual impact the structure will have when viewed from both surrounding properties and rights-of-way, as compared with an accessory structure that could otherwise be built on the same property in compliance with the standard the applicant is seeking an exception from.
  2. The accessory structure could legally and feasibly be constructed on the property without the requested exception.
  3. The accessory structure complies with all other standards in the land use ordinance.

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***SECTION TWO:***

***ADDITION OF SECTION 10-20-16 ESTABLISHING A TOTAL BUILDING SIZE LIMIT IN THE RESIDENTIAL ZONES***

## 10-20-16: TOTAL AMOUNT OF STRUCTURE AREA ALLOWED ON RESIDENTIAL PROPERTIES:

The total square footage of structures allowed on a property in a residential zone may not exceed the limits established in this section.

A. Applicability: This section applies to properties in all of the following zones:

1. Foothill Residential, including all subzones.
2. Valley Residential, including all subzones.
3. Planned Development Overlay zone, when applied to the FR or VR zones.

B. The total square footage of all structures on a property (main building plus all accessory structures) is limited based on property area as shown in the table below. The sum total of the square footage of the main building (as measured by the building size measurement method established in section 10-9A-10(C) or 10-9B-9(A), as applicable) plus all accessory structures on a property may not exceed the limits shown in the table below. The method of determining the square footage of accessory structures is the same method used to determine the square footage of the main building.

| <u>VR ZONE</u>                                                      |                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Property Area</u>                                                | <u>Total Square Footage of Structures Allowed on the Property</u>                                                                                                                                                                                                                                                                                                                          |
| <u>Less than 0.75 acres</u>                                         | <u>6,500</u>                                                                                                                                                                                                                                                                                                                                                                               |
| <u>Equal to or greater than 0.75 acres and less than 2.25 acres</u> | <u>7,500</u>                                                                                                                                                                                                                                                                                                                                                                               |
| <u>Equal to or greater than 2.25 acres</u>                          | <u>9,000. Plus one additional building not to exceed the size limits defined below:</u> <ul style="list-style-type: none"><li><u>1,250 sf if separated by at least 500 feet from all other structures on the property.</u></li><li><u>4,000 sf if separated by at least 1,000 feet from all other structures on the property and the property is at least 3.0 acres in area.</u></li></ul> |
| <u>FR-2 Zone</u>                                                    |                                                                                                                                                                                                                                                                                                                                                                                            |
| <u>Property Area</u>                                                | <u>Total Square Footage of Structures Allowed on the Property</u>                                                                                                                                                                                                                                                                                                                          |

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| <u>Less than 2.0 acres</u>                                          | <u>6,500</u>                                                                                                                                                                                                                                                                                                                                                                                 |
| <u>Equal to or greater than 2.0 acres and less than 6.0 acres</u>   | <u>7,500</u>                                                                                                                                                                                                                                                                                                                                                                                 |
| <u>Equal to or greater than 6.0 acres</u>                           | <u>9,000. Plus one additional building not to exceed the size limits defined below:</u> <ul style="list-style-type: none"> <li><u>1,250 sf if separated by at least 500 feet from all other structures on the property.</u></li> <li><u>4,000 sf if separated by at least 1,000 feet from all other structures on the property and the property is at least 8 acres in area.</u></li> </ul>  |
| <u>FR-5 Zone</u>                                                    |                                                                                                                                                                                                                                                                                                                                                                                              |
| <u>Property Area</u>                                                | <u>Total Square Footage of Structures Allowed on the Property</u>                                                                                                                                                                                                                                                                                                                            |
| <u>Less than 5.0 acres</u>                                          | <u>6,500</u>                                                                                                                                                                                                                                                                                                                                                                                 |
| <u>Equal to or greater than 5.0 acres and less than 15.0 acres</u>  | <u>7,500</u>                                                                                                                                                                                                                                                                                                                                                                                 |
| <u>Equal to or greater than 15.0 acres</u>                          | <u>9,000. Plus one additional building not to exceed the size limits defined below:</u> <ul style="list-style-type: none"> <li><u>1,250 sf if separated by at least 500 feet from all other structures on the property.</u></li> <li><u>4,000 sf if separated by at least 1,000 feet from all other structures on the property and the property is at least 20 acres in area.</u></li> </ul> |
| <u>FR-PD and VR-PD</u>                                              |                                                                                                                                                                                                                                                                                                                                                                                              |
|                                                                     | <u>Total Square Footage of Structures Allowed on the Property</u>                                                                                                                                                                                                                                                                                                                            |
| <u>All lots in a platted subdivision in the FR-PD or VR-PD zone</u> | <u>7,500</u>                                                                                                                                                                                                                                                                                                                                                                                 |

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C. No more than four total structures may be developed on any single property, inclusive of the primary structure and all accessory structures.

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