

August 5, 2010: ACCESSORY STRUCTURES- Tabled From MAPC July Meeting (Latest Changes highlighted)

RZ: 10-09: TEXT AMENDMENT

PURPOSE: Metropolitan Area Planning Commission will consider Text Amendment Case: RZ: 10-06: An amendment to Jonesboro Code of Ordinances, Sec. 117-225, to regulate Accessory dwelling structures within R-1 Single Family Districts.

(5) Existing R-1 Residential Zoned Lots having a total area of 1 acre or more shall permit accessory dwellings as of right. Lots having less than 1 acre shall require a conditional use application before the Planning Commission. Accessory dwelling structures are permitted, but may not exceed 25 percent of the occupied/dwelling space of the primary residence, maximum 1500 square feet.

Comment [o1]: Proposed Text

Sec. 117-225. Location requirements and standards.

(a) *Accessory building.* An accessory building shall:

(b) *Attached accessory buildings.* An accessory building attached to a main building shall be made structurally a part and have a common wall with the main building, and shall comply in all respects with the requirements applicable to the principal building. Provided detached, open-sided carports may be located in the side yard, no closer to the front lot line than the front building line of the principal building, and provided required side setbacks are met. Unless attached to the principal structure, accessory buildings shall be located at least ten feet from any other structure.

Comment [t2]: Front –street side principal structure wall?/ corner lots?

Comment [t3]: and 7.5' from side and rear property lines

(c) *Height limitations.* With regard to height limitations, accessory structures in residential districts shall not exceed 12 feet in height, measured from the eave; and in commercial and industrial districts, such structures shall not exceed 25 feet in height or the height of the principal structure on the lot.

Comment [t4]: whichever is greater?

(d) *Accessory uses.* Accessory uses permitted subject to the provisions of this chapter and as follows:

(1) *RS-1 through RS-2 single-family dwellings only.* Accessory dwelling structures are permitted, but may not exceed 25 percent of the occupied/dwelling space of the primary residence, maximum 1500 square feet.

Accessory buildings, storage, and miscellaneous buildings, are permitted, but shall not exceed 50 percent of the total area of the principle structure. Any accessory buildings shall be similar in residential character architectural style and appearance of the primary dwelling and must be placed in the rear yard only. Any structure exceeding 1,500 square feet must be reviewed by MAPC as a conditional use application.

Comment [t5]: ? even prefab buildings?

(2) *RS-3 through RS-5 single-family dwellings only.* Accessory dwelling structures are permitted only as a conditional use. Accessory buildings are permitted in the rear yard only, storage and miscellaneous buildings, but shall not exceed 600 square feet. Any accessory buildings shall be similar in architectural style and appearance to the primary dwelling and must be placed in the rear yard only.

(3) *RS-6 through RS-8 single-family dwellings only.* Accessory dwelling structures are permitted only by conditional application to the MAPC. Accessory buildings, storage and miscellaneous buildings, are permitted, but shall not exceed 50 percent of the total area of the principal structure. Any accessory building shall be similar in architectural style and appearance to the primary dwelling and must be placed in the rear yard only.

(4) *RS-1 through RS-8 occupants.* In home occupations are permitted in compliance with section 117-226(2).

(5) Existing R-1 Residential Zoned Lots having a total area of 1 acre or more shall permit accessory dwellings as of right. Lots having less than 1 acre shall require a conditional use application before the Planning Commission. Accessory dwelling structures are permitted, but may not exceed 25 percent of the occupied/dwelling space of the primary residence, maximum 1500 square feet.

Comment [o6]: Proposed Text

The approval shall only be granted to the occupant at the permission of the owner of the property. Applications shall include a description of the proposed in-home occupation including considerations of noise, traffic, odor, drainage, visual appearance, light, vibration, and the proposed hours of use or operation. A site development plan shall only be required if there is not ample space in the existing driveway and/or parking area to provide a minimum of four off street parking spaces.

Comment [t7]: Existing zoning conditions?

Comment [t8]: Lighting?/ Light pollution?

Comment [t9]: May be required

(Zoning Ord., § 14.28.02; Ord. No. 07:45, 2-6-2007)

ADD NEW SECTION: Sec. 117-225 (e.) Temporary Storage Units (POD's)

Section 1. Purpose and Intent.

The following regulation has been adopted to insure that placement of Temporary Storage Units, commonly known as PODs, to comply with the health, safety and aesthetics objectives of the City. This Ordinance regulates the placement of Temporary Storage Units in order to promote the health and safety of the residents of the City and to preserve the aesthetic value of its residential neighborhoods.

Section 2. Definitions.

The following definitions shall apply under this Ordinance.

A. Applicant shall mean the person that owns, rents, occupies, or controls the property and registers the Temporary Storage Unit with the City's Planning Department.

B. Supplier shall mean the company or vendor which vendor that supplies the Temporary Storage Unit to the residential property.

C. Temporary Storage Unit shall mean a transportable unit designed and used primarily for temporary storage of building materials (before they are utilized for building purposes), household goods, and other such materials for use on a limited basis on residential property. Such unit shall not be considered an accessory structure as provided in the City of Jonesboro Code of Ordinances.

D. Rail cars and box truck beds shall be considered as temporary storage units, and shall not be used as a permanent accessory structure within a residentially zoned district.

Section 3. Requirements for Registration of Temporary Storage Units.

A. Prior to or within 24 hours following the initial delivery of the Temporary Storage Unit, the Applicant or the Supplier shall register the placement of the Temporary Storage Unit with the Planning Department.

B. The registration shall be obtained from the Planning Department:

1) Completing the PODS application;

2) No fees shall be due for the temporary storage unit application process.

3) Planning Department written approval of the application.

C. The application shall contain the name of the Applicant to whom the temporary storage unit is supplied, whether the person owns, rents, occupies, or controls the property, the address at which the Temporary Storage Unit will be placed, the delivery date, removal date, and a sketch depicting the location and the placement of the Temporary Storage Unit.

D. The effective date of the registration shall be the date of the Planning Department approval.

Section 4. Requirements for Placement of Temporary Storage Units.

The following requirements shall apply to the placement of Temporary Storage Units in the residential zones:

A. Temporary Storage Units shall only be placed the property owner's driveway or a parking area or, if access exists at the side or rear of the site, the side or rear yard. The

required parking space(s) shall at all times be maintained if temporary storage units are placed in parking areas.

B. The Temporary Storage Unit shall be located at such address for a maximum of thirty (60) consecutive days, including the days of delivery and removal. An extension may be granted to the Applicant by the Planning Department, subject to conditions, for a reasonable additional time period in an amount not to exceed thirty (30) days.

C. Each residential property is limited to a maximum of three (3) registrations per calendar year, and a minimum of fifteen (15) days shall elapse between the end of one (1) registration period and the beginning of another.

D. The Applicant, as well as the Supplier, shall be responsible for ensuring that the Temporary Storage Unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks, at all times.

E. No Temporary Storage Unit shall be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other than at the residential property where the Temporary Storage Unit is located (i.e. used for retail sales) or any other illegal or hazardous material. Upon reasonable notice to the Applicant, the City of Jonesboro may inspect the contents of any Temporary Storage Unit at any reasonable time to ensure that it is not being used to store said materials. At no time shall temporary storage unit may be used for any of these purposes.

Section 5. Enforcement and Penalties.

The provisions of this Ordinance shall be enforced in accordance with Chapter 117 of the Code of the City of Jonesboro. The Planning Department shall be responsible for the enforcing of the provisions of this Ordinance. Any person or entity found to be in violation of any section of this Ordinance shall be subjected to the maximum fine per occurrence per State Law.