



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 27, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
TXT-37978	Staff recommends APPROVAL.	

** PROPOSED AMENDMENT(S) **

1. Title 19.08.040 (B)(1), "Accessory Structures," is hereby amended to read as follows:

- (B) General Standards for Residential Districts. The following standards apply to all residential zoning districts:
 - (1) Accessory Structures. Accessory structures on any lot in any residential district shall conform to the following:
 - (a) Accessory Only to Main Use. No accessory structure shall be erected or moved onto any lot prior to construction of the main building unless a building permit has been issued for the construction of the main building.
 - (b) Height. A detached accessory structure shall not exceed two stories in height (with a maximum of thirty five feet), or the height of the main building, whichever is less.
 - (c) Size and Coverage. The total floor area of all accessory structures shall not exceed fifty percent of the floor area of the principal dwelling unit constructed on the same lot. In addition, the main aggregate total of the ground floor areas of all accessory buildings shall not cover more than fifty percent of the rear yard, and further, in the zoning districts where lot coverage provisions exist, the aggregate total of the ground floor areas of all structures and dwellings shall not exceed the percentage of lot coverage permitted in that zoning district.

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- (d) Side and Rear Yards. Detached accessory structures are permitted in the rear and side yard areas as follows:
 - (i) Detached accessory structures (excluding patio covers) in the rear yard area must be located a minimum distance of ~~three~~ five feet from the side and rear property lines and must be separated a minimum distance of six feet from the main dwelling. On corner lots, the roof of an accessory structure may be attached to the main dwelling, if there is a minimum six foot separation between the walls of the accessory structure and the main building and provided that a least two sides of the breezeway are open. A gate or fence which is at least fifty percent open construction may be attached to one end of the breezeway. In addition, accessory structures in the rear yard of corner lots may not be located closer to the side property line than that required for the main dwelling.
 - (ii) Detached accessory structures (excluding patio covers) in the side yard area must be located a minimum distance of ~~three~~ five feet from the side property line and must be separated a minimum distance of six feet from the main dwelling.
 - (iii) Except as provided in Subsection (e) below, detached accessory structures are not permitted in front of the primary structure.
 - (iv) No setback is required for a detached accessory structure from a property line which abuts an alley.
- (e) Front Yards. No detached accessory structure is permitted in the front yard unless the structure is a side-loaded garage which is used strictly as an ancillary use.
- (f) Aesthetics. An accessory structure must be aesthetically compatible with the principal dwelling unit.
- (g) Floor Plan. Accessory structures may contain any type of room use, but may not contain any kitchen except as otherwise specifically provided in this Title with respect to a Class I accessory structure.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for discussion and possible action to amend Title 19.08.040 to revise minimum setback requirements for detached accessory structures.

BACKGROUND INFORMATION

Title 19.08.040 currently requires residential accessory structures in the rear or side yard to be set back a minimum distance of three feet from rear or side lot lines. This applies to the walls of the structure and any architectural projections. Current Building Code (International Residential Code 2006, Table R302.1) allows exterior walls of structures to be non-fire rated if constructed no less than five feet from a lot line. Exterior walls constructed less than five feet from a lot line require a minimum one hour fire rating for both sides. The city's proposed update to the IRC, which may occur in 2011, contains the same standard. At issue is the conflict in allowing some structures that meet setback requirements, but the structures themselves must be fire rated. Many detached accessory structures are pre-fabricated and not fire rated.

ANALYSIS

The proposed amendment would amend residential development standards to conform to the non-fire rated requirements of the building code. Namely, the side and rear yard setback requirements would increase from three feet to five feet. The setback refers to the structure itself and not architectural features such as roof eaves, which may encroach up to two feet into the required setback area pursuant to Title 19.08.040(B)(4)(b). The proposed change would not affect setbacks for patio covers, which are determined by Title 19.08.040(B)(4)(a). The amendment applies to new construction only and will not affect existing permitted detached accessory structures. The amendment would eliminate further building requirements for some structures to be fire rated, while others are not subject to these requirements.

Clark County has similar codes requiring detached accessory structures in residential districts to be set back at least five feet except for sheds, which may be located within five feet subject to administrative approval. The City of Henderson Municipal Code (Title 19.7.3.A.6) allows detached accessory structures to be set back a minimum of three feet from side and rear property lines, but with the restrictions imposed by its Building Codes. The City of North Las Vegas Municipal Code (Title 17.24.050) contains separation requirements from the main structure and setback requirements for canopies attaching accessory structures to the main dwelling, but no minimum setback requirements from the side or rear property lines.

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FINDINGS

The proposed text amendment will achieve the following:

- Amend the minimum setback requirement for detached accessory structures in residential districts from three feet from the side and rear property lines to five feet from the side and rear property lines
- Bring all accessory structures into conformance with building code separation requirements for non-fire rated exterior walls

The following table summarizes the proposed changes to Title 19:

Code Requirements	Existing Regulations	Proposed Regulations
Title 19.08.040 (B)(1) – General Standards for Residential Districts: Accessory Structures	• Minimum setback for detached accessory structures in the rear yard area is three feet from the side and rear property lines • Minimum setback for detached accessory structures in the side yard area is three feet from the side property line	• Amends minimum setback in side and rear yards to five feet

NOTICES MAILED

NEWSPAPER ONLY

APPROVALS

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PROTESTS

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