

DR 61-17 - INITIATED BY THE PLANNING
COMMISSION - ACCESSORY STRUCTURES

ACTION

DATE

COMMITTEE

M.A.P.C. *Advisory for pub. 125-11*

Map *City Planning* *11-16-61*

Board of Planning *of June 1-18-62*

City Council *1-23-62*

Planca

*21
Received
New*



RESOLUTION

COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

A RESOLUTION RELATING TO THE SEDGWICK COUNTY ZONING RESOLUTION ADOPTED MARCH 3, 1958, AND SEPTEMBER 8, 1961, FOR THE UNINCORPORATED TERRITORY LYING WITHIN THREE (3) MILES OF THE CITIES OF WICHITA AND HAYSVILLE, RELATING TO ACCESSORY BUILDINGS AND STRUCTURES IN ALL DISTRICTS, AMENDING THE RESOLUTION BY CHANGING THE WORDING "ACCESSORY BUILDING" TO "ACCESSORY STRUCTURE" AND BY DEFINING THE WORD, "ACCESSORY STRUCTURE" AND AMENDING THE RESOLUTION AS TO ACCESSORY STRUCTURES IN ALL ZONING DISTRICTS, AMENDING THE FOLLOWING SECTIONS: 2, DEFINITIONS ACCESSORY BUILDING: 3 A. 6; 3 D. 4; 4 A. 8; 4 D. 4; 5 A. 8; 5 D. 4; 6 A. 8; 6 D. 4; 7 A. 65; 7 D. 4; 8 A. 29; 9 A. 4; 11 A; AND REPEALING THE FOLLOWING SECTIONS: 2, DEFINITIONS ACCESSORY BUILDING: 3 A. 6; 3 D. 4; 4 A. 8; 4 D. 4; 5 A. 8; 5 D. 4; 6 A. 8; 6 D. 4; 7 A. 65; 7 D. 4; 8 A. 29; 9 A. 4; 11 A.

BE IT RESOLVED by the Board of County Commissioners of Sedgwick County, Kansas;

SECTION I. That upon the recommendation of the Metropolitan Area Planning Commission on November 16, 1961, after notice and a public hearing as provided by law, and under authority granted by Section 14 C of the Sedgwick County Zoning Resolution, the following sections be amended to read as follows:

Section 2 - Definitions

ACCESSORY STRUCTURE: Any construction, production or piece of work built up or composed of parts jointed together and affixed to the land or real property excluding poles, fences, walks and other such minor incidental improvements.

Section 3 - R Rural Residential District

Amend to read as follows;

A. 6 Accessory Structures

be subject to the following:

1. No accessory structures shall be located nearer to the front lot line than the main building.
2. No accessory structure shall be located nearer to the rear lot line than five feet, except that they shall not be less than ten feet from the center of any platted or dedicated alley.
3. In no event shall an accessory structure be located on any platted or recorded easement, alley or public way, or over any known utility.
4. When located on a corner lot the rear of which abuts upon the side of another lot, said accessory building shall not project beyond the front yard setback line required on the lot in rear of such corner lot.
5. No accessory use shall be located on any lot which shall reduce the required off street parking or loading spaces.
6. Accessory structures may not be erected or constructed to a height greater than that equal to 60 per cent of the maximum height permitted in the district in which located.
7. Accessory structures may not occupy more than one-half of a rear yard or one-half of a side yard.
8. Exception: The Board of Zoning Appeals may grant exceptions to the height, area, setback and location provisions for accessory structures by the method provided in Section 13 of this resolution, provided that:

Adequate access to the land is maintained for fire and police protection.

Adequate access is maintained for the service of utilities.

Appropriate conditions or requirements may be made by the Board to preserve the general character of the neighborhood, area or development and to provide for the public safety, health, convenience and general welfare.

9. Any accessory structure constructed or erected under any permit issued by the Board of County Commissioners or their authorized agent, or under the provisions of the zoning resolution or any of its provisions in effect prior to (as may be adopted), 1961, may continue to exist and be maintained for a period of 25 years from that date; and at which time such accessory structure shall be removed or shall be made to conform to all provisions of the then existing ordinance or code governing accessory structures.

SECTION II. The following sections of the Sedgwick County Zoning Resolution, that existed prior to the amendments set out in Section 1, above, are hereby repealed: 2, Definitions Accessory Building; 3 A. 6; 3 D. 4; 4 A. 8; 4 D. 4; 5 A. 8; 5 D. 4; 6 A. 8;

- D.4 Rear Yard: There shall be a rear yard of not less than twenty-five (25) per cent of the depth of the lot, but such rear yard need not exceed twenty-five (25) feet, except as occupied by an accessory structure under the provisions as specified by Section 11.A.

Section 4 - R-1 Suburban Residential District

Amend to read as follows:

A.8 Accessory Structures

- D.4 Rear Yard: There shall be a rear yard of not less than twenty-five (25) per cent of the depth of the lot, but such rear yard need not exceed twenty-five (25) feet, except as occupied by an accessory structure under the provisions as specified by Section 11.A.

Section 5 - "AA" One Family Residential District

Amend to read as follows:

A.8 Accessory Structures

- D.4 Rear Yard: There shall be a rear yard of not less than twenty-five (25) per cent of the depth of the lot, but such rear yard need not exceed twenty (20) feet, except as occupied by an accessory structure under the provisions as specified by Section 11.A.

Section 6 - BB Office District Classification

Add as follows:

A.8 Accessory Structures

Amend to read as follows:

- D.4 Rear Yard: There shall be a rear yard of not less than twenty-five (25) per cent of the depth of the lot, but such rear yard need not exceed twenty-five (25) feet, except as occupied by an accessory structure under the provisions as specified by Section 11.A.

Section 7 - "LC" Light Commercial District

Amend to read as follows:

A.65 Accessory Structures

- D.4 Rear Yard: There shall be a rear yard of not less than ten (10) feet.

Section 8 - "C" General Commercial District

Amend to read as follows:

A.29 Accessory Structures

Section 9 - "E" Light Industrial District

Amend to read as follows:

A.4 Accessory Structures

Section 11 - Supplemental Regulations

Amend to read as follows:

- A. Accessory Structures: All accessory structures shall

6 D. 4; 7 A. 65; 7 D. 4; 8 A. 29; 9 A. 4; 11 A.

SECTION III. This resolution shall take effect and be in force from and after its adoption and publication in the official County paper.

Passed and adopted this 30th day of November, 1961.

Vernon E. Reed
Vernon E. Reed

W. G. Scott
W. G. Scott

Floyd Schroeder
Floyd Schroeder

ATTEST:

W. O. Williams
County Clerk

(SEAL)

file

WICHITA-SEDGWICK COUNTY
**METROPOLITAN AREA
PLANNING
COMMISSION**



NOVEMBER 21, 1961

BOARD OF CITY COMMISSIONERS
CITY BUILDING
WICHITA, KANSAS

GENTLEMEN:

RE: DR 61-17 - AMENDMENT TO
ZONING ORDINANCE RELATING
TO ACCESSORY STRUCTURES

AT THE REGULAR MEETING OF THE METROPOLITAN AREA PLANNING COMMISSION HELD ON NOVEMBER 16, 1961, PROPOSED AMENDMENTS RELATING TO ACCESSORY STRUCTURES IN THE ZONING ORDINANCE WERE CONSIDERED. IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT THE FOLLOWING AMENDMENTS BE ADOPTED:

SECTION 28.04.020 - DEFINITIONS

DELETE AS FOLLOWS:

ACCESSORY BUILDING: A SUBORDINATE BUILDING, NOT EXCEEDING TWELVE FEET IN HEIGHT, LOCATED IN AND OCCUPYING NOT MORE THAN THIRTY PERCENT OF THE REAR YARD OF THE MAIN BUILDING, AND LOCATED AT LEAST THREE FEET THEREFROM, WITH NO DEFINITE ATTACHMENT THERETO, AND ITS USE INCIDENTAL TO THAT OF THE MAIN BUILDING.

ADD AS FOLLOWS:

ACCESSORY STRUCTURE: ANY CONSTRUCTION, PRODUCTION OR PIECE OF WORK BUILT UP OR COMPOSED OF PARTS JOINED TOGETHER AND AFFIXED TO THE LAND OR REAL PROPERTY EXCLUDING POLES, FENCES, WALKS, AND OTHER SUCH MINOR INCIDENTAL IMPROVEMENTS.

SECTION 28.04.040 - "AA" ONE FAMILY DWELLING DISTRICT REGULATIONS

AMEND TO READ AS FOLLOWS:

A. ⁹ ACCESSORY STRUCTURE PROVIDED THEY ARE LOCATED IN THE SIDE OR REAR YARD AND NOT LOCATED ANY NEARER TO THE FRONT LOT LINE THAN THE MAIN USE OR STRUCTURE. WHENEVER

LOCATED ON A CORNER LOT, THE REAR OF WHICH ABUTS UPON THE SIDE OF ANOTHER LOT, SAID ACCESSORY STRUCTURE SHALL NOT PROJECT BEYOND THE FRONT YARD SETBACK LINE REQUIRED ON THE LOT OR REAR OF SUCH CORNER LOT. NO ACCESSORY STRUCTURE MAY UTILIZE MORE THAN ONE-HALF OF THE AREA OF ANY SIDE YARD OR REAR YARD, PROVIDED THAT THE AREA OF ONE SHALL NOT INCLUDE THE OTHER. NO ACCESSORY STRUCTURE SHALL EXCEED 60 PERCENT OF THE ALLOWABLE HEIGHT REQUIREMENTS OF THE DISTRICT. ACCESSORY STRUCTURES, UNLESS DIRECTLY ATTACHED TO THE MAIN USE OR STRUCTURE, SHALL BE LOCATED AT LEAST 3 FEET FROM THE MAIN STRUCTURE. NO ACCESSORY STRUCTURE SHALL ELIMINATE OR REDUCE THE AMOUNT OF OFF-STREET LOADING OR PARKING AS REQUIRED BY THIS CHAPTER.

EXCEPTION: THE BOARD OF ZONING APPEALS MAY GRANT EXCEPTIONS TO THE HEIGHT, AREA, SETBACK AND LOCATION PROVISIONS FOR ACCESSORY STRUCTURES BY THE METHOD PROVIDED IN SECTION 2.12.560 OF THIS CODE PROVIDED THAT:

ADEQUATE ACCESS TO THE LAND IS MAINTAINED FOR FIRE AND POLICE PROTECTION

ADEQUATE ACCESS IS MAINTAINED FOR THE SERVICE OF UTILITIES.

APPROPRIATE CONDITIONS OR REQUIREMENTS MAY BE MADE BY THE BOARD TO PRESERVE THE GENERAL CHARACTER OF THE NEIGHBORHOOD, AREA OR DEVELOPMENT AND TO PROVIDE FOR THE PUBLIC SAFETY, HEALTH, CONVENIENCE AND GENERAL WELFARE.

ANY ACCESSORY STRUCTURE CONSTRUCTED OR ERECTED UNDER ANY BUILDING OR CONSTRUCTION PERMIT ISSUED BY ANY AUTHORIZED AGENT OF THE CITY OF WICHITA; OR UNDER THE PROVISIONS OF THE ZONING ORDINANCE OR ANY OF ITS PROVISIONS IN EFFECT PRIOR TO (AS MAY BE ADOPTED), 1961, MAY CONTINUE TO EXIST AND BE MAINTAINED FOR A PERIOD OF 25 YEARS FROM THAT DATE; AND AT WHICH TIME SUCH ACCESSORY STRUCTURE SHALL BE REMOVED OR SHALL BE MADE TO CONFORM TO ALL PROVISIONS OF THE THEN EXISTING ORDINANCE OR CODE GOVERNING ACCESSORY STRUCTURES.

SECTION 28.04.040 - "AA" ONE FAMILY DWELLING DISTRICT REGULATIONS

SECTION 28.04.050 - "A" TWO FAMILY DWELLING DISTRICT REGULATIONS

SECTION 28.04.060 - "RB" FOUR FAMILY DWELLING DISTRICT REGULATIONS

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NOVEMBER 21, 1961
DR 61-17

SECTION 28.04.070 - "B" MULTIPLE FAMILY DWELLING DISTRICT
REGULATIONS

SECTION 28.04.080 - "BB" OFFICE DISTRICT REGULATIONS

AMEND TO READ AS FOLLOWS:

- C.2.4 ACCESSORY STRUCTURES SHALL BE LOCATED IN COMPLIANCE WITH THE SIDE YARD REQUIREMENTS FOR MAIN USES OR STRUCTURES OF THE DISTRICT IN WHICH LOCATED. NO ACCESSORY STRUCTURE SHALL BE LOCATED ON ANY PLATTED OR RECORDED EASEMENT, OR OVER ANY KNOWN UTILITY.
- C.3.2 ACCESSORY STRUCTURES SHALL NOT BE LESS THAN 5 FEET FROM ANY REAR YARD LINE EXCEPT THAT ACCESSORY STRUCTURES SHALL BE NOT LESS THAN TEN FEET FROM THE CENTER LINE OF ANY PLATTED ALLEY.

SECTION 28.04.070 - "B" MULTIPLE FAMILY DWELLING DISTRICT
REGULATIONS

DELETE AS FOLLOWS:

- A.14 ACCESSORY BUILDINGS INCIDENTAL TO THE ABOVE USES AND LOCATED ON THE SAME LOT NOT INVOLVING THE CONDUCT OF A RETAIL BUSINESS OR REPAIR BUSINESS.

SECTION 28.04.090 - "LC" LIGHT COMMERCIAL DISTRICT REGULATIONS

DELETE AS FOLLOWS:

- A.1.24 ACCESSORY BUILDINGS OR USES CUSTOMARILY INCIDENT TO THE ABOVE USES.

RESPECTFULLY SUBMITTED,

L. L. LITTLE
SECRETARY

LLL:RAL:BER

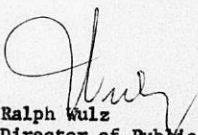
THE CITY OF WICHITA

OFFICE OF DIRECTOR OF PUBLIC WORKS DATE August 28, 1961

TO S. B. Maple, Superintendent of Building Inspection
FROM Ralph Wulz, Director of Public Works
SUBJECT Accessory Buildings

You recently received a copy of a memorandum from Mr. Little relative to the application of existing building codes to swimming pools, fallout shelters, etc.

Please prepare a written review of the building code as it pertains to these items. When the review is completed, a meeting will be arranged to explore the need for additional code requirements.


Ralph Wulz
Director of Public Works

RW:dm

cc: L. L. Little ✓
Bill Friesen



RALPH WULZ, DIRECTOR
PUBLIC WORKS
L. L. LITTLE, DIRECTOR
PLANNING

AUGUST 22, 1961

ACCESSORY BUILDINGS

WE HAVE RECENTLY RECEIVED INQUIRIES RELATIVE TO BUILDING CODES FOR SUCH ITEMS AS SWIMMING POOLS, TEMPORARY STRUCTURES SUCH AS SWIMMING POOL COVERS, AND FALLOUT SHELTERS. WE HAVE CHECKED WITH MR. MAPLE AND HE ADVISES US THAT THERE ARE NO SPECIFIC REGULATIONS GOVERNING THE ABOVE ITEMS. I BELIEVE THE ABOVE ITEMS ARE BEING CURRENTLY HANDLED BY INTERPRETATIONS OF THE EXISTING BUILDING CODE. IT IS VERY POSSIBLE THAT A CODE DESIGNED FOR PERMANENT STRUCTURES OR BUILDINGS IS NOT ENTIRELY ADEQUATE AND APPLICABLE TO SPECIAL ITEMS SUCH AS SWIMMING POOLS AND FALLOUT SHELTERS. SIMILARLY, TEMPORARY STRUCTURES SUCH AS SWIMMING POOL COVERS MUST NOW BE CONSTRUCTED IN ACCORDANCE WITH THE SAME REQUIREMENTS MADE FOR PERMANENT STRUCTURES.

WE HAVE DISCUSSED THE MATTER OF A BUILDING CODE FOR FALLOUT SHELTERS WITH MR. FRIEBEN AND HE SUGGESTED THAT IT WOULD BE WELL TO HAVE THE DEPARTMENT OF PUBLIC WORKS, CIVIL DEFENSE AND PLANNING MEET TO DISCUSS THE PROBLEMS INVOLVED AND TO SEE IF BUILDING CODES AND ZONING REGULATIONS ARE ADEQUATE TO MEET THE NEEDS OF THE COMMUNITY.

IN VIEW OF THE INCREASING DEMAND AND AWARENESS FOR FALLOUT SHELTERS AND THE ADDITIONAL NUMBERS OF SWIMMING POOLS AND RELATED ITEMS WHICH WILL PROBABLY BE CONSTRUCTED IN THE NEAR FUTURE, WE WOULD LIKE TO SUGGEST THAT YOU GIVE CONSIDERATION TO HAVING A REVIEW MADE OF THE BUILDING CODE AS IT PERTAINS TO THESE ITEMS. I WOULD BE MOST HAPPY TO DISCUSS THIS MATTER WITH YOU AT GREATER LENGTH IF YOU CONCUR IN THE ABOVE SUGGESTION.

L. L. LITTLE
DIRECTOR OF PLANNING

LLL/RAL:MM

cc: S. B. MAPLE
BILL FRIEBEN

LAWRENCE E. CURFMAN, ASSISTANT
CITY ATTORNEY
L. L. LITTLE, DIRECTOR OF PLANNING

AUGUST 18, 1961

ACCESSORY BUILDINGS

ATTACHED IS A DRAFT OF A MEMORANDUM WHICH WE HAVE PREPARED FOR SUBMISSION TO THE PLANNING COMMISSION. MR. HARRIS HAS ASKED THAT WE INVESTIGATE THE SUBJECT OF SWIMMING POOLS AND FALLOUT SHELTERS SO THAT THEY MAY BE ALLOWED IN AN APPROPRIATE MANNER IN BOTH THE CITY AND COUNTY. I FEEL THAT THE PROPOSAL CONTAINED IN THE MEMORANDUM IS THE BEST APPROACH TO HANDLING THE SUBJECT AND WE ARE SUGGESTING THE FOLLOWING AMENDMENTS BE MADE TO THE CITY AND COUNTY ZONING REGULATIONS.

I WOULD APPRECIATE YOUR REVIEWING THE PROPOSED AMENDMENTS, BOTH AS TO CONTENT AND LEGALITY. I WOULD APPRECIATE YOUR ADVICE ON THIS MATTER AT YOUR EARLIEST CONVENIENCE AS I UNDERSTAND THAT THERE IS SOME DESIRE FOR IMMEDIATE ACTION ON THIS SUBJECT.

L. L. LITTLE
DIRECTOR OF PLANNING

LLL/RAL:MM

cc: FRED W. ALEY, CITY ATTORNEY
EUGENE L. PIRTLE, CHIEF ASSISTANT CITY ATTORNEY

CLAY COX, COUNTY ZONING ADMINISTRATOR

BEECH MAPLE, SUPERINTENDENT OF
BUILDING INSPECTION
ROBERT A. LAKIN, SENIOR PLANNER

AUGUST 18, 1961

ACCESSORY BUILDINGS

ATTACHED IS A ROUGH DRAFT OF A PROPOSED MEMORANDUM TO THE PLANNING COMMISSION CONCERNING ACCESSORY BUILDINGS AND STRUCTURES. THE MEMORANDUM INCLUDES CERTAIN CHANGES TO BOTH THE CITY AND COUNTY ZONING REGULATIONS WHICH, I BELIEVE, SHOULD CORRECT ANY CONFLICTS RELATIVE TO SWIMMING POOLS, FALLOUT SHELTERS, ETC. I WOULD APPRECIATE YOUR REVIEWING THIS MATTER AT YOUR EARLIEST CONVENIENCE SO THAT WE MIGHT PUT THIS ON THE PLANNING COMMISSION AGENDA FOR EITHER SEPTEMBER 7 OR SEPTEMBER 21.

I WOULD BE HAPPY TO DISCUSS THE PROVISIONS OF THE MEMORANDUM WITH YOU AT YOUR CONVENIENCE IF YOU HAVE ANY QUESTIONS.

ROBERT A. LAKIN
SENIOR PLANNER

RAL:MM

CHARLES HARRIS, VICE-CHAIRMAN

AUGUST 18, 1961

L. L. LITTLE, DIRECTOR

ACCESSORY BUILDINGS

ATTACHED IS A DRAFT OF A MEMORANDUM AND CERTAIN CHANGES TO BOTH THE CITY ORDINANCES AND COUNTY ZONING RESOLUTION WHICH WE THINK WILL ADEQUATELY PROVIDE FOR SWIMMING POOLS AND FALLOUT SHELTERS. WE HAVE ATTEMPTED TO REVIEW THE ACCESSORY BUILDING PROVISIONS TO ALLOW A BROADER APPLICATION. I BELIEVE THIS MAY ALSO SOLVE SOME OF OUR FUTURE PROBLEMS FOR ITEMS UNKNOWN AT THIS TIME.

AS SOON AS THE LEGAL DEPARTMENT, MR. MAPLE AND MR. COX REVIEW THE PROPOSED CHANGES, I BELIEVE WE SHOULD BE IN A POSITION TO MAKE FINAL CORRECTIONS AND PRESENT THE MATTER TO THE PLANNING COMMISSION FOR THEIR CONSIDERATION.

THIS CAN PROBABLY BE ACCOMPLISHED BY EITHER THE FIRST OR SECOND MEETING IN SEPTEMBER. I WILL BE HAPPY TO DISCUSS THE QUESTIONS YOU HAVE ON THE MATTER WITH YOU AT YOUR CONVENIENCE.

L. L. LITTLE
DIRECTOR OF PLANNING

LLL/RAL:MM

NOVEMBER 21, 1961

BOARD OF COUNTY COMMISSIONERS
320 COUNTY COURT HOUSE
WICHITA, KANSAS

GENTLEMEN:

RE: DR 61-17 AMENDMENTS TO THE
COUNTY ZONING REGULATIONS
RELATED TO ACCESSORY
STRUCTURES

AT THE REGULAR MEETING OF THE METROPOLITAN AREA PLANNING COMMISSION HELD ON NOVEMBER 16, 1961, AMENDMENTS RELATING TO ACCESSORY STRUCTURES IN THE COUNTY ZONING RESOLUTION WERE CONSIDERED. IT WAS MOVED, SECONDED AND CARRIED UNANIMOUSLY THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS THAT THE FOLLOWING AMENDMENTS BE ADOPTED:

SECTION 2 - DEFINITIONS

DELETE AS FOLLOWS:

ACCESSORY BUILDING: A SUBORDINATE BUILDING OR PORTION OF A MAIN BUILDING, LOCATED ON THE SAME LOT AND USE OF WHICH IS INCIDENTAL TO THAT OF THE MAIN BUILDING OR TO THE USE OF THE LAND ON WHICH IT IS LOCATED.

ADD AS FOLLOWS:

ACCESSORY STRUCTURE: ANY CONSTRUCTION, PRODUCTION OR PIECE OF WORK BUILT UP OR COMPOSED OF PARTS JOINED TOGETHER AND AFFIXED TO THE LAND OR REAL PROPERTY EXCLUDING POLES, FENCES, WALKS AND OTHER SUCH MINOR INCIDENTAL IMPROVEMENTS.

SECTION 3 - "R" RURAL RESIDENTIAL DISTRICT

AMEND TO READ AS FOLLOWS:

A.6 ACCESSORY STRUCTURES

D.4 REAR YARD: THERE SHALL BE A REAR YARD OF NOT LESS THAN TWENTY-FIVE (25) PERCENT OF THE DEPTH OF THE LOT, BUT SUCH REAR YARD NEED NOT EXCEED TWENTY-FIVE (25) FEET, EXCEPT AS OCCUPIED BY AN ACCESSORY STRUCTURE UNDER THE PROVISIONS AS SPECIFIED BY SECTION 11.A.

SECTION 4 - "R-1" SUBURBAN RESIDENTIAL DISTRICT

AMEND TO READ AS FOLLOWS:

A.8 ACCESSORY STRUCTURES

D.4 REAR YARD: THERE SHALL BE A REAR YARD OF NOT LESS THAN TWENTY-FIVE (25) PERCENT OF THE DEPTH OF THE LOT, BUT SUCH REAR YARD NEED NOT EXCEED TWENTY-FIVE (25) FEET, EXCEPT AS OCCUPIED BY AN ACCESSORY STRUCTURE UNDER THE PROVISIONS AS SPECIFIED BY SECTION 11.A.

SECTION 5 - "AA" ONE FAMILY RESIDENTIAL DISTRICT

AMEND TO READ AS FOLLOWS:

A.8 ACCESSORY STRUCTURES

D.4 REAR YARD: THERE SHALL BE A REAR YARD OF NOT LESS THAN TWENTY-FIVE (25) PERCENT OF THE DEPTH OF THE LOT, BUT SUCH REAR YARD NEED NOT EXCEED TWENTY (20) FEET, EXCEPT AS OCCUPIED BY AN ACCESSORY STRUCTURE UNDER THE PROVISIONS AS SPECIFIED BY SECTION 11.A.

SECTION 6 - "BB" OFFICE DISTRICT CLASSIFICATION

ADD AS FOLLOWS:

A.8 ACCESSORY STRUCTURES

AMEND TO READ AS FOLLOWS:

D.4 REAR YARD: THERE SHALL BE A REAR YARD OF NOT LESS THAN TWENTY-FIVE (25) PERCENT OF THE DEPTH OF THE LOT, BUT SUCH REAR YARD NEED NOT EXCEED TWENTY-FIVE (25) FEET, EXCEPT AS OCCUPIED BY AN ACCESSORY STRUCTURE UNDER THE PROVISIONS AS SPECIFIED BY SECTION 11.A.

SECTION 7 - "LC" LIGHT COMMERCIAL DISTRICT

AMEND TO READ AS FOLLOWS:

A.65 ACCESSORY STRUCTURES

D.4 REAR YARD: THERE SHALL BE A REAR YARD OF NOT LESS THAN TEN (10) FEET.

SECTION 8 - "C" GENERAL COMMERCIAL DISTRICT

AMEND TO READ AS FOLLOWS:

A.29 ACCESSORY STRUCTURES

SECTION 9 - "E" LIGHT INDUSTRIAL DISTRICT

AMEND TO READ AS FOLLOWS:

A.4 ACCESSORY STRUCTURES

SECTION 11 - SUPPLEMENTAL REGULATIONS

AMEND TO READ AS FOLLOWS:

- A. ACCESSORY STRUCTURES: ALL ACCESSORY STRUCTURES SHALL BE SUBJECT TO THE FOLLOWING:
1. NO ACCESSORY STRUCTURES SHALL BE LOCATED NEARER TO THE FRONT LOT LINE THAN THE MAIN BUILDING.
 2. NO ACCESSORY STRUCTURE SHALL BE LOCATED NEARER TO THE REAR LOT LINE THAN FIVE FEET, EXCEPT THAT THEY SHALL NOT BE LESS THAN TEN FEET FROM THE CENTER OF ANY PLATTED OR DEDICATED ALLEY.
 3. IN NO EVENT SHALL AN ACCESSORY STRUCTURE BE LOCATED ON ANY PLATTED OR RECORDED EASEMENT, ALLEY OR PUBLIC WAY, OR OVER ANY KNOWN UTILITY.
 4. WHEN LOCATED ON A CORNER LOT THE REAR OF WHICH ABUTS UPON THE SIDE OF ANOTHER LOT, SAID ACCESSORY BUILDINGS SHALL NOT PROJECT BEYOND THE FRONT YARD SETBACK LINE REQUIRED ON THE LOT IN REAR OF SUCH CORNER LOT.
 5. NO ACCESSORY USE SHALL BE LOCATED ON ANY LOT WHICH SHALL REDUCE THE REQUIRED OFF STREET PARKING OR LOADING SPACES.
 6. ACCESSORY STRUCTURES MAY NOT BE ERECTED OR CONSTRUCTED TO A HEIGHT GREATER THAN THAT EQUAL TO 60 PERCENT OF THE MAXIMUM HEIGHT PERMITTED IN THE DISTRICT IN WHICH LOCATED.
 7. ACCESSORY STRUCTURES MAY NOT OCCUPY MORE THAN ONE-HALF OF A REAR YARD OR ONE-HALF OF A SIDE YARD.
 8. EXCEPTION: THE BOARD OF ZONING APPEALS MAY GRANT EXCEPTIONS TO THE HEIGHT, AREA, SETBACK AND LOCATION PROVISIONS FOR ACCESSORY STRUCTURES BY THE METHOD PROVIDED IN SECTION 13 OF THIS RESOLUTION, PROVIDED THAT:

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NOVEMBER 21, 1961
DR 61-17

ADEQUATE ACCESS TO THE LAND IS MAINTAINED FOR
FIRE AND POLICE PROTECTION.

ADEQUATE ACCESS IS MAINTAINED FOR THE SERVICE
OF UTILITIES.

APPROPRIATE CONDITIONS OR REQUIREMENTS MAY BE MADE BY
THE BOARD TO PRESERVE THE GENERAL CHARACTER OF THE
NEIGHBORHOOD, AREA OR DEVELOPMENT AND TO PROVIDE FOR
THE PUBLIC SAFETY, HEALTH, CONVENIENCE AND GENERAL
WELFARE.

9. ANY ACCESSORY STRUCTURE CONSTRUCTED OR ERECTED UNDER
ANY PERMIT ISSUED BY THE BOARD OF COUNTY COMMISSIONERS
OR THEIR AUTHORIZED AGENT, OR UNDER THE PROVISIONS OF
THE ZONING RESOLUTION OR ANY OF ITS PROVISIONS IN
EFFECT PRIOR TO (AS MAY BE ADOPTED), 1961, MAY CONTINUE
TO EXIST AND BE MAINTAINED FOR A PERIOD OF 25 YEARS
FROM THAT DATE; AND AT WHICH TIME SUCH ACCESSORY
STRUCTURE SHALL BE REMOVED OR SHALL BE MADE TO CONFORM
TO ALL PROVISIONS OF THE THEN EXISTING ORDINANCE OR
CODE GOVERNING ACCESSORY STRUCTURES.

RESPECTFULLY SUBMITTED,

L. L. LITTLE
SECRETARY

LLL:RAL;BER

() (PUBLISHED IN THE WICHITA EVENING EAGLE AND BEACON ON _____, 1961)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN THAT ON THE 16TH DAY OF NOVEMBER, 1961, THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS, AT 2 P.M. WILL CONSIDER THE FOLLOWING CHANGE TO TITLE 28, THE CODE OF THE CITY OF WICHITA, KANSAS:

SECTION 28.04.020 - DEFINITIONS

DELETE AS FOLLOWS:

ACCESSORY BUILDING: A SUBORDINATE BUILDING, NOT EXCEEDING TWELVE FEET IN HEIGHT, LOCATED IN AND OCCUPYING NOT MORE THAN THIRTY PERCENT OF THE REAR YARD OF THE MAIN BUILDING, AND LOCATED AT LEAST THREE FEET THEREFROM, WITH NO DEFINITE ATTACHMENT THERETO, AND ITS USE INCIDENTAL TO THAT OF THE MAIN BUILDING.

ADD AS FOLLOWS:

ACCESSORY STRUCTURE: ANY CONSTRUCTION, PRODUCTION OR PIECE OF WORK BUILT UP OR COMPOSED OF PARTS JOINED TOGETHER AND AFFIXED TO THE LAND OR REAL PROPERTY EXCLUDING POLES, FENCES, WALKS AND OTHER SUCH MINOR INCIDENTAL IMPROVEMENTS.

SECTION 28.04.040 - "AA" ONE FAMILY DWELLING DISTRICT REGULATIONS

AMEND TO READ AS FOLLOWS:

A.8 ACCESSORY STRUCTURES PROVIDED THEY ARE LOCATED IN THE SIDE OR REAR YARD AND NOT LOCATED ANY NEARER TO THE FRONT LOT LINE THAN THE MAIN USE OR STRUCTURE. WHENEVER LOCATED ON A CORNER LOT, THE REAR OF WHICH ABUTS UPON THE SIDE OF ANOTHER LOT, SAID ACCESSORY STRUCTURE SHALL NOT PROJECT BEYOND THE FRONT YARD SETBACK LINE REQUIRED ON THE LOT IN REAR OF SUCH CORNER LOT. NO ACCESSORY STRUCTURE MAY UTILIZE MORE THAN ONE-HALF OF THE AREA OF ANY SIDE YARD, OR REAR YARD, PROVIDED THAT THE AREA OF ONE SHALL NOT INCLUDE THE OTHER. NO ACCESSORY STRUCTURE SHALL EXCEED 60% OF THE ALLOWABLE HEIGHT REQUIREMENTS OF THE DISTRICT. ACCESSORY STRUCTURES, UNLESS DIRECTLY ATTACHED TO THE MAIN USE OR STRUCTURE, SHALL BE LOCATED AT LEAST 3 FEET FROM THE MAIN STRUCTURE. NO ACCESSORY STRUCTURE SHALL ELIMINATE OR REDUCE THE AMOUNT OF OFF-STREET LOADING OR PARKING AS REQUIRED BY THIS CHAPTER.

EXCEPTION: THE BOARD OF ZONING APPEALS MAY GRANT EXCEPTIONS TO THE HEIGHT, AREA, SETBACK AND LOCATION PROVISIONS FOR ACCESSORY STRUCTURES BY THE METHOD PROVIDED IN SECTION 2.12.560 OF THIS CODE PROVIDED THAT:

ADEQUATE ACCESS TO THE LAND IS MAINTAINED FOR
FIRE AND POLICE PROTECTION

ADEQUATE ACCESS IS MAINTAINED FOR THE SERVICE
OF UTILITIES

APPROPRIATE CONDITIONS OR REQUIREMENTS MAY BE
MADE BY THE BOARD TO PRESERVE THE GENERAL
CHARACTER OF THE NEIGHBORHOOD, AREA OR DEVELOP-
MENT AND TO PROVIDE FOR THE PUBLIC SAFETY, HEALTH,
CONVENIENCE AND GENERAL WELFARE.

ANY ACCESSORY STRUCTURE CONSTRUCTED OR ERECTED UNDER ANY
BUILDING OR CONSTRUCTION PERMIT ISSUED BY ANY AUTHORIZED
AGENT OF THE CITY OF WICHITA; OR UNDER THE PROVISIONS OF
THE ZONING ORDINANCE OR ANY OF ITS PROVISIONS IN EFFECT
PRIOR TO (AS MAY BE ADOPTED), 1961, MAY CONTINUE TO EXIST
AND BE MAINTAINED FOR A PERIOD OF 25 YEARS FROM THAT
DATE; AND AT WHICH TIME SUCH ACCESSORY STRUCTURE SHALL
BE REMOVED OR SHALL BE MADE TO CONFORM TO ALL PROVISIONS
OF THE THEN EXISTING ORDINANCE OR CODE GOVERNING
ACCESSORY STRUCTURES.

SECTION 28.04.040 - "AA" ONE FAMILY DWELLING DISTRICT REGULATIONS
SECTION 28.04.050 - "A" TWO FAMILY DWELLING DISTRICT REGULATIONS
SECTION 28.04.060 - "RB" FOUR FAMILY DWELLING DISTRICT REGULATIONS
SECTION 28.04.070 - "B" MULTIPLE FAMILY DWELLING DISTRICT REGULATIONS
SECTION 28.04.080 - "BB" OFFICE DISTRICT REGULATIONS

AMEND TO READ AS FOLLOWS:

- C.2.4 ACCESSORY STRUCTURES SHALL BE LOCATED IN COMPLIANCE
WITH THE SIDE YARD REQUIREMENTS FOR MAIN USES OR
STRUCTURES OF THE DISTRICT IN WHICH LOCATED. NO
ACCESSORY STRUCTURE SHALL BE LOCATED ON ANY PLATTED OR
RECORDED EASEMENT.
- C.3.2 ACCESSORY STRUCTURES SHALL NOT BE LESS THAN 5 FEET FROM
ANY REAR YARD LINE EXCEPT THAT ACCESSORY STRUCTURES SHALL
BE NOT LESS THAN TEN FEET FROM THE CENTER LINE OF ANY
PLATTED ALLEY.

SECTION 28.04.070 - "B" MULTIPLE FAMILY DWELLING DISTRICT REGULATIONS

DELETE AS FOLLOWS:

- A.14 ACCESSORY BUILDINGS INCIDENTAL TO THE ABOVE USES AND
LOCATED ON THE SAME LOT, NOT INVOLVING THE CONDUCT OF A
RETAIL BUSINESS OR REPAIR BUSINESS.

SECTION 28.04.090 - "LC" LIGHT COMMERCIAL DISTRICT

DELETE AS FOLLOWS:

- A.1.24 ACCESSORY BUILDINGS OR USES CUSTOMARILY INCIDENT TO THE
ABOVE USES.

THE PROPOSED AMENDMENTS WILL THERE BE DISCUSSED AND CONSIDERED BY THE SAID WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION, AND ALL PERSONS INTERESTED IN SAID MATTER WILL BE HEARD AT THIS TIME CONCERNING THEIR VIEWS AND WISHES IN THE PREMISES, AND ANY PROTEST AGAINST ANY OF THE PROVISIONS OF THE PROPOSED CHANGE TO THE REVISED ZONING ORDINANCE WILL BE CONSIDERED BY THE COMMISSION AS BY LAW PROVIDED.

WITNESS MY HAND AND SEAL ON THIS 9TH DAY OF OCTOBER, 1961.

L. L. LITTLE, SECRETARY
WICHITA-SEDGWICK COUNTY METRO-
POLITAN AREA PLANNING COMMISSION

(SEAL)

I-T

() (PUBLISHED IN THE WICHITA EVENING EAGLE AND BEACON ON _____, 1961)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN THAT AT 2 P.M. ON NOVEMBER 16, 1961, THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS, WILL CONSIDER THE FOLLOWING PROPOSED CHANGES IN THE TEXT OF THE ZONING RESOLUTION, SEDGWICK COUNTY, KANSAS, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON FEBRUARY 19, 1958; AND WHICH BECAME EFFECTIVE ON MARCH 3, 1958, AND SUBSEQUENT AMENDMENTS THERET :

SECTION 2 - DEFINITIONS

DELETE AS FOLLOWS:

ACCESSORY BUILDING: A SUBORDINATE BUILDING OR PORTION OF A MAIN BUILDING, LOCATED ON THE SAME LOT AND USE OF WHICH IS INCIDENTAL TO THAT OF THE MAIN BUILDING OR TO THE USE OF THE LAND ON WHICH IT IS LOCATED.

ADD AS FOLLOWS:

ACCESSORY STRUCTURE: ANY CONSTRUCTION, PRODUCTION OR PIECE OF WORK BUILT UP OR COMPOSED OF PARTS JOINED TOGETHER AND AFFIXED TO THE LAND OR REAL PROPERTY EXCLUDING POLES, FENCES, WALKS AND OTHER SUCH MINOR INCIDENTAL IMPROVEMENTS.

SECTION 3 - "R" - RURAL RESIDENTIAL DISTRICT

AMEND TO READ AS FOLLOWS:

A.6 ACCESSORY STRUCTURES

D.4 **REAR YARD:** THERE SHALL BE A REAR YARD OR NOT LESS THAN TWENTY-FIVE (25) PERCENT OF THE DEPTH OF THE LOT, BUT SUCH REAR YARD NEED NOT EXCEED TWENTY-FIVE (25) FEET, EXCEPT AS OCCUPIED BY AN ACCESSORY STRUCTURE UNDER THE PROVISIONS AS SPECIFIED BY SECTION 11.A.

SECTION 4 - "R-1" - SUBURBAN RESIDENTIAL DISTRICT

AMEND TO READ AS FOLLOWS:

A.8 ACCESSORY STRUCTURES

D.4 **REAR YARD:** THERE SHALL BE A REAR YARD OF NOT LESS THAN TWENTY-FIVE (25) PERCENT OF THE DEPTH OF THE LOT, BUT SUCH REAR YARD NEED NOT EXCEED TWENTY-FIVE (25) FEET, EXCEPT AS OCCUPIED BY AN ACCESSORY STRUCTURE UNDER THE PROVISIONS AS SPECIFIED BY SECTION 11.A.

SECTION 5 - "AA" - ONE FAMILY RESIDENTIAL DISTRICT

AMEND TO READ AS FOLLOWS:

A.8 ACCESSORY STRUCTURES

D.4 REAR YARD: THERE SHALL BE A REAR YARD OF NOT LESS THAN TWENTY-FIVE (25) PERCENT OF THE DEPTH OF THE LOT, BUT SUCH REAR YARD NEED NOT EXCEED TWENTY (20) FEET, EXCEPT AS OCCUPIED BY AN ACCESSORY STRUCTURE UNDER THE PROVISIONS AS SPECIFIED BY SECTION 11.A.

SECTION 6 - "BB" - OFFICE DISTRICT CLASSIFICATION

ADD AS FOLLOWS:

A.8 ACCESSORY STRUCTURES

AMEND TO READ AS FOLLOWS:

D.4 REAR YARD: THERE SHALL BE A REAR YARD OF NOT LESS THAN TWENTY-FIVE (25) PERCENT OF THE DEPTH OF THE LOT, BUT SUCH REAR YARD NEED NOT EXCEED TWENTY-FIVE (25) FEET, EXCEPT AS OCCUPIED BY AN ACCESSORY STRUCTURE UNDER THE PROVISIONS AS SPECIFIED BY SECTION 11.A.

SECTION 7 - "LC" - LIGHT COMMERCIAL DISTRICT

AMEND TO READ AS FOLLOWS:

A.65 ACCESSORY STRUCTURES

D.4 REAR YARD: THERE SHALL BE A REAR YARD OF NOT LESS THAN TEN (10) FEET.

SECTION 8 - "C" - GENERAL COMMERCIAL DISTRICT

AMEND TO READ AS FOLLOWS:

A.29 ACCESSORY STRUCTURES

SECTION 9 - "E" - LIGHT INDUSTRIAL DISTRICT

AMEND TO READ AS FOLLOWS:

A.4 ACCESSORY STRUCTURES

SECTION II - SUPPLEMENTAL REGULATIONS

AMEND TO READ AS FOLLOWS:

A. ACCESSORY STRUCTURES:

ALL ACCESSORY STRUCTURES SHALL BE SUBJECT TO THE FOLLOWING:

1. No accessory structure shall be located nearer to the front lot line than the main building.
2. No accessory structure shall be located nearer to the rear lot line than the requirement for the main use or structure.
3. No accessory structure shall be located nearer to the rear lot line than five feet, except that they shall not be less than ten feet from the center of any platted or dedicated alley.
4. In no event shall an accessory structure be located on any platted or recorded easement, alley or public way.
5. When located on a corner lot, the rear of which abuts upon the side of another lot, said accessory buildings shall not project beyond the front yard setback line required on the lot in rear of such corner lot.
6. No accessory use shall be located on any lot which shall reduce the required off-street parking or loading spaces.
7. Accessory structures may not be erected or constructed to a height greater than that equal to 60 percent of the maximum height permitted in the district in which located.
8. Accessory structures may not occupy more than one-half of a rear yard or one-half of a side yard.
9. EXCEPTION: THE BOARD OF ZONING APPEALS MAY GRANT EXCEPTIONS TO THE HEIGHT, AREA, SETBACK AND LOCATION PROVISIONS FOR ACCESSORY STRUCTURES BY THE METHOD PROVIDED IN SECTION 13 OF THIS RESOLUTION PROVIDED THAT:

ADEQUATE ACCESS TO THE LAND IS MAINTAINED FOR FIRE AND POLICE PROTECTION

ADEQUATE ACCESS IS MAINTAINED FOR THE SERVICE OF UTILITIES

APPROPRIATE CONDITIONS OR REQUIREMENTS MAY BE MADE BY THE BOARD TO PRESERVE THE GENERAL CHARACTER OF THE NEIGHBORHOOD, AREA OR DEVELOPMENT AND TO PROVIDE FOR THE PUBLIC SAFETY, HEALTH, CONVENIENCE AND GENERAL WELFARE.

10. ANY ACCESSORY STRUCTURE CONSTRUCTED OR ERECTED UNDER ANY PERMIT ISSUED BY THE BOARD OF COUNTY COMMISSIONERS OR THEIR AUTHORIZED AGENT, OR UNDER THE PROVISIONS OF THE ZONING RESOLUTION OR ANY OF ITS PROVISIONS IN EFFECT PRIOR TO (AS MAY BE ADOPTED), 1961, MAY CONTINUE TO EXIST AND BE MAINTAINED FOR A PERIOD OF 25 YEARS FROM THAT DATE; AND AT WHICH TIME SUCH ACCESSORY STRUCTURE SHALL BE REMOVED OR SHALL BE MADE TO CONFORM TO ALL PROVISIONS OF THE THEN EXISTING ORDINANCE OR CODE GOVERNING ACCESSORY STRUCTURES.

THE ABOVE PROPOSED AMENDMENTS WILL BE DISCUSSED AND CONSIDERED BY THE SAID WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION AT THE TIME AND PLACE ABOVE STATED, AND ALL PERSONS INTERESTED IN SAID MATTER WILL BE HEARD AT THAT TIME CONCERNING THEIR VIEWS AND WISHES IN THE PREMISES; AND ANY PROTEST AGAINST ANY OF THE PROVISIONS OF THE PROPOSED CHANGE TO THE ZONING RESOLUTION, SEDGWICK COUNTY, KANSAS, WILL BE CONSIDERED BY THE COMMISSION AS BY LAW PROVIDED.

WITNESS MY HAND AND SEAL ON THIS 9TH DAY OF OCTOBER, 1961.

L. L. LITTLE, SECRETARY
WICHITA-SEDGWICK COUNTY METRO-
POLITAN AREA PLANNING COMMISSION

(SEAL)

TO: METROPOLITAN AREA PLANNING COMMISSION
FROM: L. L. LITTLE, DIRECTOR OF PLANNING
SUBJECT: ACCESSORY USES AND SWIMMING POOLS

DR / File.

RECENTLY, THE BOARD OF ZONING APPEALS CONSIDERED A CASE WHERE THE QUESTION OF PRIVATE SWIMMING POOLS WAS DISCUSSED. THE CASE DID NOT DIRECTLY INVOLVE THE QUESTION OF THE SWIMMING POOLS ITSELF, BUT RATHER A PORTABLE COVER FOR THE POOL. AS A RESULT OF CONFUSION ON BOTH MATTERS, (SWIMMING POOL AND COVER), THE BZA ASKED THAT THE STAFF REVIEW THE PROBLEMS INVOLVED AND MAKE THE APPROPRIATE SUGGESTIONS TO THE MAPC TO CLARIFY THE SITUATION.

THE CITY ZONING ORDINANCE DOES NOT SPECIFICALLY PROVIDE FOR SWIMMING POOLS EXCEPT BY A SPECIAL PERMIT FOR NON-PROFIT CLUBS IN RESIDENTIAL ZONES; AND EXCEPT FOR COMMERCIAL POOLS IN THE "C" OR LESS RESTRICTED DISTRICTS. THE COUNTY ZONING RESOLUTION ALSO CONTAINS SIMILAR TERMS OF OMISSION.

PRIVATE POOLS FOR RESIDENCES HAVE GENERALLY BEEN CONSIDERED AS ACCESSORY USES TO RESIDENCES. THE ORDINANCE PROVIDES THAT "ACCESSORY BUILDINGS" MAY BE PERMITTED IN THE RESIDENTIAL ZONES PROVIDED, HOWEVER, THAT THEY ARE LOCATED IN THE "REAR YARD". IT IS AT THIS POINT THAT CONFUSION BEGINS. THE ORDINANCE PROVIDES FOR "ACCESSORY BUILDINGS" RATHER THAN ACCESSORY USES OR STRUCTURES. BY DEFINITION, A BUILDING IS A STRUCTURE HAVING A ROOF. SWIMMING POOLS IN GENERAL DO NOT COMPLY AND THUS, BY THE MANNER IN WHICH THE ORDINANCE IS CONSTRUCTED (PERMITTING ONLY THAT SPECIFICALLY PROVIDED FOR), A PRIVATE SWIMMING POOL WOULD TECHNICALLY NOT BE ALLOWED IN RESIDENTIAL ZONES.

THIS PROBLEM CAN BE SOLVED IN SEVERAL WAYS. ONE, AMEND THE ORDINANCE TO PROVIDE FOR ACCESSORY USES INSTEAD OF ACCESSORY BUILDINGS. TWO, SET OUT PRIVATE SWIMMING POOLS, FALLOUT SHELTERS AND STORM SHELTERS AS A "USE BY RIGHT" IN THE RESIDENTIAL ZONES. THREE, AMEND THE ORDINANCE TO PROVIDE FOR ACCESSORY STRUCTURES INSTEAD OF ACCESSORY BUILDINGS.

AND FINALLY, ALLOW THE BZA TO GRANT EXCEPTIONS FOR EACH AND EVERY PRIVATE SWIMMING POOL. THE BEST EFFECT CAN BE ACHIEVED BY COMBINING THE LAST TWO POSSIBILITIES.

IF "ACCESSORY STRUCTURES" REPLACES ACCESSORY BUILDINGS, THE USES ARE LIMITED BY THE DEFINITION OF "STRUCTURE" TO BUILDING MATERIALS JOINED TOGETHER TO GIVE STRENGTH AND RIGIDITY TO EACH OTHER IN FINAL ASSEMBLY. THIS REQUIRES ANY SUCH PROVISION TO BE RATHER STRICTLY CONSTRUED AND WOULD ELIMINATE THE POSSIBILITY OF CERTAIN USES BEING LABELED FOR SOMETHIN THEY ARE NOT. FOR INSTANCE, IN LIGHT COMMERCIAL DISTRICTS, RETAIL SHOPS SUCH AS FOOD STORES, FURNITURE STORES AND OTHERS MIGHT CLAIM A RIGHT TO DISPLAY AND SELL MERCHANDISE OUTDOORS AS AN "ACCESSORY USE CUSTOMARILY INCIDENT TO THE MAIN USE". SINCE LIGHT COMMERCIAL LIMITS ACTIVITIES TO INDOOR USES, THIS COULD LEAD TO SOME CONFUSION. NO LIMITING FEATURE OF USING THE TERM "STRUCTURE" RATHER THAN "USE" IS SEEN AT THIS TIME.

RECOGNIZING PRIVATE SWIMMING POOLS AS A USE BY R GHT WOULD ALLOW POOLS TO BE LOCATED ANY PLACE ON THE LOT THAT A MAIN STRUCTURE WOULD BE PERMITTED AND WOULD NOT CORRECT THE PROBLEM RELATED TO OTHER ACCESSORY STRUCTURES. THE OTHER ALTERNATIVE IS TO ALLOW THE BZA TO CONTROL THE LOCATION AND INSTALLATION ON AN INDIVIDUAL BASIS. THIS, OF COURSE, CREATES AN ADDITIONAL IMPEDIMENT AND EXPENSE TO THE INDIVIDUAL WANTING TO INSTALL A POOL, AS WELL AS CREATING ADDITIONAL WORK LOADS FOR THE BOARD AND STAFF.

BY COMBINING THE PHRASE "ACCESSORY STRUCTURE", AND A PROVISION ALLOWING CERTAIN EXCEPTIONS TO BE GRANTED BY THE BZA, IT IS BELIEVED THAT MOST PROBLEMS CONCERNING SWIMMING POOLS CAN BE ELIMINATED. "ACCESSORY STRUCTURE" WOULD INCLUDE ITEMS SUCH AS THE SWIMMING POOL ITSELF, AS WELL AS COVERS, PERMANENT OR TEMPORARY; STORM SHELTERS; GREENHOUSES; ETC. BY ALLOWING THE BZA TO GRANT CERTAIN EXCEPTIONS ON

THE LOCATION AND SIZE OF THE STRUCTURE OR USE, ADDITIONAL FLEXIBILITY CAN BE GAINED WITHOUT ALLOWING "CARTE BLANCH" PRIVILEGES TO THE PROPERTY OWNERS.

IN ORDER TO KEEP THE USE OF THE TERM "ACCESSORY STRUCTURES" WITHIN REASON, CONTROLS ON THE AREA, HEIGHT AND LOCATION SHOULD BE RETAINED. BY REDEFINING "ACCESSORY BUILDING" TO "ACCESSORY STRUCTURE" AND STATING THE GENERAL YARD AREA ALLOWABLE TO BE OCCUPIED AS WELL AS HEIGHT AND LOCATION CRITERIA, ADEQUATE CONTROL IS INSURED.

ATTACHED IS A SHEET LISTING THE NECESSARY AMENDMENTS TO THE CITY ZONING ORDINANCE AND COUNTY ZONING RESOLUTION TO CLARIFY THE PROBLEMS OF SWIMMING POOLS AND OTHER ACCESSORY USES.

L. C. Little

CITY ZONING ORDINANCE

DELETE AS FOLLOWS:

28.04.020 DEFINITIONS

ACCESSORY BUILDING. . . .

ADD AS FOLLOWS:

28.04.020 DEFINITIONS

ACCESSORY STRUCTURE: ANY CONSTRUCTION, PRODUCTION OR PIECE OF WORK BUILT UP OR COMPOSED OF PARTS JOINED TOGETHER AND AFFIXED TO THE LAND OR REAL PROPERTY EXCLUDING POLES, FENCES, WALKS AND OTHER SUCH MINOR INCIDENTAL IMPROVEMENTS.

AMEND TO READ AS FOLLOWS:

28.04.040 AA ONE-FAMILY DWELLING DISTRICT REGULATIONS

A 8 ACCESSORY STRUCTURES PROVIDED THEY ARE LOCATED IN THE SIDE OR REAR YARD AND NOT LOCATED ANY NEARER TO THE FRONT LOT LINE THAN THE MAIN USE OR STRUCTURE. WHENEVER LOCATED ON A CORNER LOT, THE REAR OF WHICH ABUTS UPON THE SIDE OF ANOTHER LOT, SAID ACCESSORY STRUCTURE SHALL NOT PROJECT BEYOND THE FRONT YARD LINE REQUIRED ON THE LOT IN REAR OF SUCH CORNER LOT. NO ACCESSORY STRUCTURE MAY UTILIZE MORE THAN ONE-HALF OF THE AREA OF ANY SIDE YARD, OR REAR YARD, PROVIDED THAT THE AREA OF ONE SHALL NOT INCLUDE THE OTHER. NO ACCESSORY STRUCTURE SHALL EXCEED 60% THE ALLOWABLE HEIGHT REQUIREMENTS OF THE DISTRICT. ACCESSORY STRUCTURES, UNLESS DIRECTLY ATTACHED TO THE MAIN USE OR STRUCTURE, SHALL BE LOCATED AT LEAST 3 FEET FROM THE MAIN STRUCTURE. NO ACCESSORY STRUCTURE SHALL ELIMINATE OR REDUCE THE AMOUNT OF OFF-STREET LOADING OR PARKING AS REQUIRED BY THIS CHAPTER.

DELETE AS FOLLOWS:

28.04.070

A 14 ACCESSORY BUILDINGS INCIDENTAL TO THE ABOVE USES AND LOCATED
ON THE SAME LOT, NOT INVOLVING THE CONDUCT OF A RETAIL BUSINESS,
COMMERCIAL BUSINESS OR REPAIR BUSINESS.

DELETE AS FOLLOWS:

28.04.090 LC LIGHT COMMERCIAL DISTRICT

A 1.24 ACCESSORY BUILDINGS OR USES CUSTOMARILY INCIDENT TO THE ABOVE
USES.

EXCEPTION: THE BOARD OF ZONING APPEALS MAY GRANT EXCEPTIONS TO THE HEIGHT, AREA, SETBACK AND LOCATION PROVISIONS FOR ACCESSORY STRUCTURES BY THE METHOD PROVIDED IN SECTION 2.12.560 OF THIS CODE PROVIDED THAT:

ADEQUATE ACCESS TO THE LAND IS MAINTAINED FOR FIRE AND POLICE PROTECTION
ADEQUATE ACCESS IS MAINTAINED FOR THE SERVICE OF UTILITIES
APPROPRIATE CONDITIONS OR REQUIREMENTS MAY BE MADE BY THE BOARD TO PRESERVE THE GENERAL CHARACTER OF THE NEIGHBORHOOD, AREA OR DEVELOPMENT AND TO PROVIDE FOR THE PUBLIC SAFETY, HEALTH, CONVENIENCE AND GENERAL WELFARE.

ANY ACCESSORY STRUCTURE ERECTED UNDER THE PROVISIONS OF THE ZONING ORDINANCE OR ANY OF ITS PROVISIONS IN EFFECT PRIOR TO (as may be adopted), 1961, ^{may} CONTINUE TO EXIST AND BE MAINTAINED FOR A PERIOD OF 20 YEARS FROM THAT DATE; AND AT WHICH TIME SUCH ACCESSORY STRUCTURE SHALL BE REMOVED OR SHALL BE MADE TO CONFORM TO ALL PROVISIONS OF THE THEN EXISTING ORDINANCE OR CODE GOVERNING ACCESSORY STRUCTURES.

AMEND TO READ AS FOLLOWS:

28.04.040, 28.04.050, 28.04.060, 28.04.070, 28.04.080

- C.2.4 ACCESSORY STRUCTURES SHALL BE LOCATED IN COMPLIANCE WITH THE SIDE YARD REQUIREMENTS FOR MAIN USES OR STRUCTURES OF THE DISTRICT IN WHICH LOCATED. NO ACCESSORY STRUCTURE SHALL BE LOCATED ON ANY PLATTED OR RECORDED EASEMENT.
- C.3.2 ACCESSORY STRUCTURES SHALL NOT BE LESS THAN 5 FEET FROM ANY REAR YARD LINE EXCEPT THAT, ACCESSORY STRUCTURES SHALL BE NOT LESS THAN TEN FEET FROM THE CENTER LINE OF ANY PLATTED ALLEY.

9. EXCEPTION: THE BOARD OF ZONING APPEALS MAY GRANT EXCEPTIONS TO THE HEIGHT, AREA, SETBACK AND LOCATION PROVISIONS FOR ACCESSORY STRUCTURES BY THE METHOD PROVIDED IN SECTION 13 OF THIS RESOLUTION PROVIDED THAT:

ADEQUATE ACCESS TO THE LAND IS MAINTAINED FOR FIRE AND POLICE PROTECTION
ADEQUATE ACCESS IS MAINTAINED FOR THE SERVICE OF UTILITIES

APPROPRIATE CONDITIONS OR REQUIREMENTS MAY BE MADE BY THE BOARD TO PRESERVE THE GENERAL CHARACTER OF THE NEIGHBORHOOD, AREA OR DEVELOPMENT AND TO PROVIDE FOR THE PUBLIC SAFETY, HEALTH, CONVENIENCE AND GENERAL WELFARE.

10. ANY ACCESSORY STRUCTURE ERECTED UNDER THE PROVISIONS OF THE ZONING ORDINANCE OR ANY OF ITS PROVISIONS IN EFFECT PRIOR TO *(Whenever adopted)* 1961, MAY CONTINUE TO EXIST AND BE MAINTAINED FOR A PERIOD OF 20 YEARS FROM THAT DATE; AND AT WHICH TIME SUCH ACCESSORY STRUCTURE SHALL BE REMOVED OR SHALL BE MADE TO CONFORM TO ALL PROVISIONS OF THE THEN EXISTING ORDINANCE OR CODE GOVERNING ACCESSORY STRUCTURES.

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COUNTY ZONING RESOLUTION - ACCESSORY USES

DELETE AS FOLLOWS:

SECTION 2 DEFINITIONS

ACCESSORY BUILDING.

ADD AS FOLLOWS:

SECTION 2 DEFINITIONS

ACCESSORY STRUCTURE: ANY CONSTRUCTION, PRODUCTION OR PIECE OF WORK BUILT UP OR COMPOSED OF PARTS JOINED TOGETHER AND AFFIXED TO THE LAND OR REAL PROPERTY EXCLUDING POLES, FENCES, WALKS AND OTHER SUCH MINOR INCIDENTAL IMPROVEMENTS.

AMEND TO READ AS FOLLOWS:

SECTION 3 "R" RURAL RESIDENTIAL DISTRICT

A 6 ACCESSORY STRUCTURES

D 4 REAR YARD: THERE SHALL BE A REAR YARD OF NOT LESS THAN TWENTY-FIVE (25) PERCENT OF THE DEPTH OF THE LOT, BUT SUCH REAR YARD NEED NOT EXCEED TWENTY-FIVE (25) FEET, EXCEPT AS OCCUPIED BY AN ACCESSORY STRUCTURE UNDER THE PROVISIONS AS SPECIFIED BY SECTION 11 A.

SECTION 4 "R-1" SUBURBAN RESIDENTIAL DISTRICT

A 8 ACCESSORY STRUCTURES

D 4 REAR YARD: THERE SHALL BE A REAR YARD OF NOT LESS THAN TWENTY-FIVE (25) PERCENT OF THE DEPTH OF THE LOT, BUT SUCH REAR YARD NEED NOT EXCEED TWENTY-FIVE (25) FEET, EXCEPT AS OCCUPIED BY AN ACCESSORY STRUCTURE UNDER THE PROVISIONS AS SPECIFIED BY SECTION 11 A.

SECTION 5 "AA" ONE-FAMILY RESIDENTIAL DISTRICT

A 8 ACCESSORY STRUCTURES

D 4 REAR YARD: THERE SHALL BE A REAR YARD OF NOT LESS THAN TWENTY-FIVE (25) PERCENT OF THE DEPTH OF THE LOT, BUT SUCH REAR YARD NEED NOT EXCEED TWENTY (20) FEET, EXCEPT AS OCCUPIED BY AN ACCESSORY STRUCTURE UNDER THE PROVISIONS AS SPECIFIED BY SECTION 11 A.

ADD AS FOLLOWS:

SECTION 6 "BB" OFFICE DISTRICT CLASSIFICATION

A 8 ACCESSORY STRUCTURES

AMEND TO READ AS FOLLOWS:

SECTION 6 "BB" OFFICE DISTRICT CLASSIFICATION

D 4 REAR YARD: THERE SHALL BE A REAR YARD OF NOT LESS THAN TWENTY-FIVE (25) PERCENT OF THE DEPTH OF THE LOT, BUT SUCH REAR YARD NEED NOT EXCEED TWENTY-FIVE (25) FEET, EXCEPT AS OCCUPIED BY AN ACCESSORY STRUCTURE UNDER THE PROVISIONS AS SPECIFIED BY SECTION 11 A.

AMEND TO READ AS FOLLOWS:

SECTION 7 "LC" LIGHT COMMERCIAL DISTRICT

A 65 ACCESSORY STRUCTURES

D 4 REAR YARD: THERE SHALL BE A REAR YARD OF NOT LESS THAN TEN (10) FEET.

SECTION 8 "C" GENERAL COMMERCIAL DISTRICT

A 29 ACCESSORY STRUCTURES

SECTION 9 "E" LIGHT INDUSTRIAL DISTRICT

A 4 ACCESSORY STRUCTURE

AMEND TO READ AS FOLLOWS:

SECTION II, SUPPLEMENTAL REGULATIONS

A. ACCESSORY STRUCTURES:

ALL ACCESSORY STRUCTURES SHALL BE SUBJECT TO THE FOLLOWING:

1. NO ACCESSORY STRUCTURE SHALL BE LOCATED NEARER TO THE FRONT LOT LINE THAN THE MAIN BUILDING.
2. NO ACCESSORY STRUCTURE SHALL BE LOCATED NEARER TO THE REAR LOT LINE THAN THE REQUIREMENT FOR THE MAIN USE OR STRUCTURE.
3. NO ACCESSORY STRUCTURE SHALL BE LOCATED NEARER TO THE REAR LOT LINE THAN FIVE FEET EXCEPT THAT THEY SHALL NOT BE LESS THAN TEN FEET FROM THE CENTER OF ANY PLATTED OR DEDICATED ALLEY.
4. IN NO EVENT SHALL AN ACCESSORY STRUCTURE BE LOCATED ON ANY PLATTED OR RECORDED EASEMENT, ALLEY OR PUBLIC WAY.
5. WHEN LOCATED ON A CORNER LOT, THE REAR OF WHICH ABUTS UPON THE SIDE OF ANOTHER LOT, SAID ACCESSORY BUILDINGS SHALL NOT PROJECT BEYOND THE FRONT YARD LINE REQUIRED ON THE LOT IN REAR OF SUCH CORNER LOT.
6. NO ACCESSORY USE SHALL BE LOCATED ON ANY LOT WHICH SHALL REDUCE THE REQUIRED OFF-STREET PARKING OR LOADING SPACES.
7. ACCESSORY STRUCTURES MAY NOT BE ERECTED OR CONSTRUCTED TO A HEIGHT GREATER THAN THAT EQUAL TO 60 PERCENT OF THE MAXIMUM HEIGHT PERMITTED IN THE DISTRICT IN WHICH LOCATED.
8. ACCESSORY STRUCTURES MAY NOT OCCUPY MORE THAN ONE HALF OF A REAR YARD OR ONE HALF OF A SIDE YARD.

AMEND TO READ AS FOLLOWS:

SECTION II, SUPPLEMENTAL REGULATIONS

A. ACCESSORY STRUCTURES:

ALL ACCESSORY STRUCTURES SHALL BE SUBJECT TO THE FOLLOWING:

1. No ACCESSORY STRUCTURE SHALL BE LOCATED NEARER TO THE FRONT LOT LINE THAN THE MAIN BUILDING.
2. No ACCESSORY STRUCTURE SHALL BE LOCATED NEARER TO THE REAR LOT LINE THAN THE REQUIREMENT FOR THE MAIN USE OR STRUCTURE.
3. No ACCESSORY STRUCTURE SHALL BE LOCATED NEARER TO THE REAR LOT LINE THAN FIVE FEET EXCEPT THAT THEY SHALL NOT BE LESS THAN TEN FEET FROM THE CENTER OF ANY PLATTED OR DEDICATED ALLEY.
4. IN NO EVENT SHALL AN ACCESSORY STRUCTURE BE LOCATED ON ANY PLATTED OR RECORDED EASEMENT, ALLEY OR PUBLIC WAY.
5. WHEN LOCATED ON A CORNER LOT, THE REAR OF WHICH ABUTS UPON THE SIDE OF ANOTHER LOT, SAID ACCESSORY BUILDINGS SHALL NOT PROJECT BEYOND THE FRONT YARD LINE REQUIRED ON THE LOT IN REAR OF SUCH CORNER LOT.
6. No ACCESSORY USE SHALL BE LOCATED ON ANY LOT WHICH SHALL REDUCE THE REQUIRED OFF-STREET PARKING OR LOADING SPACES.
7. ACCESSORY STRUCTURES MAY NOT BE ERECTED OR CONSTRUCTED TO A HEIGHT GREATER THAN THAT EQUAL TO 60 PERCENT OF THE MAXIMUM HEIGHT PERMITTED IN THE DISTRICT IN WHICH LOCATED.
8. ACCESSORY STRUCTURES MAY NOT OCCUPY MORE THAN ONE HALF OF A REAR YARD OR ONE HALF OF A SIDE YARD.

CHARLES HARRIS, VICE CHAIRMAN
ROBERT A. LAKIN, SENIOR PLANNER

SEPTEMBER 14, 1961

ACCESSORY USES

ATTACHED IS A REWRITE OF THE PROPOSED AMENDMENTS TO THE ZONING ORDINANCE AND RESOLUTION RELATIVE TO ACCESSORY USES. I BELIEVE THAT THIS COVERS THE VARIOUS POINTS WHICH WE DISCUSSED IN YOUR OFFICE.

I STILL BELIEVE THE BEST COURSE OF ACTION TO FOLLOW IS TO DEFINE ACCESSORY STRUCTURES SO THAT THE DEFINITION IS SUFFICIENTLY FLEXIBLE TO PERMIT ALL OF THE NORMAL TYPE USES SUCH AS GARAGES, TOOL SHEDS, ETC., AS WELL AS THOSE ITEMS WHICH COME INTO USE THROUGH A CHANGE IN THE TIMES, SUCH AS SWIMMING POOLS, A-BOMB SHELTERS AND STORM SHELTERS. I BELIEVE THAT, BY ADDING THE SWIMMING POOL, A-BOMB SHELTERS, ECT. AS A "USE BY RIGHT" IN THE USE PROVISIONS OF THE ORDINANCE, WE WILL LOOSE A GREAT DEAL OF FLEXIBILITY IN OUR ACCESSORY STRUCTURE PROVISION AS WELL AS ALLOW THE "INDISCRIMINATE" LOCATION OF THESE ITEMS ON PRIVATE PROPERTY. HOWEVER, THERE MAY BE OCCASION FOR THIS TYPE OF ACCESSORY STRUCTURE TO BE LOCATED ON THE FRONT OF THE LOT AND IN CERTAIN INSTANCES, EVEN IN THE FRONT YARD AREA. IF THIS IS DESIRABLE, I BELIEVE THIS CAN BEST BE HANDLED THROUGH THE BOARD OF ZONING APPEALS.

I HAD A RATHER LENGTHY DISCUSSION TODAY WITH A SALESMAN OF A BOMB SHELTER COMPANY WHO WAS RATHER DEMANDING IN HIS POSITION THAT BOMB SHELTERS SHOULD BE ALLOWED TO LOCATE IN A FRONT YARD AREA WITHOUT RESTRICTION. IF HE IS A SAMPLE OF THE TYPE OF INDIVIDUAL WITH WHICH WE WILL HAVE TO DEAL, I AM LESS SURE THAN BEFORE OF THE ADVISABILITY OF ALLOWING THE BOARD OF ZONING APPEALS THIS AREA OF DISCRETION. THROUGH THE INSTALLATION OF VENTING, ESCAPE HATCHES, ENTRANCEWAYS, A FRONT YARD COULD BECOME RATHER CLUTTERED BY THE INSTALLATION OF A BOMB SHELTER IN THIS AREA. ALTHOUGH, I DO NOT AGREE THAT THE FRONT YARD IS SACRED, IT IS STILL THE AREA OPEN TO PUBLIC VIEW AND TO THE VIEW OF THE NEIGHBORHOOD AND IT IS THAT VIEW WHICH OFTEN TIMES IS A MAJOR DETERMINATE IN THE ESTABLISHMENT OF VALUE FOR ANY PARTICULAR PIECE OF PROPERTY. IT WOULD SEEM TO ME THAT IT WOULD BE A RARE OCCURANCE THAT IT WOULD BE NECESSARY TO HAVE TO LOCATE ONE OF THESE STRUCTURES, OR FOR THAT MATTER, ANY TYPE OF STRUCTURE IN A FRONT YARD AREA.

RELATIVE TO THE DEFINITION OF AN "ACCESSORY STRUCTURE", I BELIEVE THE DEFINITION WHICH YOU SUGGESTED WILL BE ADEQUATE IN ITS PRESENT FORM WITH ONE EXCEPTION. I AM CONCERNED ABOUT THE TEMPORARY TYPE STRUCTURE OF SUFFICIENT SIZE AND MAGNITUDE AS TO PRESENT A PROBLEM IF WE ALLOW IT TO ESCAPE REGULATION. SPECIFICALLY, I AM THINKING OF THE PORTABLE SWIMMING POOL COVER WHICH THE DEFINITION WOULD NOT COVER SINCE IT IS NOT AFFIXED TO THE LAND OR REAR PROPERTY. THE PROBLEM,

I PRESUME, WILL COME WHEN THE WORD "AFFIXED" IS INTERPRETED BY THE BUILDING INSPECTION DEPARTMENT. THE SWIMMING POOL COVER MAY BE BOLTED TO CONCRETE ANCHOR POINTS AROUND THE POOL IN ORDER TO ASSURE THAT IT WILL NOT BLOW AWAY. IN THE SAME MANNER, A HOUSE IS BOLTED TO ITS FOUNDATION. GENERALLY SPEAKING, A HOUSE WOULD BE AFFIXED TO THE LAND. HOWEVER, IN OUR CONVERSATION THE OTHER DAY, YOU SUGGESTED THAT THE SWIMMING POOL COVER, EVEN THOUGH TEMPORARILY AFFIXED, WOULD NOT BE CONSIDERED AS "AFFIXED TO THE LAND" IN TERMS OF THE LAW. I DO NOT BELIEVE IT IS IN THE BEST INTEREST OF THE CITY TO ALLOW SUCH A MAJOR SIZED ITEM SUCH AS A SWIMMING POOL COVER (OR ANY OTHER ITEM SUCH AS REVIVAL TENTS, ETC.) TO BE ERECTED WITHOUT ANY REGULATION BOTH AS TO BUILDING CODE AND AS TO LOCATION THROUGH PROVISIONS OF THE ZONING ORDINANCE. ALTHOUGH SUCH STRUCTURE MIGHT BE TEMPORARY, ONLY EXISTING FOR THREE TO SIX MONTHS OF THE YEAR, CONCEIVABLY THIS ITEM OR SIMILAR ITEMS COULD BE SO PLACED ON PROPERTY AS TO NOT COME UNDER THE DEFINITION AND STAND THROUGHOUT THE YEAR. I DO NOT BELIEVE WE CAN ADD A TIME LIMIT OR PROVISION AS TO WHETHER IT IS TEMPORARY OR PERMANENT AS THIS WOULD MAKE A DIFFICULT ITEM TO ENFORCE.

THE OTHER PART OF THE PROBLEM OF THE DEFINING OF ACCESSORY STRUCTURES BY INCLUDING SPECIFICS FOR THE EXCLUSION PROVISIONS IS ADEQUATE IN THE MANNER IN WHICH WE HAVE IT WRITTEN. I DO NOT BELIEVE THAT WE CAN SUFFICIENTLY COVER ALL POSSIBILITIES OF EXCLUSIONS TO ALLOW THE DELETION OF THE PHRASE "OTHER SUCH MINOR INCIDENTAL IMPROVEMENTS".

ROBERT A. LAKIN
SENIOR PLANNER

RAL:MM

ATTACHMENT

CC: L. L. LITTLE
DIRECTOR OF PLANNING

CITY ZONING ORDINANCE

*Concrete structure
as permanently attached*
35
160

DELETE AS FOLLOWS:

28.04.020 DEFINITIONS

ACCESSORY BUILDING. *eliminates rear yard*

ADD AS FOLLOWS:

28.04.020 DEFINITIONS

ACCESSORY ~~USE OR~~ STRUCTURE: AN ACCESSORY ~~USE OR~~ STRUCTURE IS
A SUBORDINATE ~~USE OF LAND OR~~ STRUCTURE, CUSTOMARILY INCIDENT
TO AND LOCATED ON THE SAME LOT OR TRACT WITH THE MAIN USE OR
STRUCTURE. *incl but not limited to
pools & shelters*

AMEND TO READ AS FOLLOWS:

28.04.040 AA ONE-FAMILY DWELLING DISTRICT REGULATIONS

A 8 ACCESSORY STRUCTURES PROVIDED THEY ARE LOCATED IN THE SIDE
OR REAR YARD AND NOT LOCATED ANY NEARER TO THE FRONT LOT
LINE THAN THE MAIN USE OR STRUCTURE. *provided however that in addition*
A CORNER (OR OTHER) LOT, THE REAR OF WHICH ABUTS UPON THE
SIDE OF ANOTHER LOT, SAID STRUCTURE SHALL NOT PROJECT
BEYOND THE *projected* FRONT YARD LINE REQUIRED ON THE LOT IN REAR OF
SUCH CORNER LOT. *setback* NO ACCESSORY STRUCTURE MAY UTILIZE MORE
THAN ~~(ONE-THIRD)~~ *50%* OF THE AREA OF ANY SIDE YARD, OR REAR YARD,
PROVIDED THAT THE AREA OF ONE SHALL NOT INCLUDE THE OTHER.
NO ACCESSORY STRUCTURE SHALL EXCEED ~~ONE-HALF~~ *60%* THE ALLOWABLE
HEIGHT REQUIREMENTS OF THE DISTRICT. (ACCESSORY STRUCTURES
SHALL BE LOCATED AT LEAST 3 FEET FROM THE MAIN STRUCTURE
AND HAVE NO DEFINITE ATTACHMENT THERETO.)
EXCEPTION: THE BOARD OF ZONING APPEALS MAY GRANT EXCEPTIONS
TO THE HEIGHT, AREA, SETBACK AND LOCATION PROVISIONS FOR
ACCESSORY STRUCTURES BY THE METHOD PROVIDED IN SECTION
2.12. _____ OF THIS CODE PROVIDED THAT: *? in lieu of or
in addition*

*Grandfather clause
all such existing
allowed to continue*

ADEQUATE ACCESS TO THE LAND IS MAINTAINED FOR FIRE
AND POLICE PROTECTION
ADEQUATE ACCESS IS MAINTAINED FOR THE SERVICE OF
UTILITIES
APPROPRIATE CONDITIONS OR REQUIREMENTS MAY BE MADE BY
THE BOARD OF PRESERVE THE GENERAL CHARACTER OF THE
NEIGHBORHOOD, AREA OR DEVELOPMENT AND TO PROVIDE
FOR THE PUBLIC SAFETY, HEALTH, CONVENIENCE AND GEN-
ERAL WELFARE.

AMEND TO READ AS FOLLOWS:

28.04.040, 28.04.050, 28.04.060, 28.04.070, 28.04.080

C 2.4 ACCESSORY STRUCTURES SHALL BE LOCATED IN COMPLIANCE WITH
THE SIDE YARD REQUIREMENTS FOR MAIN USES OR STRUCTURES
OF THE DISTRICT IN WHICH LOCATED. NO ACCESSORY STRUCTURE
SHALL BE LOCATED ON ANY PLATTED OR RECORDED EASEMENT.

C 3.2 ACCESSORY STRUCTURES SHALL NOT BE LESS THAN 3 FEET FROM
ANY REAR YARD LINE ABUTTING ANY LOT, PARCEL OR TRACT OF
LAND OR ANY PUBLIC STREET EXCEPT THAT, ACCESSORY STRUC-
TURES SHALL BE NOT LESS THAN TEN FEET FROM THE CENTER
LINE OF ANY PLATTED ALLEY. WHERE THERE IS NO PLATTED
ALLEY, SUCH USE SHALL BE LOCATED NOT LESS THAN FIVE
FEET FROM THE REAR LOT LINE, BUT IN NO CASE SHALL THEY
BE LOCATED ON ANY PLATTED OR RECORDED EASEMENT OR ALLEY.

DELETE AS FOLLOWS:

28.04.070

A 14 ACCESSORY BUILDINGS INCIDENTAL TO THE ABOVE USES AND
LOCATED ON THE SAME LOT, NOT INVOLVING THE CONDUCT OF
A RETAIL BUSINESS, COMMERCIAL BUSINESS OR REPAIR BUSINESS.

AMEND TO READ AS FOLLOWS:

28.04.090 LC LIGHT COMMERCIAL DISTRICT

A 1.24 ACCESSORY STRUCTURES PROVIDED THEY ARE LOCATED IN THE SIDE
OR REAR YARD AND NOT LOCATED ANY NEARER TO THE FRONT LOT

LINE THAN THE MAIN USE OR STRUCTURE. WHENEVER LOCATED ON A CORNER OR OTHER LOT, THE REAR OF WHICH ABUTS UPON THE SIDE OF ANOTHER LOT, SAID STRUCTURES SHALL NOT PROJECT BEYOND THE FRONT YARD LINE REQUIRED ON THE LOT IN REAR OF SUCH CORNER LOT. NO ACCESSORY STRUCTURE MAY UTILIZE MORE THAN ONE THIRD OF THE AREA OF ANY SIDE YARD, OR REAR YARD, PROVIDED THAT THE AREA OF ONE SHALL INCLUDE THE OTHER. NO ACCESSORY STRUCTURE SHALL EXCEED ONE HALF THE ALLOWABLE HEIGHT REQUIREMENTS OF THE DISTRICT. ACCESSORY STRUCTURES SHALL BE LOCATED AT LEAST 3 FEET FROM THE MAIN STRUCTURE AND HAVE NO DEFINITE ATTACHMENT THERETO. NO ACCESSORY STRUCTURE SHALL ELIMINATE ANY OFF-STREET PARKING OR LOADING SPACE OR AREA REQUIRED BY THIS CHAPTER. EXCEPTION: THE BOARD OF ZONING APPEALS MAY GRANT EXCEPTIONS TO THE HEIGHT, AREA, SETBACK AND LOCATION PROVISIONS FOR ACCESSORY STRUCTURES BY THE METHOD PROVIDED IN SECTION 2.12. _____ OF THIS CODE PROVIDED THAT:

ADEQUATE ACCESS TO THE LAND IS MAINTAINED FOR FIRE AND POLICE PROTECTION
ADEQUATE ACCESS IS MAINTAINED FOR THE SERVICE OF UTILITIES

APPROPRIATE CONDITIONS OR REQUIREMENTS MAY BE MADE BY THE BOARD TO PRESERVE THE GENERAL CHARACTER OF THE NEIGHBORHOOD, AREA OR DEVELOPMENT AND TO PROVIDE FOR THE PUBLIC SAFETY, HEALTH, CONVENIENCE AND GENERAL WELFARE.

COUNTY ZONING RESOLUTION - ACCESSORY USES

DELETE AS FOLLOWS:

SECTION 2 DEFINITIONS

ACCESSORY BUILDING.

ADD AS FOLLOWS:

SECTION 2 DEFINITIONS

ACCESSORY USE OR STRUCTURE: AN ACCESSORY USE OR STRUCTURE IS A SUBORDINATE USE OF LAND OR STRUCTURE CUSTOMARILY INCIDENT TO AND LOCATED ON THE SAME LOT OR TRACT WITH THE MAIN USE OR STRUCTURE.

AMEND TO READ AS FOLLOWS:

SECTION 3 "R" RURAL RESIDENTIAL DISTRICT

A 6 ACCESSORY STRUCTURES

D 4 REAR YARD: THERE SHALL BE A REAR YARD OF NOT LESS THAN TWENTY-FIVE (25) PERCENT OF THE DEPTH OF THE LOT, BUT SUCH REAR YARD NEED NOT EXCEED TWENTY-FIVE (25) FEET, EXCEPT AS OCCUPIED BY AN ACCESSORY STRUCTURE UNDER THE PROVISIONS AS SPECIFIED BY SECTION 11 A.

SECTION 4 "R-1" SUBURBAN RESIDENTIAL DISTRICT

A 8 ACCESSORY STRUCTURES

D 4 REAR YARD: THERE SHALL BE A REAR YARD OF NOT LESS THAN TWENTY-FIVE (25) PERCENT OF THE DEPTH OF THE LOT, BUT SUCH REAR YARD NEED NOT EXCEED TWENTY-FIVE (25) FEET, EXCEPT AS OCCUPIED BY AN ACCESSORY STRUCTURE UNDER THE PROVISIONS AS SPECIFIED BY SECTION 11 A.

SECTION 5 "AA" ONE-FAMILY RESIDENTIAL DISTRICT

A 8 ACCESSORY STRUCTURES

D 4 REAR YARD: THERE SHALL BE A REAR YARD OF NOT LESS THAN TWENTY-FIVE (25) PERCENT OF THE DEPTH OF THE LOT, BUT SUCH REAR YARD NEED NOT EXCEED TWENTY (20) FEET, EXCEPT AS OCCUPIED BY AN ACCESSORY STRUCTURE UNDER THE PROVISIONS AS SPECIFIED BY SECTION 11A.

ADD AS FOLLOWS:

SECTION 6 "BB" OFFICE DISTRICT CLASSIFICATION

A 8 ACCESSORY STRUCTURES

AMEND TO READ AS FOLLOWS:

SECTION 6 "BB" OFFICE DISTRICT CLASSIFICATION

D 4 REAR YARD: THERE SHALL BE A REAR YARD OF NOT LESS THAN TWENTY-FIVE (25) PERCENT OF THE DEPTH OF THE LOT, BUT SUCH REAR YARD NEED NOT EXCEED TWENTY-FIVE (25) FEET, EXCEPT AS OCCUPIED BY AN ACCESSORY STRUCTURE UNDER THE PROVISIONS AS SPECIFIED BY SECTION 11 A.

AMEND TO READ AS FOLLOWS:

SECTION 7 "LC" LIGHT COMMERCIAL DISTRICT

A 64 ACCESSORY STRUCTURES

D 4 REAR YARD: THERE SHALL BE A REAR YARD OF NOT LESS THAN TEN (10) FEET.

SECTION 8 "C" GENERAL COMMERCIAL DISTRICT

A 29 ACCESSORY STRUCTURES

SECTION 9 "E" LIGHT INDUSTRIAL DISTRICT

A 4 ACCESSORY STRUCTURE

AMEND TO READ AS FOLLOWS:

SECTION II, SUPPLEMENTAL REGULATIONS

A. ACCESSORY STRUCTURES:

ALL ACCESSORY STRUCTURES SHALL BE SUBJECT TO THE FOLLOWING:

1. No ACCESSORY STRUCTURE SHALL BE LOCATED NEARER TO THE FRONT LOT LINE THAN THE MAIN BUILDING.
2. No ACCESSORY STRUCTURE SHALL BE LOCATED NEARER TO THE SIDE LOT LINE THAN THE REQUIREMENT FOR THE MAIN USE OR STRUCTURE.
3. No ACCESSORY STRUCTURE SHALL BE LOCATED NEARER TO THE REAR LOT LINE THAN FIVE FEET EXCEPT THAT THEY SHALL NOT BE LESS THAN TEN FEET FROM THE CENTER OF ANY PLATTED OR DEDICATED ALLEY.
4. IN NO EVENT SHALL AN ACCESSORY STRUCTURE BE LOCATED ON ANY PLATTED OR RECORDED EASEMENT, ALLEY OR PUBLIC WAY.
5. WHEN LOCATED ON A CORNER LOT, THE SIDE OF WHICH ABUTS UPON THE SIDE OF ANOTHER LOT, SAID ACCESSORY BUILDINGS SHALL NOT PROJECT BEYOND THE FRONT YARD LINE REQUIRED ON THE LOT IN REAR OF SUCH CORNER LOT.
6. No ACCESSORY USE SHALL BE LOCATED ON ANY LOT WHICH SHALL REDUCE THE REQUIRED OFF-STREET PARKING OR LOADING SPACES.
7. ACCESSORY STRUCTURES MAY NOT BE ERECTED OR CONSTRUCTED TO A HEIGHT GREATER THAN THAT EQUAL TO ONE-HALF OF THE MAXIMUM HEIGHT PERMITTED IN THE DISTRICT IN WHICH LOCATED.
8. ACCESSORY STRUCTURES MAY NOT OCCUPY MORE THAN 30 PERCENT OF A REAR YARD OR 30 PERCENT OF A SIDE YARD.

9. EXCEPTION: THE BOARD OF ZONING APPEALS MAY GRANT EXCEPTIONS TO THE HEIGHT, AREA, SETBACK AND LOCATION PROVISIONS FOR ACCESSORY STRUCTURES BY THE METHOD PROVIDED IN SECTION 13 OF THIS RESOLUTION PROVIDED THAT:

ADEQUATE ACCESS TO THE LAND IS MAINTAINED FOR FIRE AND POLICE PROTECTION

ADEQUATE ACCESS IS MAINTAINED FOR THE SERVICE OF UTILITIES

APPROPRIATE CONDITIONS OR REQUIREMENTS MAY BE MADE BY THE BOARD TO PRESERVE THE GENERAL CHARACTER OF THE NEIGHBORHOOD, AREA OR DEVELOPMENT AND TO PROVIDE FOR THE PUBLIC SAFETY, HEALTH, CONVENIENCE AND GENERAL WELFARE.

THE CITY OF WICHITA

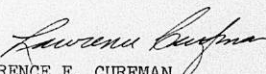
OFFICE OF Assistant City Attorney **DATE** September 5, 1961

TO L. L. Little, Director of Planning

FROM Lawrence Curfman

SUBJECT Accessory Buildings

I reviewed your memorandum of August 18, subject as above, and the proposed amendments to the zoning ordinance. While I did not check each section of the proposed amendment carefully, it would appear to me that you have satisfactorily accomplished the amendment which you deemed desirable to make.


LAWRENCE E. CURFMAN
Assistant City Attorney

LEC:sm

cc: Fred W. Aley



THE CITY OF WICHITA
OFFICE OF BUILDING INSPECTION

DATE August 31, 1961



TO Robert A. Lakin, Senior Planner, Planning Department
FROM S. B. Maple, Superintendent of Building Inspection

SUBJECT Change in Zoning Ordinance Relative
To Accessory Buildings

I have studied the report which you have prepared for the Planning Commission together with the proposed changes in the Zoning Ordinance quite extensively and I agree in principle. However, I do not believe that we should go as far as you have set forth by allowing accessory uses or structures in a side yard. A garage detached from a residence could be quite obnoxious if located with its front in line with houses in the area. We have very successfully kept detached garages and carports out of the side yards and have only a few times been approached as to the desire to locate swimming pools therein. It is believed that since you propose to incorporate the right of appeal to the Board of Zoning Appeals, accessory buildings should be kept out of side yards as far as the provision of the ordinance is concerned. I am therefore basing my comments as providing for accessory buildings and uses to be in the rear yard as it is now contained in the ordinance.

It is believed that the term "accessory uses and structures" should be used in lieu of "accessory buildings" as now provided for. It seems as though this would take care of swimming pools and storm shelters where they are located below the ground level. In reviewing your proposed changes to the Zoning Ordinance, I would like to submit the following for your consideration to be used in lieu of those which you have suggested:

Section 28.04.020 Definitions ACCESSORY USE OR STRUCTURE: An accessory use or structure is a subordinate use of land or structure customarily incident to and located in and occupying not over thirty percent of the rear yard of the same lot or tract with the main use or structure.

Section 28.04.040 AA one-family dwelling district regulations

- A 9 Accessory structures provided they are located in the rear and not located any nearer than 3' from the rear of the main use or structure. Whenever located on a corner or other lot adjoining a side street, said structure shall not project beyond the line of the main use or structure. No Accessory structure may utilize more than one third of the area of any rear yard. No accessory structure shall exceed one half the allowable height requirements of the district. Accessory structures shall be located at least 3' from the main structure and if attached thereto, in any definite manner shall become a part of the main structure and be subjected to the setbacks governing such main structures.
- EXCEPTIONS: The Board of Zoning Appeals may grant exceptions to the height, area, setback and location provisions for accessory structures by the method

? x Front yard

provided in Section 2.12. ___ of this Code.

Sections 28.04.040, 28.04.050, 28.04.060, 28.04.060, 28.04.070, 28.04.080
C 2.4 No change from present ordinance
C 3.2 No change from present ordinance

Section 28.04.070 Delete as suggested

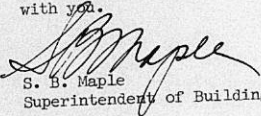
Section 28.04.090 IC Light Commercial District

A. 1.24 Accessory structures which shall be subject to the same setback requirements as the main structure on the lot.

You will notice that I suggest omitting the provisions under which the Board of Zoning Appeals may grant exceptions. It is believed that these provisions are superfluous since the board has a right to require certain provisions in regard to their granting an appeal in any case.

In regard to paragraph C 2.4 on all the sections governing residential districts, I would suggest that the present ordinance would cover the matter of side yards adequately if accessory structures are not to be permitted in the side yard of a main building. It is further believed that paragraph C 3.2 of the present ordinance covering rear yard accessory structures is sufficient and therefore should not be subject to change. I would agree that paragraph A 14 of Section 28.04.070 is unnecessary and should be deleted. I do not see the real necessity for paragraph A 1.24 of Section 28.04.090 but if it is retained in the ordinance, I would suggest that it be changed as shown.

After you have had an opportunity to study my comments, I will be glad to go over them with you.


S. B. Maple
Superintendent of Building Inspection

SEM:ml

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

TO CHARLES HARRIS, VICE-CHAIRMAN **DATE** AUGUST 18, 1961
FROM L. L. LITTLE, DIRECTOR
SUBJECT ACCESSORY BUILDINGS

ATTACHED IS A DRAFT OF A MEMORANDUM AND CERTAIN CHANGES TO BOTH THE CITY ORDINANCES AND COUNTY ZONING RESOLUTION WHICH WE THINK WILL ADEQUATELY PROVIDE FOR SWIMMING POOLS AND FALLOUT SHELTERS. WE HAVE ATTEMPTED TO REVIEW THE ACCESSORY BUILDING PROVISIONS TO ALLOW A BROADER APPLICATION. I BELIEVE THIS MAY ALSO SOLVE SOME OF OUR FUTURE PROBLEMS FOR ITEMS UNKNOWN AT THIS TIME.

AS SOON AS THE LEGAL DEPARTMENT, MR. MAPLE AND MR. COX REVIEW THE PROPOSED CHANGES, I BELIEVE WE SHOULD BE IN A POSITION TO MAKE FINAL CORRECTIONS AND PRESENT THE MATTER TO THE PLANNING COMMISSION FOR THEIR CONSIDERATION.

THIS CAN PROBABLY BE ACCOMPLISHED BY EITHER THE FIRST OR SECOND MEETING IN SEPTEMBER. I WILL BE HAPPY TO DISCUSS THE QUESTIONS YOU HAVE ON THE MATTER WITH YOU AT YOUR CONVENIENCE.

Robert Little
for L. L. LITTLE
DIRECTOR OF PLANNING

LLL/RAL:MM

SUBJECT: PRIVATE SWIMMING POOLS

RECENTLY, THE BOARD OF ZONING APPEALS CONSIDERED A CASE WHERE THE QUESTION OF PRIVATE SWIMMING POOLS WAS DISCUSSED. THE CASE DID NOT DIRECTLY INVOLVE THE QUESTION OF THE SWIMMING POOLS ITSELF, BUT RATHER A PORTABLE COVER FOR THE POOL. AS A RESULT OF CONFUSION ON BOTH MATTERS, (SWIMMING POOL AND COVER), THE BZA ASKED THAT THE STAFF REVIEW THE PROBLEMS INVOLVED AND MAKE THE APPROPRIATE SUGGESTIONS TO THE MAPC TO CLARIFY THE SITUATION.

THE CITY ZONING ORDINANCE DOES NOT SPECIFICALLY PROVIDE FOR SWIMMING POOLS EXCEPT BY A SPECIAL PERMIT FOR NON-PROFIT CLUBS IN RESIDENTIAL ZONES; AND EXCEPT FOR COMMERCIAL POOLS IN THE "C" OR LESS RESTRICTED DISTRICTS. THE COUNTY ZONING RESOLUTION ^{over} (SLAD) CONTAINS SIMILAR TERMS OF OMISSION.

PRIVATE POOLS FOR RESIDENCES HAVE GENERALLY BEEN CONSIDERED AS ACCESSORY USES TO RESIDENCES. THE ORDINANCE PROVIDES THAT "ACCESSORY BUILDINGS" MAY BE PERMITTED IN THE RESIDENTIAL ZONES PROVIDED, HOWEVER, THAT THEY ARE LOCATED IN THE "REAR YARD". IT IS AT THIS POINT THAT CONFUSION BEGINS. THE ORDINANCE PROVIDES FOR "ACCESSORY BUILDINGS" RATHER THAN ACCESSORY USES OR STRUCTURES. BY DEFINITION, A BUILDING IS A STRUCTURE HAVING A ROOF. SWIMMING POOLS IN GENERAL DO NOT COMPLY AND THUS, BY THE MANNER IN WHICH THE ORDINANCE IS CONSTRUCTED (PERMITTING ONLY THAT SPECIFICALLY PROVIDED FOR), A PRIVATE SWIMMING POOL WOULD TECHNICALLY NOT BE ALLOWED IN RESIDENTIAL ZONES.

THIS PROBLEM CAN BE SOLVED IN SEVERAL WAYS. ONE, AMEND THE ORDINANCE TO PROVIDE FOR ACCESSORY USES INSTEAD OF ACCESSORY BUILDINGS. TWO, SET OUT PRIVATE SWIMMING POOLS AS A ^{a bank & storm shelters} "USE BY RIGHT" IN THE RESIDENTIAL ZONES. THREE, AMEND THE ORDINANCE TO PROVIDE FOR ACCESSORY STRUCTURES INSTEAD OF ACCESSORY BUILDINGS. AND FINALLY, ALLOW THE BZA TO GRANT EXCEPTIONS FOR EACH AND EVERY PRIVATE SWIMMING POOL. THE BEST

EFFECT CAN BE ACHIEVED BY COMBINING THE LAST TWO POSSIBILITIES.

IF "ACCESSORY STRUCTURES" REPLACES ACCESSORY BUILDINGS, THE USES ARE LIMITED BY THE DEFINITION OF "STRUCTURE" TO BUILDING MATERIALS JOINED TOGETHER TO GIVE STRENGTH AND RIGIDITY TO EACH OTHER IN FINAL ASSEMBLY. THIS REQUIRES ANY SUCH PROVISION TO BE RATHER STRICTLY CONSTRUED AND WOULD ELIMINATE THE POSSIBILITY OF CERTAIN USES BEING LABELED FOR SOMETHING THEY ARE NOT. FOR INSTANCE, IN LIGHT COMMERCIAL DISTRICTS, RETAIL SHOPS SUCH AS FOOD STORES, FURNITURE STORES AND OTHERS MIGHT CLAIM A RIGHT TO DISPLAY AND SELL MERCHANDISE OUTDOORS AS AN "ACCESSORY USE" CUSTOMARILY INCIDENT TO THE MAIN USE". SINCE LIGHT COMMERCIAL LIMITS ACTIVITIES TO INDOOR USES, THIS COULD LEAD TO SOME CONFUSION. NO LIMITING FEATURE OF USING THE TERM "STRUCTURE" RATHER THAN "USE" IS SEEN AT THIS TIME.

RECOGNIZING PRIVATE SWIMMING POOLS AS A USE BY RIGHT WOULD ALLOW POOLS TO BE LOCATED ANY PLACE ON THE LOT THAT A MAIN STRUCTURE WOULD BE PERMITTED AND WOULD NOT CORRECT THE PROBLEM RELATED TO OTHER ACCESSORY STRUCTURES. THE OTHER ALTERNATIVE IS TO ALLOW THE BZA TO CONTROL THE LOCATION AND INSTALLATION ON AN INDIVIDUAL BASIS. THIS, OF COURSE, CREATES AN ADDITIONAL IMPEDIMENT AND EXPENSE TO THE INDIVIDUAL WANTING TO INSTALL A POOL, AS WELL AS CREATING ADDITIONAL WORK LOADS FOR THE BOARD AND STAFF.

BY COMBINING THE PHRASE "ACCESSORY STRUCTURE", AND A PROVISION ALLOWING CERTAIN EXCEPTIONS TO BE GRANTED BY THE BZA, IT IS BELIEVED THAT MOST PROBLEMS CONCERNING SWIMMING POOLS CAN BE ELIMINATED. "ACCESSORY STRUCTURE" WOULD INCLUDE ITEMS SUCH AS THE SWIMMING POOL ITSELF, AS WELL AS COVERS, PERMANENT OR TEMPORARY; STORM SHELTERS; GREENHOUSES; ETC. BY ALLOWING THE BZA TO GRANT CERTAIN EXCEPTIONS ON

THE LOCATION AND SIZE OF THE STRUCTURE OR USE, ADDITIONAL FLEXIBILITY CAN BE GAINED WITHOUT ALLOWING "CARTE BLANCH" PRIVILEGES TO THE PROPERTY OWNERS.

IN ORDER TO KEEP THE USE OF THE TERM "ACCESSORY STRUCTURES" WITHIN REASON, CONTROLS ON THE AREA, HEIGHT AND LOCATION SHOULD BE RETAINED. BY REDEFINING "ACCESSORY BUILDING" TO "ACCESSORY STRUCTURE" AND STATING THE GENERAL YARD AREA ALLOWABLE TO BE OCCUPIED AS WELL AS HEIGHT AND LOCATION CRITERIA, ADEQUATE CONTROL IS INSURED.

ATTACHED IS A SHEET LISTING THE NECESSARY AMENDMENTS TO THE CITY ZONING ORDINANCE AND COUNTY ZONING RESOLUTION TO CLARIFY THE PROBLEMS OF SWIMMING POOLS AND OTHER ACCESSORY USES.