

## History of Accessory Building Regulations

Zoning Ordinance from 1932 to 1957:

Permitted: In the Residential A Zone accessory buildings and uses were permitted, including one private garage when located not less than 60 feet from the front lot line and not less than 30 feet from the side street in the case of a corner lot; provided that no detached garage or accessory building may be built within 60 feet of a street line unless placed at least 10 feet from any party lot line intersecting such street line. An accessory building may be built to a height of two stories to provide quarters for servants employed on the premises. No minimum setback for accessory buildings is stated and no maximum lot coverage is established.

1957 Ordinance:

Adopted in September, 1956 and effective January 1, 1957, this code established the modern zoning designations with minimum lot sizes and setbacks based on the zone. The following zones and development standards were established:

### Total Lot Coverage

R-S (R-200) Zone:	25% of net lot area, including accessory buildings
R-90 Zone:	25% of net lot area, including accessory buildings
R-75 Zone:	35% of net lot area, including accessory buildings
R-60 Zone:	35% of net lot area, including accessory buildings
R-40 Zone (duplex):	40% of net lot area, including accessory buildings

(Note: Single unit detached dwellings in the R-40 Zone used the R-60 standards)

Accessory buildings were limited to one story and 15 feet in height, must be located on the same lot as the main building and only allowed in rear yard, with the following maximum rear yard coverage limitations and setback requirements:

R-S (R-200) Zone:	25% coverage; 2' setbacks
R-90 Zone:	25% coverage; 2' setbacks
R-75 Zone:	25% coverage; 2' setbacks
R-60 Zone:	25% coverage; 2' setbacks
R-40 Zone (duplex):	25% coverage; 2' setbacks

The R-E (R-400) zone was added in 1960 and the R-150 zone added into the ordinance in 1964. In both zones, the maximum lot coverage was 15 percent for all buildings. Accessory buildings had a rear yard coverage limit of 15 percent and were required to be set back from the side and rear lot lines by 20 feet.

At some point between 1975 and 1980 the code was amended to require a minimum accessory building side and rear yard setback of 3 feet in all of the zones.

The setback for a side street, in the case of specific corner lots, ranged from 20 to 30 feet, depending on the zone.

Building height was limited to 1 story not to exceed 15 feet.

An accessory use operated in an accessory structure had a floor area limit of the structure not exceeding 10 percent of the area of the lot. A garage was not considered an accessory use.

The limitations on accessory building lot coverage were whichever was more restrictive between the 10% lot area requirement and the 25% rear yard limit. In practical terms, these meant that for a standard R-60 lot of 6,000 square feet, up to 2,100 square feet (35%) could be covered by buildings, coupled with the percentage limit (25%) for the coverage in the rear yard. A modest house of 35 x 25 feet footprint (875 square feet) could have an accessory building of up to 600 square feet in the rear yard. If the lot was bigger – say 7,500 square feet – and the footprint of the house remained the same, the accessory building could be up to 750 square feet. Also note that at this time building heights were measured to the mid-point of the gable, meaning that the overall height to the peak might be up to about 18 feet.

In 1988 the code was further amended to limit the size of a detached accessory structure to ten percent of the minimum lot area of the zone, as opposed to ten percent of the actual lot area. This amendment appears to have resulted from the erection of a very large accessory structure in the Twinbrook area. The oversized lot is 12,676 square feet in the R-60 zone and the accessory structure appears to be at the limit of 10 percent of the lot area, or approximately 1,200 square feet. By setting the limit at 10 percent of the minimum lot area, this reduced the maximum accessory building size to 600 square feet in the R-60 zone regardless of how big the lot is. The limit of ten percent of the minimum lot area applied to all of the one-family zones.

These standards remained fundamentally the same until 2005, when the ordinance was amended via Text Amendment TXT2005-00216. This text amendment further limited the rear lot coverage as follows: The gross floor area must not exceed 10 percent of the minimum lot area in the R-40 and R-60 zones; 9 percent of the minimum lot area in the R-75 Zone; and 8 percent of the minimum lot area in the R-90 Zone. In no event can accessory structures occupy more than 25 percent of the rear yard. Translated into numbers, these provisions meant that accessory buildings could have a footprint (regardless of the total lot area) no larger than 600 square feet in the R-60 zone; 675 square feet in the R-75 zone; and 720 square feet in the R-90 zone.

Accessory structures that exceeded 12 feet in height had to be set back an additional two feet for each additional foot of height up to 15 feet. The limitation to no more than one story was not changed. Building height was still measured to the mid-point of the gable.

The text amendment also included a “grandfather” clause, as follows:

*Accessory structures that were constructed under the standards in effect at the time they were erected are considered conforming and may be modified, repaired, or replaced so long as they conform to the previous development standards.*

### Current Code Requirements

The standards adopted in 2005 remained in effect until the comprehensive revisions to the Zoning Ordinance were adopted in December, 2008 (effective March 16, 2009).

In summary, the revisions for accessory structures adopted with the new ordinance set the height measurement at the peak, rather than the mid-point of the gable; retained the maximum lot and rear yard coverage percentages from the prior ordinance; limited the floor area for any one building to 500 square feet; and required an additional 3 feet of setback for each additional foot of building height above 12 feet up to the 15 feet maximum. These regulations are in effect today.

One significant change with the adoption of the current ordinance was the deletion of the “grandfather” clause. The Mayor and Council determined that accessory buildings that were very large or too close to the lot line had an adverse impact on the adjoining property. Therefore, any construction or replacement of an accessory building must comply with the current standards for height, floor area and setbacks.