PROPOSED AMENDMENT 2

ISSUE

The current Village Zoning Ordinance, at Section 3.02 (1) provides that all accessory buildings shall be subject to the same setback requirements as principal structures. However, an exception is permitted for "accessory buildings and for garages (either attached or detached)," which would permit a minimum 8-foot setback from adjoining property lines. This provision was in place during a time when it was uncommon for a detached accessory building, a typical detached garage for example, to be either occupied, or taller than one story.

The proposed zoning ordinance continues the eight-foot minimum setback in the rear lot line but also permits a three-foot setback in the side yard.

The planning commission did note the increased prevalence of accessory dwelling units and two-story garages. It was also noted that at times these structures are used for other than storage. For example, at times, a second story "bunkhouse" may be occupied despite that structure having no bathroom or kitchen as is typically associated with occupied dwellings. The planning commission recognized this and attempted to address the situation by careful definitions of those structures that would be permitted to use the eight-foot setback exception. This was intended to address the concern that a two-story occupied structures with only an eight-foot rear or three-foot side yard setback would permit substantial light invasion onto adjoining properties, particularly in the Village Residential zone where lot widths and depths are limited.

While the planning commission believed that it had properly addressed this issue, comments at the public hearing suggested that that only storage uses should be permitted to use the setback exception in Section 3.01 (1) The planning commission voted four to zero to encourage adoption of revised language that would restrict use of this exception to storage uses only.

PROPOSED SOLUTION

It is suggested that Section 3.01(1) be revised to permit only storage uses to deviate from the normal setbacks applied to principal structures. This could be accomplished by adoption new Section 3.01 (1)(d), stating Section 3.01 may only be applied to reduce the set back of an accessory building or garage used for storage purposes, that exterior lighting is not permitted more than eight-feet above mean grade level measured, and that any interior lighting must be shielded so as to prevent it from shining outside the property lot line

POTENTIAL MOTION

I move that we add a section 3.01 (1)(d) to the proposed zoning ordinance that states: "The reduced setbacks permitted for Accessory Structures and Garages by this Section may only be applied to a structure used for storage purposes. Exterior lighting is not permitted more than eight feet above mean grade level and must also be shielded in a manner to prevent it from shining outside the property lot line. Any interior lighting must also be shielded in a manner to prevent it from shining outside the property lot line."