

Unified Development Ordinance (UDO) Proposed Text Amendment

Sponsor By: Plan Commission Ad-hoc
Committee on UDO
Definitions for Primary
and Accessory Structures

UDO Change Log Number: 2024-04

Date: 10/01/2024

Revised: _____

UDO Revision Affected: _____

Change Status: Draft – Change Request

I. UDO Article Description: Definitions

UDO Article #: 11.02

UDO Page #: 11-25, 11-03, 11-10, 11-11, 11-12, 11-15

Change Category: Revision

Comp Plan Objectives: Policy 7.2, Objective 7.2.1

Ensure that existing and future Clear Lake property owners can move through the permitting procedure as quickly as possible while still protecting the interests of the Town.

Policy 2.1, Objective 2.1.2

Continue to review and modify, as necessary, land use regulations so that property values are protected and enhanced.

II. Description of Change:

Modify the definitions for Primary and Accessory Structures for clarity. Modify the definitions for Envelope, Front Yard, Envelope, Lake Yard, Envelope, Rear Yard, Envelope, Side Yard and Envelope, Street Yard, and Garage for consistency with the new structure definitions.

Basis for Change:

These changes remove inconsistency and ambiguity in UDO definitions for primary and accessory structures to make it clear under what conditions the current standards as written apply to a structure. The modified definitions allow for the application of the current UDO provisions without changing the plain meaning and intent of the UDO remaining consistent with current practice and historical interpretation of the UDO.

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IV. Change Language (From, To):

Definition of Primary Structure (UDO page 11-25)

From:

Primary Structure: The structure in which the use of the lot or premises is located or conducted, with respect to residential uses, the primary structure shall be the main dwelling. An occupiable accessory structure, accessory dwelling, and commercial building shall always be considered a primary structure.

To:

Primary Structure: The structure in which the main or principal use of the lot or premises is located or conducted.

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Primary Structure, Residential: In zoning districts RE, SR, LR and MR, the primary structure shall be the main dwelling unit when a dwelling unit is present.

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Primary Structure, Non-Residential:

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In zoning districts CO, PR, IA, IS, LA and NC, the primary structure shall be the largest occupiable accessory structure, accessory structure, garage, or commercial building. In zoning district AG, the primary structure shall be the main dwelling unit when a dwelling unit is established.

Definition of Accessory Structure (UDO page 11-03)

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From:

Accessory Structure: A structure which:

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1. Is subordinate to a primary structure in area, intent, and/or purpose;
2. Contributes to the comfort, convenience, or necessity of occupants of the primary structure or primary use;
3. Does not alter or change the character of the premises;
4. Is located on the same lot as the primary structure or use;
5. Conforms to the setback, height, bulk, lot coverage, and other requirements of this Unified Development Ordinance unless otherwise provided for;
6. Is separate from a primary structure (see note below);
7. Is not designed for human occupancy as a dwelling or commercial use; and
8. In the case of a telecommunications tower, antenna, or other radio or cellular communications or equipment, a subordinate structure detached from but located on the same site, the use of which is incidental and accessory to that of the primary telecommunications tower, antenna, or other radio or cellular communications equipment.

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(Note: A roof, sidewalk, deck, unenclosed breezeway, enclosed breezeway without climate control, or the like connecting an accessory structure to a primary structure shall not result in the accessory structure being designated as a part of the primary structure.)

To:

Accessory Structure: A structure which:

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1. Is not designed or used as a dwelling or for commercial use;
2. Where a primary structure is present, is separate from and subordinate to the primary structure (see note below);
3. Conforms to the setback, height, bulk, lot coverage, and other requirements of this Unified Development Ordinance unless otherwise provided for;
4. In the case of a telecommunications tower, antenna, or other radio or cellular communications or equipment, a subordinate structure detached from but located on the same site, the use of which is incidental and accessory to that of the primary telecommunications tower, antenna, or other radio or cellular communications equipment.

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(Note: A roof, sidewalk, deck, unenclosed breezeway, enclosed breezeway without climate control, or the like connecting an accessory structure to a primary structure shall not result in the accessory structure being designated as a part of the primary structure.)

Definition of Accessory Structure, Occupiable (UDO page 11-03)

From:

Accessory Structure, Occupiable: An accessory structure used as a habitable space that is clearly complementary and incidental to a primary structure's use (e.g. recreation room, artist studio, woodworking shop or guest quarters). An occupiable accessory structure shall not include residential

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units, studio apartments, and businesses. An occupiable accessory structure may be combined with a storage-based accessory structure.

To:

Accessory Structure, Occupiable: An accessory structure used for various indoor activities (recreation room, artist studio, or woodworking shop, etc.). An occupiable accessory structure shall not include residential units, guest quarters, studio apartments, and businesses. An occupiable accessory structure may be combined with a storage-based accessory structure.

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Definitions of Envelope Yards (UDO pages 11-10, 11-11, 11-12)

From:

Envelope, Front Yard: The horizontal area from the front facade of a primary structure to the applicable front yard setback, extending to the applicable side yard setbacks. This definition also applies to the largest accessory building on a lot without a primary structure (e.g. a detached garage in a Lake Accessory district).

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To:

Envelope, Front Yard: The horizontal area from the front facade of a primary structure to the applicable front yard setback, extending to the applicable side yard setbacks.

From:

Envelope, Lake Yard: The horizontal area from the lake-facing facade of a primary structure to the applicable lake yard setback, extending to the applicable side yard setbacks. This definition also applies to the largest accessory building on a lot without a primary structure (e.g. a detached garage in a Lake Accessory district).

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To:

Envelope, Lake Yard: The horizontal area from the lake-facing facade of a primary structure to the applicable lake yard setback, extending to the applicable side yard setbacks.

From:

Envelope, Rear Yard: The horizontal area from the rear facade of a primary structure to the applicable rear yard setback, extending to the applicable side yard setbacks. This definition also applies to the largest accessory building on a lot without a primary structure (e.g. a detached garage in a Lake Accessory district).

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Envelope, Rear Yard: The horizontal area from the rear facade of a primary structure to the applicable rear yard setback, extending to the applicable side yard setbacks.

From:

Envelope, Side Yard: The horizontal area from the side facade of a primary structure to the applicable side yard setback, extending to the street yard envelope (or front yard envelope) and lake yard envelope (or rear yard envelope). This definition also applies to the largest accessory building on a lot without a primary structure (e.g. a detached garage in a Lake Accessory district).

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To:

Envelope, Side Yard: The horizontal area from the side facade of a primary structure to the applicable side yard setback, extending to the street yard envelope (or front yard envelope) and lake yard envelope (or rear yard envelope).

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From:

Envelope, Street Yard: The horizontal area from the street-facing facade of a primary structure to the applicable front yard setback, extending to the applicable side yard setbacks. This definition also applies to the largest accessory building on a lot without a primary structure (e.g. a detached garage in a Lake Accessory district).

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To:

Envelope, Street Yard: The horizontal area from the street-facing facade of a primary structure to the applicable front yard setback, extending to the applicable side yard setbacks.

Definition of Garage (UDO page 11-15)

From:

Garage: An attached or detached structure whose primary use is to house motor vehicles or personal property for the accommodation of related dwelling units or related business establishments. A detached garage shall always be considered an accessory structure. An attached garage, a garage with an occupiable accessory structure, or a garage with an accessory dwelling shall always be considered part of a primary structure.

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To:

Garage: An attached or detached structure whose primary use is to house motor vehicles or personal property. A detached garage on a residential lot with a dwelling shall always be considered an accessory structure. A garage attached to a dwelling shall always be considered part of a primary structure.

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V. Summary of Public Comment:

VI. Plan Commission Recommendation:

Prepared By:

Date Codified

Summary / Review
