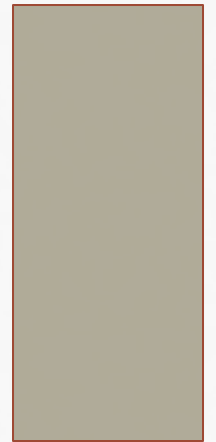


ACCESSORY STRUCTURES & LIVING SPACE

CODE TEXT AMENDMENT



ACCESSORY STRUCTURES

Current code language

- Section 16.13.6: Accessory Buildings Prohibited as Living Quarters
 - Living and sleeping quarters in any building other than the main residential building is prohibited except as allowed for detached two family dwellings in the R-1-7 and R-1-9 zones.

ACCESSORY STRUCTURES

- Living space in accessory structure needs to be defined so that staff can administer the code and the public can understand what is allowed
 - State code requires clear and concise language

ACCESSORY STRUCTURES

- Staff has determined living space as the following:
 - Bedrooms
 - Kitchens
 - Full bathrooms
 - Laundry facilities

ACCESSORY STRUCTURES

- Staff has determined nonliving space as the following:
 - Offices
 - Hobby rooms
 - Game rooms
 - Music rooms
 - Craft rooms
 - Swimming pool areas

BREEZEWAYS

- Those who have wished to have living quarters in accessory structures have suggested that attaching the accessory structure to the main dwelling by connecting a breezeway makes the accessory structure part of the main structure.

ACCESSORY STRUCTURES

PLANNING COMMISSION RECOMMENDATION

- Proposed code language:
- *Section 16.2.7a Building, accessory*
 - *A subordinate building, located on the same Lot as the main building, the use of which is incidental to that of the main building as outlined in Chapter 16. Accessory buildings are structures including, but not limited to detached garages, sheds, playhouses, treehouses, storage buildings, pergolas, garden structures, greenhouses, barns, boathouses, pool houses, cabanas, and other similar buildings. Barns, when located on an agricultural parcel, are not a subordinate structure and may be constructed as the main building.*

PROPOSED CODE

PLANNING COMMISSION RECOMMENDATION

Section 16.13.6 Accessory Buildings Prohibited as Living Quarters

- *A. It shall be a violation of the Midway City Code to use, or to allow the use of, an accessory building as living quarters. Violations of this section of the Code shall be enforced as set forth in the Midway City Code for other violations.*
- *B. Living quarters in any building other than the main residential building are prohibited except as allowed for detached two family dwellings in the R-1-7 and R-1-9 zones.*

PROPOSED CODE

PLANNING COMMISSION RECOMMENDATION

- C. *It shall be a violation of this Code to rent, lease or otherwise allow for any person to use an accessory building for living quarters except as allowed for detached two family dwellings in the R-1-7 and R-1-9 zones.*
- D. *An accessory building shall be considered living quarters if it includes all the following; sleeping area (including bedrooms), kitchen, and bathroom facilities (three-quarter or full bathroom).*

PROPOSED CODE

PLANNING COMMISSION RECOMMENDATION

- *E. Accessory buildings may include rooms such as offices, hobby rooms, game rooms, music rooms, sleeping areas (including bedrooms), and craft rooms.*
- *F. An accessory building may include either:
 - (i) a full kitchen and a half bath (sink and toilet only) or;
 - (ii) a bathroom (three-quarter or full bathroom) and a wetbar (sink, fridge, dishwasher, and microwave but does not include a stove or an oven).*
- *G. Accessory buildings are to be used exclusively by the owners or occupants of the main residential building and their temporary guests or invitees.*

POSSIBLE FINDINGS

- The proposed code will define living space and what is allowed in accessory structures
- Allowed and prohibited uses are clearly stated for accessory buildings
- The proposed amendment will help staff to better administer the City's code
- The proposed amendment will help the public to understand the options available when building in Midway