

**STAFF REPORT**

<b>Application:</b>	Proposed ordinance amendments involving Section 11.06 (Accessory Structures) and/or other sections of the City of Long Beach Zoning Ordinance as determined necessary that would clarify how shed/house combinations and attached garages in general would be regulated. Draft regulations would limit the size and height of the storage portion of a shed/house combination or other attached garage as compared to the dwelling to which they are attached.
<b>Applicant and Property Owner:</b>	City of Long Beach
<b>Agenda Item:</b>	4(a)

**Background:** Over the past several months, the City has been considering potential amendments to sections of the ordinance that relate to the regulation of dwellings and accessory buildings. One of the issues arising out of those discussions relates to how structures known as a “shouse” (shed/house combination) should be regulated.

Based on those discussions, Staff has drafted language that would restrict the construction of “shouses” within the City - with most of those regulations not preventing the construction of homes with attached garages (which is obviously a common and accepted building practice) but rather regulating the size/bulk of the attached garage in relation to the house such that the character of residential development within the City remains consistent with development where the visual appearance of such structures is not dominated by what is typically viewed as a commercial or agricultural storage building.

Generally speaking, a shouse is a pole-style storage building that includes a dwelling within it - so from the outside it appears more like a storage building than a traditional house with attached garage.

Currently, the City’s Land Use Ordinance is largely silent on whether a shouse is regulated any differently than a regular house and attached garage. The Zoning Administrator’s current interpretation of the City’s ordinance is that a shouse is no different than a traditional house/attached garage in terms of how it is regulated.

The concern is that the City regulates certain aspects of dwellings and detached accessory buildings as a way to preserve the traditional residential character of an area. These regulations include limitations on the building materials allowed, color, height and number of stories. A question arises then as to whether the City’s current regulations are intended to regulate a shouse in some manner differently than a traditional house/attached garage.

Specifically, Section 11.06 states:

11.06: ACCESSORY STRUCTURES.

A. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is an accessory.

H. The same, similar or a complementary exterior building color shall be used on the accessory building and the principal building.

I. Accessory buildings shall be limited to one story in the CD, LD, MHD, MH or RC districts. Lots of greater than 43,560 square feet (one acre) shall be exempt from this standard.

J. Side walls of detached accessory buildings shall not exceed twelve (12) feet on lots less than one half (0.5) acre or sixteen (16) feet on lots greater than one-half (0.5) acre.

If shouse construction is allowed, other questions would arise too, such as whether the dwelling portion of a shouse would have to meet the minimum 24' x 24' dimensions required in 11.03.D.3 above and whether the dwelling space could be located entirely on a second level of the shouse rather than on the main level.

Further, there is the question as to whether someone could construct the shell of a shouse with the intention of finishing the dwelling portion after the storage portion is completed – which would arguably put it in conflict with the requirement of 11.06.A above (that requires a home be on the property before an accessory building is constructed).

*Draft Language:*

11.06: ACCESSORY STRUCTURES.

A. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is an accessory. Where a lot is being developed with a building that will contain both a dwelling and a attached garage/storage building, the dwelling portion shall be completed at the same time as the storage portion and shall meet all applicable standards in Section 11.03, including minimum width dimensions.

B. Site Plan Approval:

1. Zoning Permit Not Required: Detached accessory buildings not exceeding one hundred twenty (120) square feet in floor area shall be allowed without issuance of a zoning permit, but shall comply with all other provisions of this title. The City Council or designee shall review the site plan and construction drawings to determine compliance with this Section and other applicable ordinances, laws, and regulations.
2. Zoning Permit Required: Detached accessory buildings greater than one hundred twenty (120) square feet in floor area shall require a zoning permit. The City shall review the site plan and construction drawings to determine compliance with the City zoning regulations and other applicable ordinances, laws, and regulations.

- C. In cases where an accessory building is attached to the principal structure, it shall be made structurally a part of the principal structure and shall comply in all respects with the requirements of this Ordinance applicable to the principal structure.
- D. An accessory building, unless attached to and made a part of the principal structure shall not be closer than five (5) feet to the principal structure.
- E. Accessory buildings which are attached to the principal structure, or detached but located within twenty (20) feet of the principal structure, shall have a footprint and height which does not exceed that of the dwelling by more than five (5) percent.
- ~~D~~F. Accessory buildings located in rear yards shall be setback a minimum of five (5) feet from the rear lot line, except that rear-loading garages shall be setback ten (10) feet from the rear lot line.
- ~~E~~G. No accessory building shall be constructed in the required front yard.
- ~~F~~H. Within the RR, LD, MHD, MD and RC districts no detached accessory building shall exceed 1,200 square feet of ground coverage. Lots of greater than 43,560 sq. ft. (one acre) shall be exempt from this standard.
- ~~G~~I. No lot shall have more than two (2) detached accessory buildings larger than 120 square feet or four (4) accessory buildings of any size. Lots of greater than 43,560 square feet (one acre) shall be exempt from this standard.
- ~~H~~J. The same, similar or a complementary exterior building color shall be used on the accessory building and the principal building.
- ~~K~~K. Accessory buildings shall be limited to one story in the CD, LD, MHD, MH or RC districts. Lots of greater than 43,560 square feet (one acre) shall be exempt from this standard.
- ~~J~~L. Side walls of detached accessory buildings shall not exceed twelve (12) feet on lots less than one-half (0.5) acre or sixteen (16) feet on lots greater than one-half (0.5) acre.
- ~~K~~M. Ice Fishing Houses: Unless mounted on a trailer or equipped with wheels, ice fishing houses or other such structures used or designed to be used as temporary shelters shall be considered accessory buildings and shall be subject to the setback, square footage and other regulations of this title.
- N. Accessory Dwellings/Guest Houses: No accessory building shall include accessory or secondary living quarters when a separate primary dwelling exists on the property. Shed/house combinations shall be allowed when the dwelling portion is the primary dwelling on the property and the requirements of this Ordinance are met.