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DATE: February 13, 2017, Updated June 13, 2017

SUBJECT: Accessory Buildings, Accessory Structures

TO: Lansdale Planning Commission

FROM: Mike Narcowich, AICP; and Brian Olszak

Accessory Structures/Accessory Buildings

Problem:

- *“Accessory structures” and “accessory buildings” are used interchangeably, or not appropriately.*
- *Decks and patios are regulated under “Accessory Building Setbacks and Specifications”*
- *Outdoor garden structures need regulations*
- *There is no height limit for accessory uses*

Selected Existing Zoning (for your reference; there is one note within this for your review)

[Existing] Impervious surface limits, by district:

- Class A Residential: 30% building, 45% impervious (Special Exceptions: 40% building, 75% impervious).
- Class B Residential: 40% building, 75% impervious.
- Class C Residential: 40% building, 75% impervious.
- Residential Apartment: no building coverage limit, 75% impervious.

[Existing] §122-201. Existing Definitions

ACCESSORY BUILDING. A subordinate, uninhabitable building, including but not limited to private garages and other similar structures, located on the same lot as the principal building and clearly incidental and subordinate to that principal building. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building. [Amended 10-7-1992 by Ord. No. 1492; 9-6-2000 by Ord. No. 1658; 12-15-2010 by Ord. No. 1801]
ACCESSORY USE. A use located on the same lot with a principal use and clearly incidental or subordinate to and in connection with the principal use.

DECK. An uncovered, unenclosed structure at ground level or elevated and used primarily for private recreational purposes, which is attached to the principal building and located in the side yard, rear yard, or courtyard of a lot used for residential purposes. A deck is not part of the occupied area of the principal building, and its area is not factored into the calculation of footprint. **A deck is considered an accessory building** and shall be subject to § 122-2204, Accessory building setbacks and specifications.

[Added 12-15-2010 by Ord. No. 1801]

GARAGE, PRIVATE. An accessory building or a part of a principal building used for the storage of personal vehicles owned or used by the owner or tenant of the premises and members of his immediate family residing on the premises.

PATIO. An uncovered, unenclosed area at ground level and used primarily for private recreational purposes, which is located in the side yard, rear yard, or courtyard of a property used for residential purposes but is not necessarily attached to the principal building. A patio is not part of the occupied area of the principal building and is not factored into the calculation of footprint. A patio is considered an accessory building and shall be subject to § [122-2204](#) Accessory building setbacks and specifications.

[Added 12-15-2010 by Ord. No. 1801]

[Existing] §122-2204. Accessory building setbacks and specifications.

[Amended 10-7-1992 by Ord. No. 1492; 9-6-2000 by Ord. No. 1658]

- A. In all residential districts and in all cases where an accessory building is accessory to a principal residential use, accessory buildings of 200 square feet or less shall be located on a lot in such manner as to have a side yard of not less than four feet and a rear yard of not less than four feet; accessory buildings 200 square feet to 580 square feet shall have a rear yard setback of not less than eight feet and shall have a side yard so as to comply with the side yard requirements for the district in which they are located; accessory buildings greater than 580 square feet in area shall be permitted only by special exception pursuant to the following conditions:
- (1) The total area of the accessory building shall be not greater than 700 square feet.
 - (2) The accessory building in question in all respects complies with the standards for special exception as set forth in § 122-2505 of this chapter.
 - (3) The accessory building complies with all yard requirements for the district in which it is located.
- B. In the case of uncovered, unenclosed decks and patios, where the residence is an attached or semidetached residence, the deck or patio may extend to the common property line; however, a solid privacy fence measuring six feet in height above the surface of the deck or patio must be installed along the common property line extending for the entire depth of the patio or deck.
- C. Any accessory structure not regulated by above Subsections A and B shall meet the dimensional requirements for the use and zoning district wherein the accessory structure is located. [Added 12-17-2003 by Ord. No. 1709]
- D. Unless connected to the principal building or accessory structure, any accessory structure shall be located a minimum of 10 feet from any other building or structure. [Added 12-17-2003 by Ord. No. 1709]
- E. **A maximum of two accessory buildings are permitted on any lot. Note: this has been problematic. However, removing several uses from the "Accessory Building" category will**

likely fix the problem. When calculating the setback requirements for accessory structures, the total floor area of all accessory structures on any lot should be utilized to determine the setback requirement (and the need for additional relief) for any accessory structure, regardless of the size of any individual accessory structure. [Added 12-17-2003 by Ord. No. 1709]

§122-2207. Projections into Required Yards

[Added 12-17-2003 by Ord. No. 1709]

Unless specifically permitted by this chapter, no portion of a building or structure shall be located within the minimum required front, side or rear yard area specified by this chapter, except for driveways and those other projections as provided herein.

- A. An unenclosed porch, not more than 14 feet in height, may be erected to extend into a required front or rear yard a distance of not more than 10 feet, provided that in no case shall it extend into such front or rear yard more than 1/2 the required depth of said yard.
- B. A terrace, platform, stoop or landing not covered by a roof, canopy or trellis, which does not extend above the level of the first floor of the building, may be erected to extend into a required yard a distance of not more than 12 feet, provided that it shall not extend into such yard more than 40% of the required depth or width of the yard.
- C. A porte-cochere or carport may be erected over a driveway in a required side yard, provided that such structure is:
 - (1) Not more than 14 feet in height and does not extend in length beyond the portion of the building or structure to which it is attached.
 - (2) Entirely open on at least three sides, exclusive of the necessary supporting columns and customary architectural features.
 - (3) At least three feet from the side lot line.
- D. A buttress, chimney, cornice, pier or pilaster of a building may project not more than 18 inches into a required yard.
- E. Open and unenclosed fire escapes, steps, bay windows and balconies may project not more than three feet into a required yard.

Recommendations from MCPC regarding proposed changes to zoning regulations on accessory structures/buildings

- **Reconfigure Definitions and Regulations so that “Accessory Use” is broad category, including separate distinctions within Accessory Use for “Accessory Building” and “Other Accessory Structure”.**
 - **“Accessory Buildings” could include garage, carport, shed, enclosed deck, greenhouse, etc.**
 - **“Other Accessory Structure” could include unenclosed deck, patio, pool and outdoor garden structures.**
 - **Accessory dwelling units would be an accessory use, but not an accessory building or accessory structure since they would be attached to the principal dwelling.**

- Make building and impervious coverage limits serve as the ultimate cap on accessory structures.
- Prohibit accessory buildings and structures from being located between the building and the street, except for a designated rear-yard on dual frontage lots.
- Add a height limit on accessory structures (perhaps 17' for "accessory building", and 14' for "other accessory structure").
- If we need to be more specific, we can create specific regulations for specific accessory uses; or group the accessory uses into Class I, II, and III with regulations that are tailored to each group.
 - Outdoor garden structures could be limited both in height (as mentioned above, perhaps 14'), and lateral dimension. For lateral dimension:
 - We recommend that although this memo would not group outdoor garden structures as part of "Accessory Buildings" but "Accessory Structures", that outdoor garden structures count towards maximum building coverage, OR
 - Limits should be based on either maximum diameter or maximum lateral extent.

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