

**City of Columbus**  
**Public Hearing – Chapter 7A Zoning Code Amendment – Residential Accessory Buildings**  
**(PC-17-125)**  
**November 1, 2017**

The November 1, 2017 Public Hearing to receive testimony regarding amendments to Chapter 7A of the City Code governing the design and location of accessory buildings, and to establish standards for multi-modal storage containers as accessory structures was called to order at 7:11 p.m. by Chair Garth Sternberg at the City Hall. Present were Commission members Jim Watson, Pam Wolowski, Jesse Preiner and Jody Krebs; City Administrator Elizabeth Mursko; Planner Dean Johnson; and Recording Secretary Karen Boland.

Also in attendance were City Councilmember Bill Krebs; Barb Bobick, Vern and Margie Roisum, Mary Preiner, and Pat Preiner.

**Sternberg:** Now we have another Public Hearing and discussion for Chapter 7A zoning code amendment, residential accessory building, pages 7 through 12. And, at this time, I'd like to ask the secretary to read the notice as published.

Notice was read at this time by the recording secretary.

**Sternberg:** Thank you. Mr. Johnson?

**Johnson:** You want me to present this in brevity?

**Sternberg:** Sure.

**Johnson:** So, I know you've seen several iterations of this particular ordinance. This all applies to Section 7A-805, Residential Accessory Buildings. And there are a number of additions or strike-throughs in here that show up, uh, at least in my copy, in red. It looks like yours too. So, we can walk through them relatively quickly. Section A on page one of the ordinance is just a clarification about all accessory buildings, talking about the type of, uh, construction – pole building, slab, or footing/foundation buildings. There is a prohibition about fabric-type buildings, except as provided in –and I want to make one correction—that should now reference L, rather than M. So, in the middle of that beginning paragraph, we lost one section in the process of this, and I just caught this this morning. So that reference in Section A should be to L. Uh, this also prohibits trailers, vehicles, other things to, uh, be used as any kind of accessory building, again, except as provided in the ordinance. On page two of the draft ordinance, um, there was, um, a couple of places here we had some redundancy, which we've stricken. The primary issue here is that no accessory structure should be located within a primary or alternative soil treatment area. Uh, that's a given when we look at a piece of property with all of the development: a home and an accessory building at the same time. But, in some instances, you might have somebody coming back with a home or a, an accessory building on a property that had a home built 30 years ago, and this reference wasn't applicable without adding it. And so we're simply putting the burden on new owners to identify a secondary treatment area, and that can't be there. Um, again, with the acreage requirements we

generally have, it's not an issue, but it can be. And so, we just want to make that clear. Uh, the next provision in E. 3, is talking about more descriptive screening requirements. And, and that talks about an opacity level or the amount of obstruction that's created by whatever screening that you're putting up. So, 80-percent opaque is through year-round. Typically means you can't do it with shade trees, because they're going to lose leaves. Could be evergreens or more likely it could be a fence. Um, there's, there's a clarification that talks about same or similar style and color of, uh, the dwelling and the accessory building. Uh, we already had a – this is where we lost one of the sections. F was repetitive for what was stated in page one about the setback. Uh, so that was simply deleted. On page three of the ordinance, um, we had a provision in here under what's now labelled new H, where certain structures: gazebos, playhouses, things of that magnitude, weren't included in calculating the total accessory structure. What this indicates is, where you might have shipping containers, Conex or PODS--those types--they are excepted from that. So, technically, they are included in that total calculation of the property or the amount of accessory buildings that are entitled. Under item K, this is a whole new subsection that, then, relates specifically to the shipping containers themselves. So, where in the beginning it talks about there are requirements that all will meet, uh, in Section K now, these are very specific just to the shipping containers themselves. Um, there's a 40-foot maximum length. These cannot have logos on them. They've got to be painted similar color to the structure. They've got to be in the rear of the principal structure or the residence, and they have to be effectively screened -- that means 80-percent opaque. Containers can't be located closer than 20 feet. So, if existing vegetation or proposed fencing or vegetation allows them to be as close as 20 feet to the property line, that's fine, they'll still be 20- foot opaque. You can't stacks containers or combine them; so they can't go end-to-end or side-to-side. It's basically a single container. Um, this density, the allocation is one per 4.75 acres. I think you're used to this saying—what is it, a five-acre minimum? We make a common exception in our five-acre minimum where there's right-of-way excluded and so on; we allow that to be 4.75 acres. And so that's why that reference was changed to 4.75. There's a provision in here –number six—talks about being on non-degradable slab or foundation, elevated off the ground by at least half a foot. Uh, number 7 is a provision so that if in any of our lot-averaging developments . . . So, where we had a situation where the minimum lot size, uh, could be 4.75 acres, but we have some that are ten acres and some that are now two and a half, those that exceed five acres aren't entitled. So, there will be no shipping containers allowed in any of those developments with lot averaging. That's just to preclude people from having a dispute about that. 'Why the, why not everyone can have them?' Um, we have a situation in here that allows the temporary use of these containers. So, not truly as an accessory structure that would be permanently located in the property, but, when used for moving or for home reconstruction, remodeling--things of that magnitude--there are, um, some exceptions in here that allow them to be placed in the front yard, most likely, in somebody's driveway during construction. Um, there's a final provision here that says the container regulated in this section is double the actual area when calculating the maximum allowable accessory building area on a property. And, lastly, I, I mentioned the earlier reference in Section A should, um, be to subsection L. This is for those additional structures that are—um, maybe a hoop building is the easiest way to describe them—that are in properties. Um, we know we have some and we know some people want them. So, these are specific standards for that purpose, and require similar screening that shipping containers do. So that's the extent of the amendments to accessory buildings.

**Sternberg:** There's one thing here where you struck out the F, then you don't pick up –you start out with G when you shift all that. G, B, F, and so on down the line.

**Johnson:** Oh.

**Wolowski:** No. They struck it here and they moved it down, didn't they?

**Krebs:** Yeah, they moved it down.

**Sternberg:** Oh, they moved it down.

**Wolowski:** They moved it down, it's all the way through.

**Sternberg:** Oh, right here. Okay, that's moved. Okay, I see it.

**Wolowski:** It's all the way through.

**Sternberg:** I thought I had something there.

**Krebs:** And I have a question for Mr. Johnson.

**Sternberg:** Go ahead.

**Krebs:** In number D, does that contradict, uh, number 3 on page 11, where it says accessory buildings shall be located no closer than 75 feet from any road easement or right-of-way?

**Johnson:** I'm sorry. Give me the section reference again.

**Krebs:** It's number D on page one of this.

**Johnson:** D?

**Krebs:** Yup. That first sentence where it says, 'Accessory buildings shall be located no closer than 75 feet from any road easement or right-of-way.' And we have a number 3, 'No container shall be located within 20 feet of any adjoining property line.'

**Johnson:** So, the adjoining property is either a side or a rear yard. And, in D, the reference is the height of the building or 20 feet from the side lot. I'm not certain I'm following where the potential . . . Number 3: 'No container within the 20 feet . . .' So it's a 20-foot setback in subsection 3 on page four. It is a 20-foot setback on item D. Am I not understanding your question?

**Krebs:** I'm, I guess I'm not understanding 'cause I don't, in reading that I'd say, 'the accessory building shall not be located no closer than 75 feet from any road easement or right-of-way.' Well, what if they're using that as part of their lot line?

**Johnson:** Well, that's the front yard. Uh . . .

**Mursko:** That's the front-yard setback.

**Krebs:** That's the front-yard setback?

**Mursko:** Seventy-five feet is the front-yard setback.

**Krebs:** Okay, so that's just the front yard?

**Johnson:** Yeah. So they, the, the two references to 20 feet are consistent, but, I, I should also point out everything that's in, uh, subsection K only applies to the shipping containers, so there can be some different standards in that subsection, including they count twice your allowable accessory building size or area.

**Sternberg:** Since we're on number 3, I really have something this time. You've got 'shall be located' twice. 'Shall be located', 'shall be located.'

**Johnson:** Where is that one?

**Sternberg:** On number 3.

**Preiner:** On page 11.

**Johnson:** Oh, that one I didn't catch. I like it.

**Wolowski:** There you go; you were working hard for that.

**Johnson:** I knew in the seventh, in the seventh edition of this ordinance, we'd have to find something wrong with it. Thank you.

**Sternberg:** Well, all this red typing, I figured there had to be something.

**Mursko:** Where is that again?

**Johnson:** Top of page four.

**Wolowski:** Page four.

**Johnson:** Subsection 3.

**Wolowski:** Shall be, shall be.

**Johnson:** We've got two 'shall be located's.

**Mursko:** Oh, yeah, there we go.

**Krebs:** And in number E, number 5, we have ‘harmonious’, and I know they wanted to change that to ‘same or similar.’

**Sternberg:** Yeah, ‘harmonious’ was, uh, vague.

**Krebs:** They wanted to change that wording from ‘harmonious’ to ‘same or similar’.

**Wolowski:** Where is that one?

**Krebs:** In E, number 5.

**Wolowski:** Okay.

**Krebs:** ‘Cause they have it in the second sentence, but it wasn’t in the first one.

**Wolowski:** Oh, I see. ‘Same or similar’.

**Krebs:** Yeah, ‘same or similar’.

**Johnson:** Is that a, is that a change or just an acknowledgement you’re making?

**Sternberg:** I think we want to make a change.

**Krebs:** I think we want it consistent, so I think we, do we want it changed to be consistent?

**Sternberg:** Yeah, ‘cause the lawyer brought up that that’s too vague, and it’s hard to, uh, um, . . .

**Johnson:** Yeah, ‘harmonious and consistent with’, the change was for ‘the same or similar’. Where are, what are you comparing that to? That, is there still another ‘harmonious’ somewhere?

**Krebs:** No, it was previous, I think it was previously ‘harmonious’ in some of these other statements, that has now been taken out or lined out or . . .

**Johnson:** Oh.

**Krebs:** We had ‘harmonious’ at one time, was one of our words.

**Johnson:** So, the lead-in sentence in 5 still says, ‘it’s designed to be harmonious’. The second sentence is the standard. It elevates that to say it’s got to be the same or similar style and color of siding and roof of the dwelling. And that particular standard doesn’t apply to the Conex containers. They have to be the same color, but they don’t have to be the same style. I mean, we know we’ve got a shoebox that isn’t going to match most homes.

**Krebs:** Okay. So you want a reference, is that what you're looking for?

**Johnson:** Well, I, I . . .

**Krebs:** So, on August 23<sup>rd</sup> the Mayor said, as it was quoted, 'In terms of the requirement of the Conex box, this must be harmonious with the surrounding structures.' Mayor Povolny asked if the language could be clarified to say, 'similar color' instead of just 'harmonious'. That's where I got the reference from.

**Johnson:** Which, and which subsection was that 'harmonious' reference in? Because what you just read isn't in 5.

**Krebs:** No. right. This is what their discussion was on this topic, on the ordinance for this, on August 23<sup>rd</sup>. I'm just going back to what he had stated.

**Johnson:** And I, I'm . . . Okay. So I think that reference was . . .

**Mursko:** But that should, that should be, I think that should be okay.

**Johnson:** That was taken care of in C on page 1. So that word 'harmonious' that he's referencing there was corrected in, in C, to become 'same or similar'.

**Mursko:** Oh, yeah. Okay.

**Johnson:** Is that correct?

**Mursko:** Yup.

**Krebs:** Okay.

**Johnson:** And, as I say, I don't care. I mean I really don't, 'cause I didn't write this. This is all between, basically, the Council and the Attorney.

**Mursko:** But, 'same or similar' is good, except when the house, you know what I mean, if the house has a green roof, and it's a beige house. Do you know what I mean? Sometimes they can't . . . But, so, sometimes we need a little latitude to say it's 'same or similar' kind of thing. Because they want to put a copper roof on their accessory building, and they don't have a copper roof on their house. I mean it's . . . most of the time people are good with it; other times people have different ideas. Kind of like on Kettle River Boulevard; I think it's red house, green roof or something like that or, you know, they do kind of odd color mixes.

**Sternberg:** So is 'harmonious' a good word to use in our code or is 'same or similar' better?

**Mursko:** It is, because, you know what I mean, the house can be harmonious where, because the colors may not be same or similar for the roof and the siding, but then you say 'same or similar'.

Then your accessory building will have a green roof and a, and a beige exterior. Do you know what I mean? So, it, it does lead together. Because the house is not always same or similar. Or you want a red barn and a white house. We've had that discussion a number of times in the City.

**Sternberg:** Any other questions for Dean? Okay, I'm going to open the hearing to the public. Anyone from the public want to speak? Anyone? Okay, I'm going to close the hearing with the right to reopen.

Hearing closed at 7:27 p.m.

Respectfully Submitted:

Karen Boland, Recording Secretary