

ZONING INTERPRETATION RECORD

Subject of Interpretation: Patio covers in the R-3, R-4, and R-5 districts

Zoning Ordinance Section Number: 5.704.F, 5.804.F, & 5.1004.F

Title of Section: R-3, R-4, & R-5 - Property Development Standards -

Building Setback

Cause for Interpretation: Numerous citations have been filed regarding patio covers which do not meet the traditional interpretations concerning what are buildings and the appropriate setbacks.

Interpretation: In the R-3, R-4, and R-5 districts, there have been a number of developments build which have homes on individual lots or private, walled outdoor patios. In these situation, patio covers do not need to meet the usual setback requirements for the district if either of the following conditions occur: A) The covering structure has at least fifty (50)

percent of its surface open and unobstructed to the sky; or B) The covering structure overlays less than fifty (50) percent of the individual yard (either rear or side as physically laid out for the site) or walled patio.

In general, the concept of building or structure setbacks are intended to cover, implies that it is a structure wherein an occupant is protected from the natural elements (sun, wind, rain, etc.). Furthermore, the R1 districts refer to and rely on the general provisions whereas the R-3, R-4, and R-5 districts do not. Therefore, it is appropriate to interpret setbacks for patio covers in these districts from a different point of view.

This interpretation allows for a reasonable use of what are typically relatively small private outdoor spaces.

NOTE: All applicable building code provisions shall still be enforced. If an R-3, R-4, or R-5 district is within a PCD and has specific amended standards which cover the issue of this interpretation, the PCD standards shall have precedence. This interpretation shall not cover any use in an R1- district.

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09/23/92



Interpretation by

Date

Approved By