

**ORDINANCE NO. 19-06**

**Introduced by: \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF QUEENSTOWN TO AMEND ARTICLE VIII, SECTION 94 TITLED HEIGHT, AREA AND BULK REQUIREMENTS AND ARTICLE VIII, SECTION 95 TITLED TABLE OF HEIGHT, AREA AND BULK REQUIREMENTS OF THE QUEENSTOWN ZONING ORDINANCE TO PERMIT ACCESSORY STRUCTURES WITH A MAXIMUM HEIGHT OF 26 FEET IN THE R-1 AND R-2 ZONING DISTRICTS PROVIDED THAT THE HEIGHT ACCESSORY STRUCTURE DOES NOT EXCEED THE HEIGHT OF THE PRINCIPAL STRUCTURE**

WHEREAS, on September 25, 2019, the Queenstown Commissioners introduced Ordinance No. 19-06 and determined that it is desirable and in the public interest to make certain amendments to the Zoning Ordinance to increase the height limit of accessory structures in the R-1 and R-2 Zoning Districts and prohibit the height of an accessory structure to exceed the height of the principal structure and submitted Ordinance No. 19-06 to the Queenstown Planning Commission for its review and recommendation; and

WHEREAS, on October 2, 2019, the Queenstown Planning Commission introduced Ordinance No. 19-06; and

WHEREAS, on November 6, 2019, after a duly advertised public hearing, the Queenstown Planning Commission adopted Ordinance No. 19-06 and certified the proposed amendment to the Queenstown Commissioners for their review, approval, and adoption; and

WHEREAS, on \_\_\_\_\_, the Queenstown Commissioners held a public hearing on Ordinance No. 19-06 and have determined that it is desirable and in the public interest to make certain amendments to the Zoning Ordinance as recommended by the Queenstown Planning Commission.

WHEREAS, the Town Commissioners of Queenstown have determined that it is desirable and in the public interest to make certain amendments to the Zoning Ordinance as recommended by the Queenstown Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF QUEENSTOWN AS FOLLOWS:

**Section 1.** The following definitions are hereby added to Article VIII, Section 94 of Queenstown Zoning Ordinance as follows:

**§ 94. Height, Area and Bulk Requirements.**

G. Accessory buildings and structures.

1. An ornamental fence or wall not more than three (3) feet in height may project into or enclose any required front or side yard to a depth from the street line equal to the required depth of the front yard. Ornamental fences or walls may project into or enclose other required yards, provided that such fences and walls do not exceed a height of six (6) feet.
2. Accessory buildings which are not a part of the main building, although they may be connected by an open breezeway, may be constructed in a rear yard, provided that such accessory building does not occupy more than forty percent (40%) of the area of the required rear yard, and provided that it is not located closer than five (5) feet to the rear lot line nor closer than three (3) feet to a side lot line.
3. *The height of accessory structures shall not exceed the height of the principal structure located on the lot or parcel.*

**Section 2.** The following definitions are hereby added to Article VIII, Section 95 of Queenstown Zoning Ordinance as follows:

**§ 94. Table of Height, Area and Bulk Requirements.**

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<b>§ 95. Table of Height, Area and Bulk Requirements.</b>										
<b>ZONING DISTRICT</b>	<b>Gross Density Max. (Dus/Ac)</b>	<b>Lot Area Minimum</b>	<b>Lot Width at Building Line Min (ft.)</b>	<b>Lot Front -age Min (ft.)</b>	<b>Front Yard Depth Min (ft.)</b>	<b>Side Yard Width Min (ft.)</b>	<b>Rear Yard Depth Min (ft.)</b>	<b>Maximum Height</b>		
								<b>Principal Structure</b>	<b>Accessory Structure</b>	<b>Playground Equipment</b>
R-1 Residential										
-Single-family detached	3.5	11,500	60	NA	30	10	30	35	<del>16</del> 26	15
R-2 Residential										
- Single-family detached	6	8,000	60	20	15	10	30	35	<del>16</del> 26	15
- Single-family semi-detached	6	4,000	30	25	15	10	30	35	<del>16</del> 26	15
- Single-family attached	6	2,400	15	15	15	10	30	35	<del>16</del> 26	15
- Apartment	6		100	60	30	20/30	30	35	16	15
TC Town Center <a href="#">§ 80.</a>										
- Single-family detached	6	NA	40	NA	10	7.5	30	35	16	15
- Single-family semi-detached	6	NA	40	NA	10	7.5	30	35	16	15
- Single-family attached	6	NA	40	NA	10	7.5	30	35	16	15
- Apartment	6	NA	100	NA	10	7.5	30	35	16	15
- Commercial	NA	NA	35	NA	10	7.5	30	35	16	15
HC Highway Commercial	NA	NA	100	NA	40	10/50	10	35	16	NA

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 Increasing Height of Accessory Structures  
 Introduced \_\_\_\_\_

<b>§ 95. Table of Height, Area and Bulk Requirements.</b>										
<b>ZONING DISTRICT</b>	<b>Gross Density</b>	<b>Lot Area</b>	<b>Lot Width</b>	<b>Lot Front</b>	<b>Front Yard</b>	<b>Side Yard</b>	<b>Rear Yard</b>	<b>Maximum Height</b>		
RC Regional Commercial <a href="#">§78.</a>	NA	NA	200	NA	30/25	30/25		45	NA	NA
I Industrial <a href="#">§ 79.</a>	NA	NA	100	NA	40	10	30	45	45	NA

**Section 3.** Unless specifically amended as set forth above, all other provisions of the Queenstown Zoning Ordinance shall remain unchanged.

**Section 4.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Commissioners of Queenstown hereby declare that they would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

ADOPTED AND RECOMMENDED this \_\_\_\_ day of \_\_\_\_\_, 2019.

WITNESS:

QUEENSTOWN PLANNING COMMISSION:

\_\_\_\_\_  
Amy Moore, Town Clerk

\_\_\_\_\_  
Phillip Snyder, Chair

\_\_\_\_\_  
Amy Moore, Town Clerk

\_\_\_\_\_  
Matthew Reno, Vice Chair

\_\_\_\_\_  
Amy Moore, Town Clerk

\_\_\_\_\_  
Loretta Hohmann, Secretary

\_\_\_\_\_  
Amy Moore, Town Clerk

\_\_\_\_\_  
Paul Cain

\_\_\_\_\_  
Amy Moore, Town Clerk

\_\_\_\_\_  
Mike Bowell

ORDAINED, APPROVED, AND PASSED by the Town Commissioners for the Town of Queenstown on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

WITNESS:

TOWN COMMISSIONERS FOR THE  
TOWN OF QUEENSTOWN:

\_\_\_\_\_  
Amy Moore, Town Clerk

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Thomas B. Willis, Jr., President

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Amy Moore, Town Clerk

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Holger Schuster, Commissioner

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Amy Moore, Town Clerk

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Alton Hardee, Commissioner

**NOTE:** ~~Strike through text~~ = deleted text

**Bold text** = added text