

ZONING INTERPRETATION RECORD

Subject of Interpretation:

Accessory use.

Zoning Ordinance Section Number:

3.100, 5.012.A, 5.102.A, 5.603, 5.803.A, 5.1003.A, and 5.2003.A

Title of Section:

Definition (accessory use), Permitted Uses (R1-190 Single Family Residential District), Permitted Uses (R1-43 Single Family Residential District), Permitted Uses (R-2 Two-Family Residential District), Permitted Uses (R-4 Townhouse Residential District), Permitted Uses (R-5 Multiple-Family Residential District), and Permitted Uses (M-H Manufactured Home District).

Cause for Interpretation:

To determine whether a permanent residential sales office is an accessory use in the R1-43 zone.

Interpretation:

An accessory use is defined as "a use customarily incidental, related, appropriate, and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or building or adversely affect other properties in the district."

The main, permitted use of a property in an R1-43 district is as a single family dwelling unit. Though a temporary sales office is a permitted use in the district, such a temporary sales office is not intended as a main use of a lot. The intent of the ordinance is that temporary sales offices will not exist after a new home subdivision completes first-time sales.

A residential sales office that exists after a new home subdivision completes first time sales is not an accessory use, as its character is clearly commercial in nature. Such use is not customarily incidental, related, appropriate, and clearly subordinate to the main use as a single family dwelling unit. To permit such use in a residentially zoned area would alter the principal use of the subject lot, and would effectively spot zone the parcel as a commercial use.

Similarly, the main, permitted use of residential zoning districts referenced above, other than single family residential, is as residential units. The intent of the ordinance for these districts is the same in that temporary sales offices will not exist after first-time sales of dwelling units.

John Faramelli
Interpretation By

John Faramelli, Community
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4/2/98

Date

3/30/98

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