

Open Air / Covered Porch

City Council, December 19, 2017

Planning Department

Steve Galanti, AICP



Current

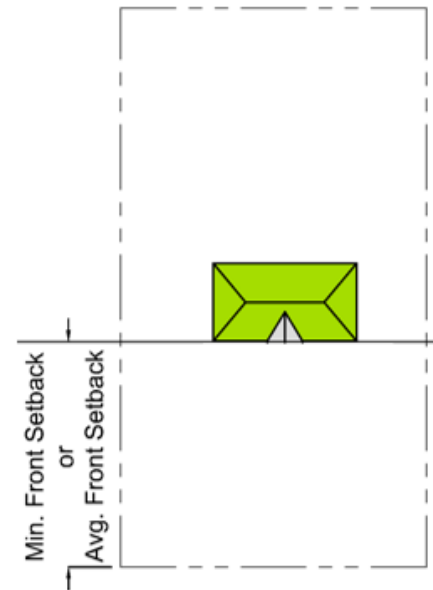
C. Encroachments into Required Setbacks

The following are allowed in required setbacks provided that compliance is maintained with the provisions of Section 16-8 of the City Code (Obstructions to Cross-Visibility at Intersections):

1. Landscaping features, including but not limited to, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths.
2. Pet shelters; at-grade patios; play equipment; outdoor furniture; ornamental entry columns and gates; flagpoles; lampposts; address posts; HVAC equipment; mailboxes; outdoor fireplaces; public utility lines, poles, pumps, and boxes; wells; fences(see 30-9-4); and similar structures.
3. Handicap ramps.
4. Steps not connected to any above-grade structure.
5. Gatehouses/guardhouses and bus shelters with approval of the Planning and Community Development Director and the Transportation Director.
6. Cornices, overhanging eaves and gutters, window sills, bay windows, or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies, and fire towers may project up to 2.5 feet into any required setback, but must remain at least 3 feet from any property line.
7. Porches and decks may encroach into the required front and rear setbacks as follows:

Type of Porch or Deck	Setback	Maximum Encroachment	Maximum Area
Covered or Uncovered	front	5 feet	35 sq. ft.
Uncovered- 4 ft. or less above grade	rear	50% of setback	-

8. Steps attached to above-grade structures:
 - a. if 4 feet or less above grade, may project into an interior side or rear setback, but not within 3 feet of a property line.
 - b. may project anywhere within a street setback; and
9. Retaining walls except in single-family street setbacks where they are not permitted to be more than 4 feet in height.
10. Marquee signs and projecting signs may encroach into required setbacks in accordance with the sign regulations of this ordinance.
11. Waste handling facilities, including dumpsters, recycling bins, grease tanks, and similar accessory waste-handling facilities may be located in a required side or rear setback, but may not be located in a required street setback.



Variances

Over the last 18 months

Owners wish to add a new front porch

Extends into front set back

Staff evaluated cases

Patterns warranted a change

BOA asked staff to expedite

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3. Handicap ramps.
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5. Gatehouses/guardhouses and bus shelters with approval of the Planning and Community Development Director and the Transportation Director.
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Uncovered 4 ft. or less above grade	rear	50% of setback	--

B. Steps attached to above-grade structures:

- a. if 4 feet or less above grade, may project into an interior side or rear setback, but not within 3 feet of a property line.



permitted to be more than 4 feet
in accordance with the sign
and similar accessory waste-
ry not be located in a required



Delicate Balance

We want:

People to invest in their property

Update obsolete structures

Promote
“neighborliness” in communities

Eyes on the street

1. **Encroachments near emergency easements**
The following are allowed in required setbacks provided that compliance is maintained with the provisions of Section 10.8 of the City Code (Obstructions to Cross-visibility at Intersections):

1. Landscaping features, including but not limited to, ornamental pools, planting boxes, sculptures, arbors, trellises, and trellises.
2. Net shelters, at-grade patios, play equipment, outdoor furniture, ornamental entry columns and gates; flagpoles; temporary address posts; HVAC equipment; mailboxes; outdoor fireplaces; public utility lines, poles, pumps, and boxes; walls, fences (see 10.6-6.5) and similar structures.
3. Handicap ramps.
4. Steps not connected to any above-grade structure.
5. Gateposts/gateposts and bus shelters with approval of the Planning and Community Development Director and the Transportation Director.
6. Cornices, overhanging eaves and gutters, window sills, bay windows, or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies, and fire towers may project up to 2.5 feet into any required setbacks, but must remain at least 3 feet from any property line.
7. Porches and decks may encroach into the required front and rear setbacks as follows:

Use of Back Setback	Setback	Setback	Setback
Covered or covered	None	3 feet	30 sq. ft.
Uncovered or less than 6' or less	None	3 feet	30 sq. ft.

8. Steps attached to above-grade structures:
a. If 4 feet or less above grade, may project into an interior side or rear setback, but not within 3 feet of a property line.
b. may project anywhere within a street setback; and
9. Raftering walls except in single-family street setbacks where they are unpermitted to be more than 4 feet in height.
10. Permitted signs and projecting signs may encroach into required setbacks in accordance with the sign regulations of this ordinance.
11. Utility facilities: facilities at street corners, intersections, and other locations where utility lines cross the street.



While:

Maintain setback from street

Need for utility easements

Privacy of the abutting neighbors

Impacts on property values of neighboring property

Transportation needs



Others



	Front Encroach	No Closer Than	
Winston-Salem	10'	15'	An open porch or enclosed above grade deck at or below the main living level of the dwelling
Concord	Yes	5'	Uncovered, unenclosed deck, terrace, stoop or porches
Durham	8'	N/A	Deck, uncovered terrace and at grade patio
Chapel Hill	Yes	5'	Decking of patio, decks and swimming pools < 3' in height
Raleigh	9'	3'	Porch
	6'	3'	Stoop
High Point	Yes	N/A	If less than 12" in height
Kernersville	10'	15'	Open Porches and above Grade Decks
Jamestown	8'	N/A	Balconies, stoops, stairs, open porches, bay windows, and awnings
Charlotte	None	N/A	
Asheville	10'	N/A	Steps, terraces, and patios and uncovered decks with a height of not more than 30 inches

Others

Amounts Vary (6'-10')

Limit Distance to PL (3'-15')

**Type, Uncovered, Covered,
Open**

Limit Height

	Front Encroach	No Closer Than	
Winston-Salem	10'	15'	An open porch or enclosed above grade deck at or below the main living level of the dwelling
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Public Input

July 13, 2017: Presentation / Questions Raised

- 8' by 10' / Percent? / Definitions / Steps

August / September 2017: On-line Survey

- 74 Responses / 10' / Width - 75%

October 17, 2017: Results

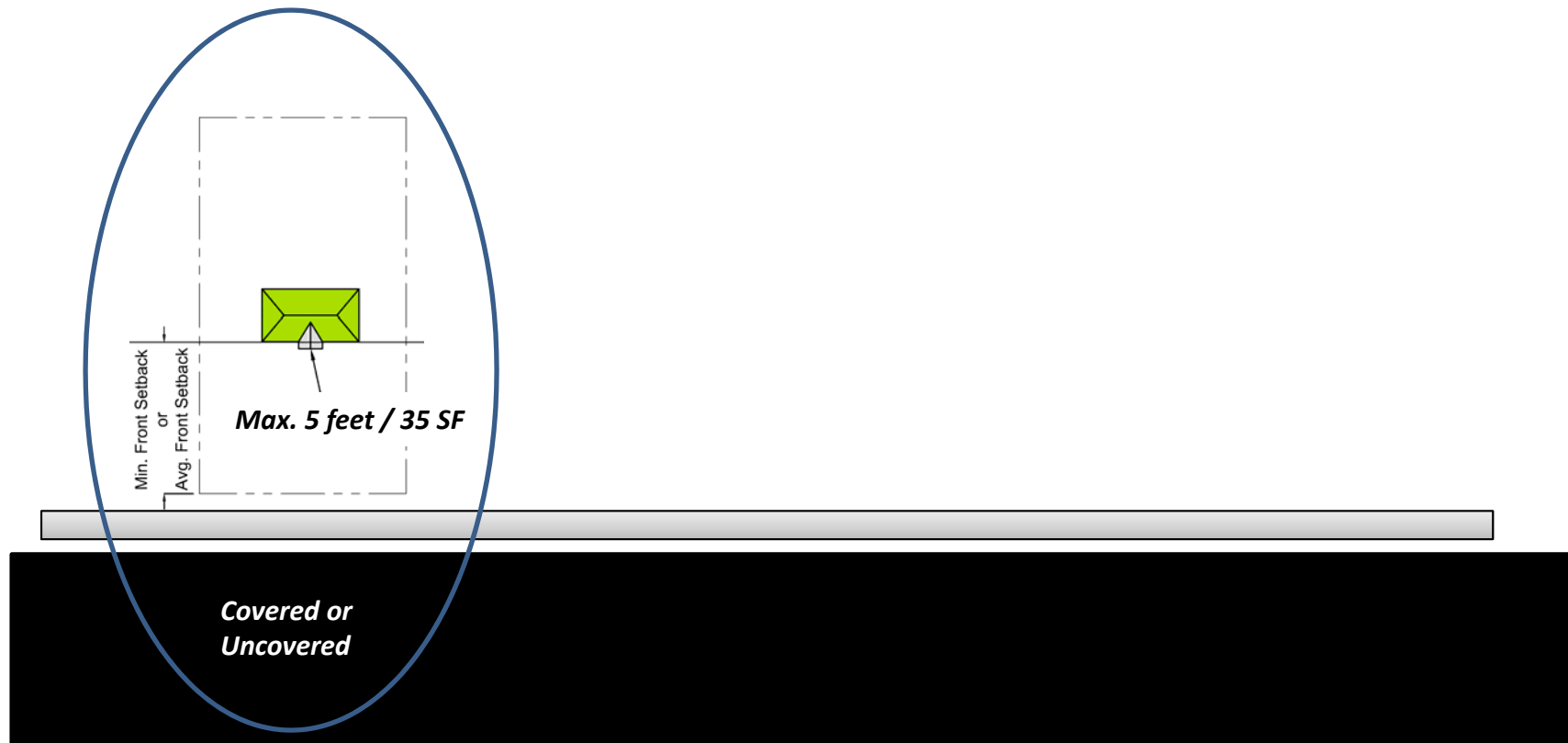
- Consensus / 10' / 100%

November 15, 2017: Planning Board Recommendation

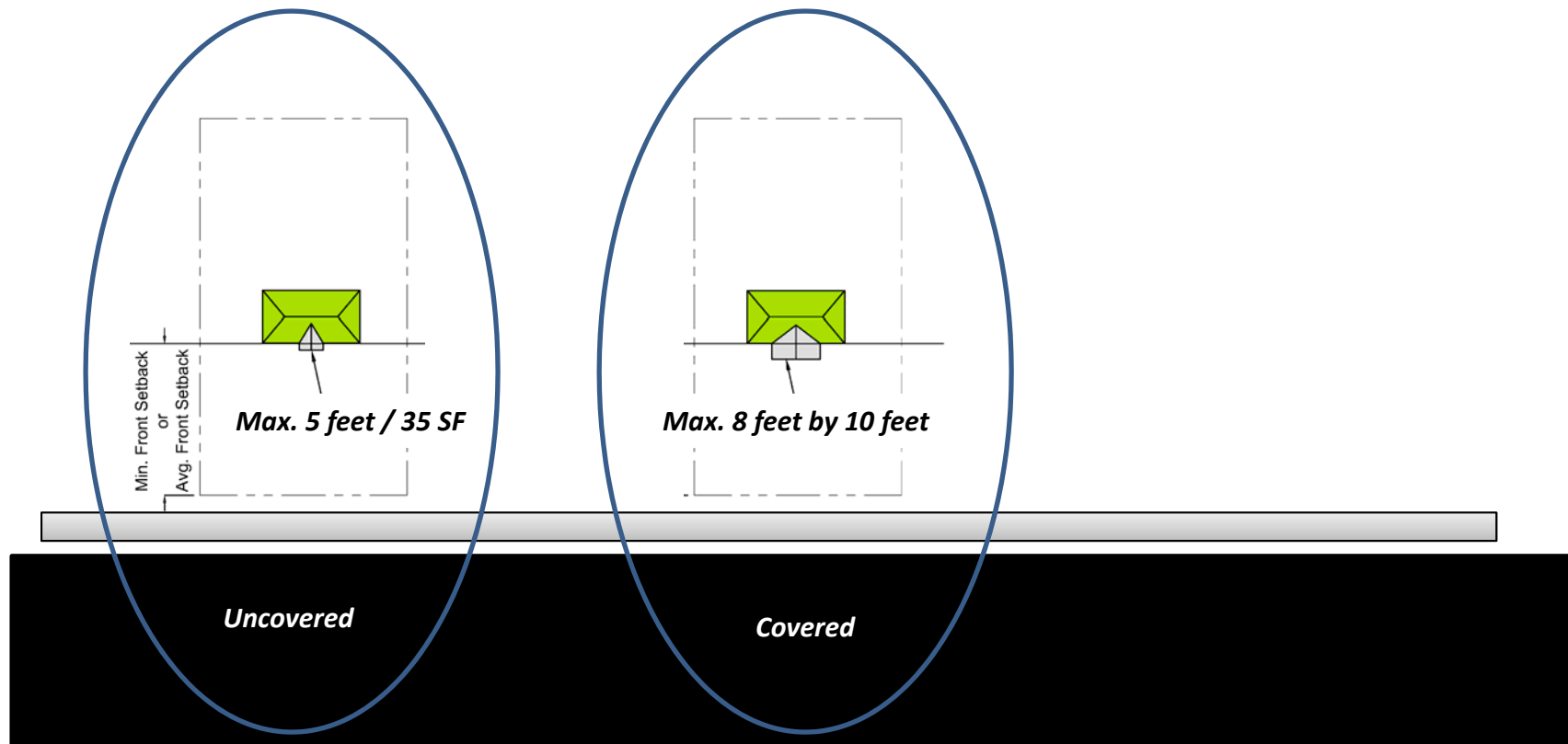
December 19, 2017: City Council Action



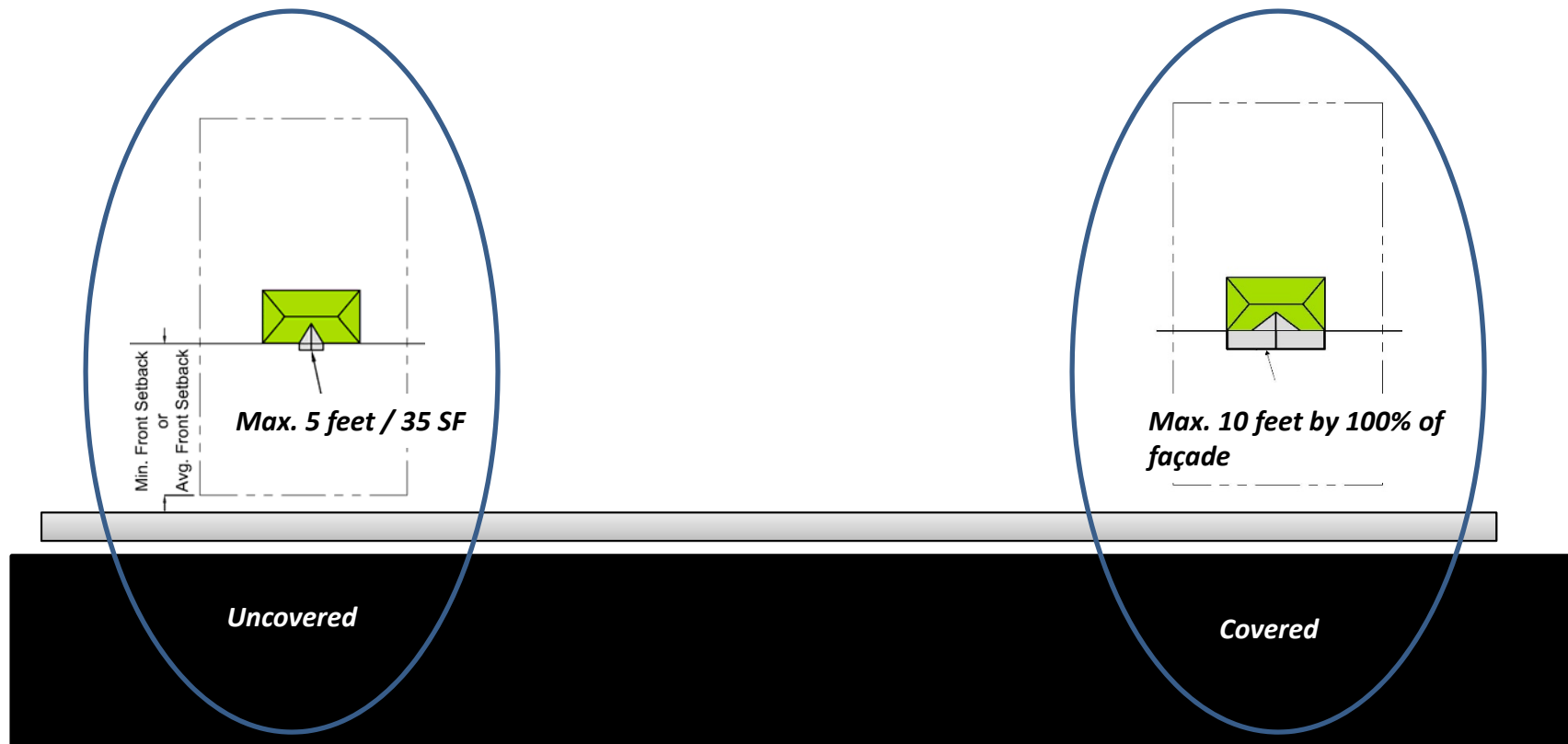
Current / Draft / Proposed



Current / Draft / Proposed



Current / Draft / Proposed



New Chart

Porches, stoops, and decks may encroach into the required front and rear setbacks as follows:

Type of Encroachment	Setback	Maximum Encroachment	Maximum Area
Stoop, Uncovered	front	5 feet	35 sq. ft.
Porch, Open Air / Covered (1)	front	10 feet	May extend up to 100% of the façade but not within the required side setbacks
Deck, Uncovered - 4 ft. or less above grade	rear	50% of setback	—
General Notes: (1) Open air / covered porch must be located a minimum of 15 feet from the front property line.			

Commentary: The dimensional requirements for front street setback can be found in Section 30-7-1.4(A) and further explained in the Planning Director's June 9, 2014 memo.



DEFINITIONS

Porch, Open Air/Covered

An addition to a dwelling forming an approach to a doorway, which contains a roof (covered), columns and is open (without glass, screens, lattice, shades or any other material that would hinder visibility or the flow of air) on three sides. If porch exceeds 8 inches in height, steps are required.



Stoop

An addition to a dwelling forming an approach to a doorway, which is uncovered. If stoop exceeds 8 inches in height, steps are required.



NEXT STEPS

TERRACES

Terrace, Open Air/Uncovered

An above grade addition to a dwelling forming an approach to a doorway, open on three sides, with or without a rail as required by building code, distinguished from a deck by enclosure of the base between ground level and the upper surface.

Deck

A flat, usually roofless platform adjoining a house made of lumber (or similar materials), typically elevated from the ground and generally enclosed by a railing.



November 15, 2017

Planning Board Recommended (7-0)



December 19, 2017

Public Hearing / City Council Action

