

10.52.050 Accessory structures.

- A. **Timing.** Accessory structures shall not be established or constructed prior to the start of construction of a principal structure on a site, except that construction trailers may be placed on a site at the time site clearance and grading begins and may remain on the site only for the duration of construction.
- B. **Location.** Except as provided in this chapter, accessory structures shall not occupy a required front, side, or building separation yard. Mechanical equipment and storage buildings shall be prohibited beyond the front building line of the principal structure on a site. No accessory uses shall be permitted off-site; this shall not prohibit development allowed in subsection F of this section.

Exceptions.

- 1. Ornamental accessory structures may be located in the front yard of a site if they do not exceed forty-two inches (42") in height.
- 2. One (1) flagpole may be located in the front yard of a site if it does not exceed fifteen feet (15') in height.
- 3. One (1) decorative lamp post may be located in the front yard of a site if it does not exceed eight feet (8') in height.
- 4. Architectural screen walls may be located in the front yard of a site pursuant to Section 10.12.030(P).
- 5. One (1) basketball hoop/post may be located in the front yard of a site if it does not exceed thirteen feet (13') in height.
- 6. Stormwater runoff and greywater retention/detention features may be located in required side, rear, or building separation yards as follows:
 - a. Retention/detention features installed entirely below local grade.
 - b. Above grade retention/detention features may project a maximum of twelve inches (12") into required side, rear, or building separation yards provided a five-foot (5') clearance from the property line is maintained.
 - c. Other retention/detention feature locations may be approved at the discretion of the Community Development Director.

Exception. Stormwater and greywater retention/detention equipment may be located within five feet (5') of a property line provided it complies with the locational criteria of Section 10.52.040(D), stated above, and is located within a structure having a solid roof, solid walls, and, with no openings within five feet (5') of said property lines.

- C. **Maximum Height.** The maximum height of an accessory structure shall be twelve feet (12'), subject to the provisions of this subsection. Additional height shall be permitted, as provided in Section 10.60.060; Exceptions to height limits. For the purpose of this Section, height shall be determined by a weighted averaging of the local grades taken around the perimeter of the accessory structure.

Exceptions.

- 1. The maximum height of any portion of an accessory structure which has a minimum three (3) in twelve (12) roof slope, and has a single roof ridge-line located at approximately the center of the structure, may be fifteen feet (15').
- 2. The maximum height of any portion of an accessory structure containing a Guest House or accessory living quarters, as defined in this title, constructed directly above a garage, may be twenty-two feet (22'), when that portion is not located within a required yard, or when it takes vehicle access from a rear alley and is located at least three feet (3') from all property lines.

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- D. **Relation to Property Lines.** An accessory structure, any portion of which is located within a required rear yard, shall be located on a rear or interior side property line, or shall be not less than three feet (3') from said property line(s) (See Section 10.64.110(C); Aisle Dimensions, for exceptions applicable to detached alley-accessed garages). Building projections within the required setback area as prescribed in this section are permitted in accordance with Section 10.60.040; Building projections into required yards or open space.

Exceptions.

1. Where a fence, wall, or retaining wall is located on an interior side or rear property line, the setback for an accessory structure to the property line may be between zero and three feet (3'), providing there is zero clearance between said fence, wall or retaining wall and accessory structure.
 2. RS properties located in Area Districts I and II: All accessory structures that require a building permit must comply with front and side yard setbacks, and any portion of an accessory structure located in the rear yard setback shall be at least three feet (3') from side and rear property lines.
 - a. Street-alley lot. Detached accessory structures other than garages may be located on a rear property line, or shall be not less than three feet (3') from said property line. See Section 10.64.110(C); Aisle Dimensions, for standards applicable to detached alley-accessed garages.
 - b. Accessory structures may be located on a side and/or rear yard property line if said property line immediately abuts a commercial district.
 - c. An accessory structure that is nonconforming only because of its setback from the side and/or rear property lines may be enlarged or altered regardless of the estimated construction cost to determine the fifty percent (50%) valuation per Section 10.68.030(E), provided that no portion of the accessory structure that occupies a required setback is altered unless the alteration eliminates the non-conformity.
- E. **RS District.** In an RS district, the total gross floor area of accessory structures more than four feet (4') in height that are not attached to a dwelling shall not exceed nine hundred (900) square feet or twelve percent (12%) of lot area, whichever is more.
- F. **Residential Zones-Adjacent Separate Lots with Common Ownership.** Contiguous residential lots under common ownership may be developed as one (1) site, with only detached accessory structure(s) on one (1) or more of the lots, subject to the following criteria.
1. Development shall be compatible with adjoining properties in the surrounding area (scale, mass, setbacks, height).
 2. The development has no significant detrimental impact to surrounding neighbors (privacy, pedestrian and vehicular accessibility, light, air, noise).
 3. One (1) of the lots must be developed with a residential dwelling unit as the principal structure.
 4. The development is in compliance with current zoning code standards and any policy guidelines. For development standards the lots shall be treated as separate, except that parking shall be provided for the total buildable floor area on all of the common ownership lots combined.
 5. The recordation of a covenant shall be required, and shall provide for the removal of the accessory structure(s) or the construction of a dwelling unit on the lot that only has the accessory structure prior to selling the lots as separate lot(s). The covenant shall stay in effect until such time as the lot(s) that does not have a residential dwelling unit on it is developed with a dwelling unit, or the accessory structure(s) are removed. The covenant shall be required prior to the issuance of a building permit for any accessory structure on the lot(s) without the dwelling unit.
 6. A development plan for the entire site, all of the contiguous lots under common ownership, shall be submitted.
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7. Development on the lot(s) that do not have a residential dwelling unit shall be limited to the following accessory structures, and shall be in compliance with all requirements of this title:
 - a. Guest House (or accessory living quarters) in compliance with the requirements of Section 10.04.030.
 - b. Other accessory structures in compliance with subsection E of this section.
 - c. Garages and parking areas, provided the garages or parking is not required for the dwelling unit on the contiguous lot.
 - d. Other accessory structures that are not included as gross floor area or square footage, including, but not limited to, pools and spas, sports courts, decks, and patios.

G. Swimming Pools and Hot Tubs.

1. A swimming pool or hot tub and related equipment may occupy a required rear yard or side yard but shall not be within five feet (5') of a property line.

Exception: A swimming pool or hot tub and related equipment may be located within five feet (5') of a property line provided it complies with the locational criteria of subsection D, stated above, and is located within a structure having a solid roof, solid walls, and, with no openings within five feet (5') of said property lines.

2. All pools and hot tubs shall be fenced, as required by Title 9, Chapter 48 of the Municipal Code.

H. Decks. No accessory structure deck or green roof/deck more than thirty inches (30") in height shall be located in a required yard.

I. In RPD District. The location of accessory structures shall comply with the requirements of the RPD permit.

J. Separation. The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings on the same lot shall not be less than ten feet (10').

K. Accessory Dwelling Units constructed in compliance with Chapter 10.74 are not subject to the provisions of this Section 10.52.050.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1842, Amended, 08/15/91; Ord. No. 1860, Amended, 10/29/92; Ord. No. 1891, Amended, 01/06/94; §§ 12, 13, Ord. 2111, eff. March 19, 2008, § 8, Ord. 2146, eff. August 4, 2011, and §§ 6, 7, Ord. 18-0024, eff. Jan. 18, 2019)