

CONSIDERATION OF ZONE TEXT AMENDMENTS RELATED TO ACCESSORY STRUCTURE REAR YARD SETBACK REQUIREMENTS

NOVEMBER 4, 2025

CITY COUNCIL MEETING



BACKGROUND

June
2024

City Council requested item be agendaized for discussion at a future meeting

Feb
2025

City Council directed staff to explore creative solutions with Planning Commission input

June
2025

Planning Commission conducted study session

Aug
2025

Planning Commission conducted second study session

Oct
2025

Planning Commission conducted public hearing and recommended approval of Res. No. PC 25-10 to City Council



GOVERNING REGULATION

MBMC Section 10.52.050(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** from said property line(s).*



COMMISSION'S DIRECTIVES

Summary of Planning Commission's direction on the proposed code amendment:

1. Regulation Scope

2. Setbacks

3. Application Process

4. Building Separation

5. Definitions



PROPOSED TEXT AMENDMENT

MBMC Section 10.52.050(D) - Relation to Property Lines

- 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 exterior portion of the accessory structure that occupies a required setback is altered unless the alteration eliminates the non-conformity.

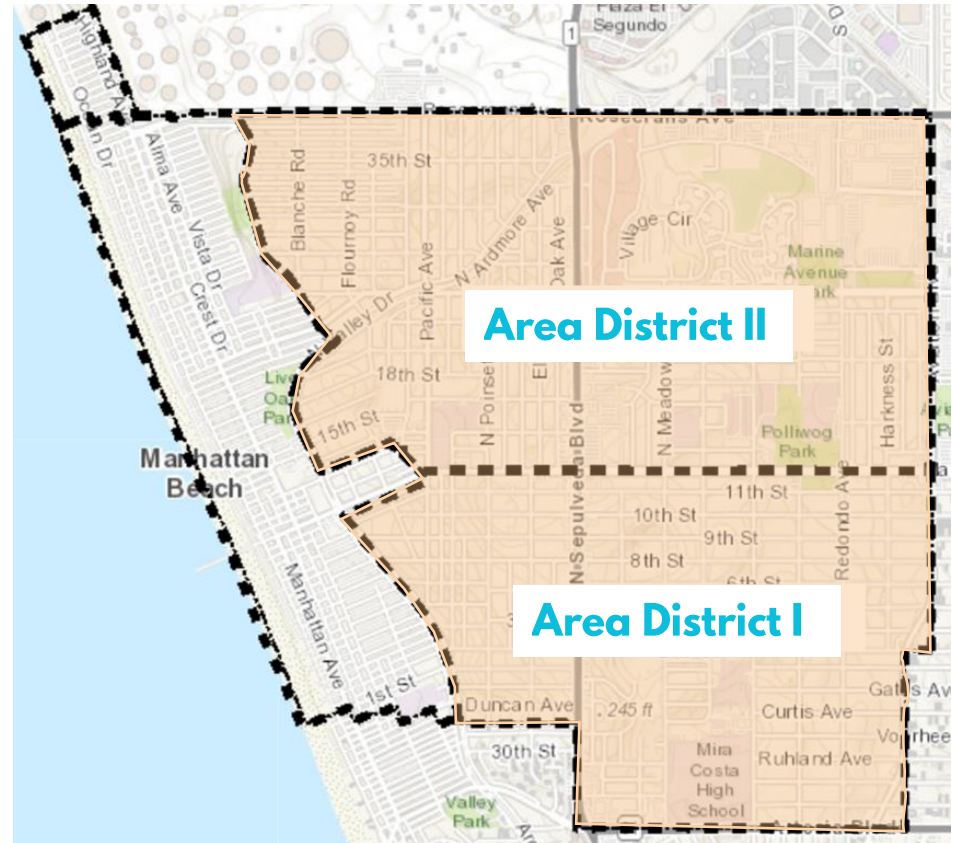
1. Regulation Scope



PROPOSED TEXT AMENDMENT

1. Regulation Scope

- a. Applicable to Single Family (RS) Zones in Area Districts I and II only
- b. Exempt smaller structures which do not require a building permit



PROPOSED TEXT AMENDMENT

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2. Setbacks



PROPOSED TEXT AMENDMENT

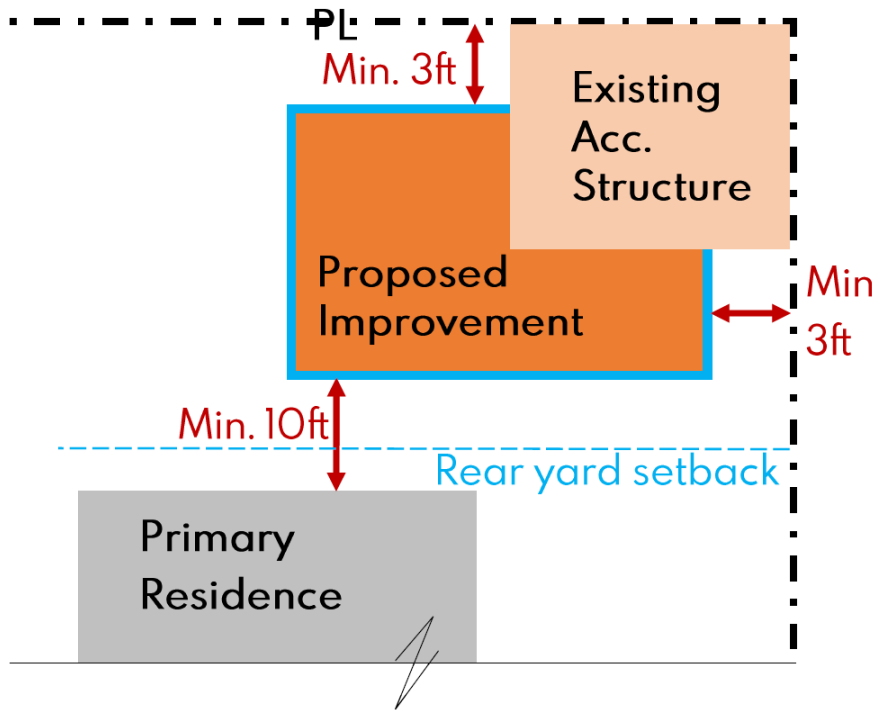
2. Setbacks

- a. Eliminate 0-foot setback allowance
- b. Require 3-foot setback with exceptions for lots abutting an alley or a commercial zone
- c. Accessory structures which **do not require a building permit are exempt** (i.e., small shed with no electrical or plumbing).

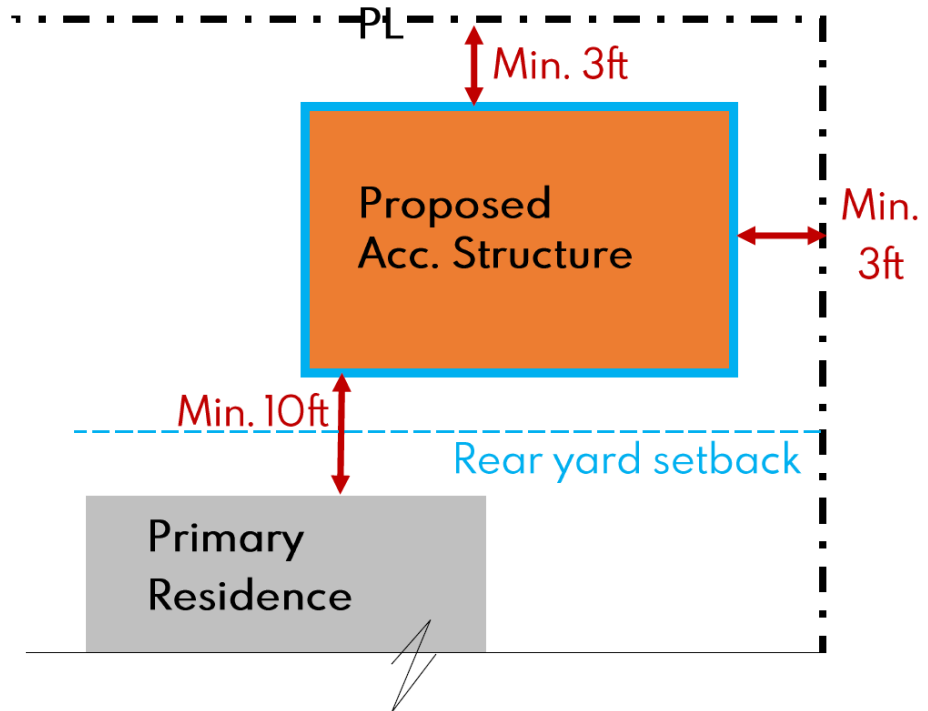


STRUCTURES ON NON-ALLEY LOTS

Improvements/ Additions



Newly Proposed

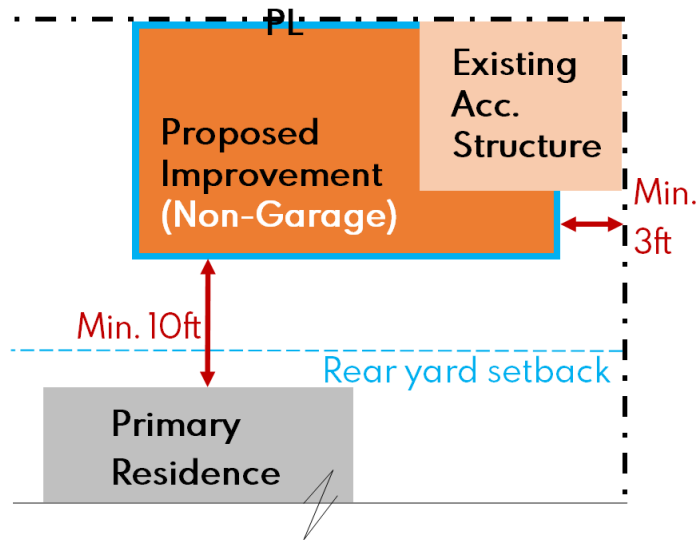


STRUCTURES ON ALLEY LOTS

Non-Garage Accessory Structure

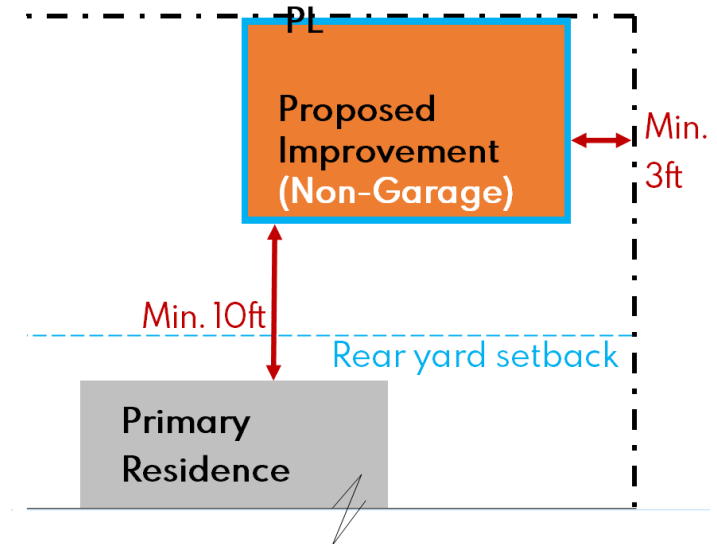
Improvements/
Additions

Alley



Newly
Proposed

Alley

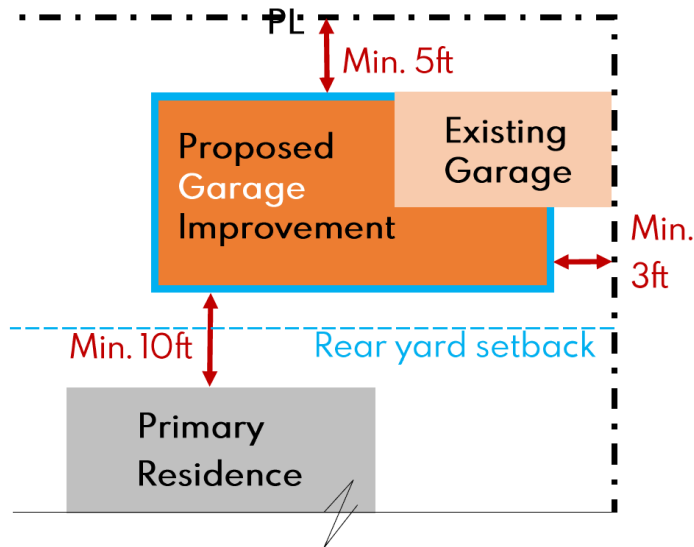


STRUCTURES ON ALLEY LOTS

Detached Garage Accessory Structure

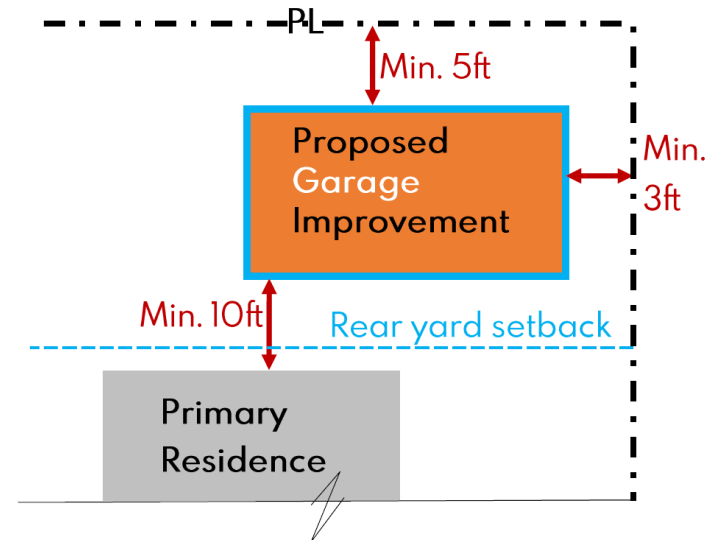
Improvements/ Additions

Alley



Newly Proposed

Alley

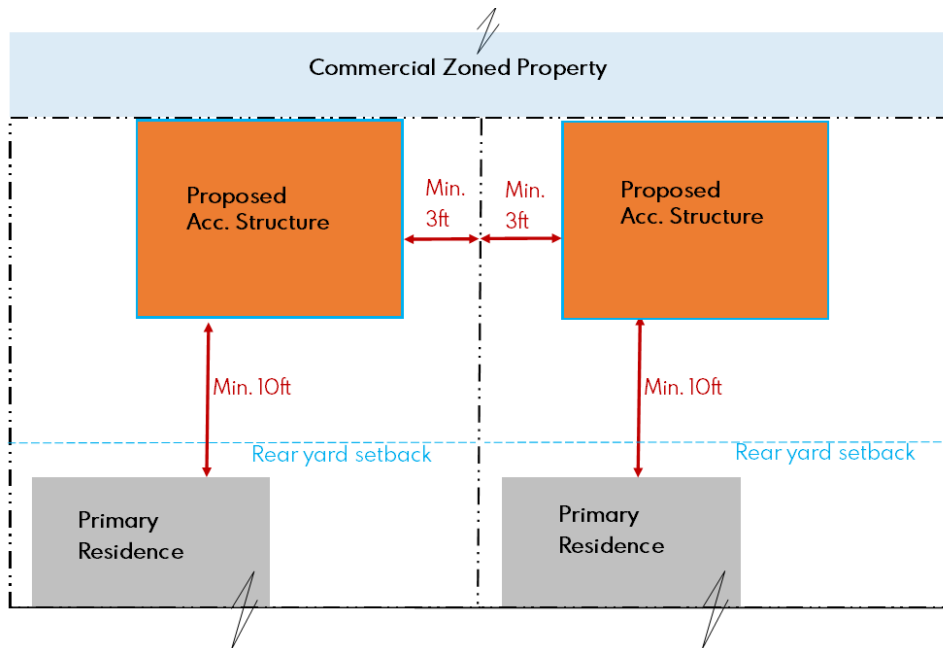


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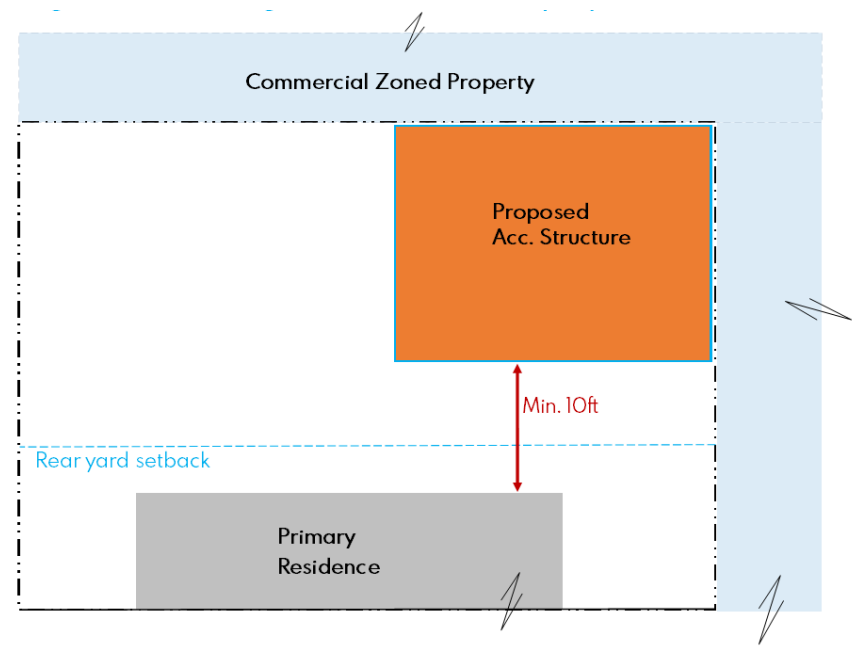
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NOVEMBER 4, 2025

LOTS ABUTTING COMMERCIAL ZONES

Newly Proposed



Example 1



Example 2



PROPOSED TEXT AMENDMENT

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3. Application Process



PROPOSED TEXT AMENDMENT

3. Application Process

- a. New accessory structures >> Building Permit only (ministerial)
- b. Structures deemed legal nonconforming: Exempt from Minor Exception (director-level discretionary review) provided that exterior portions of the accessory structure within the required setbacks are not altered >> Building Permit (ministerial)



CODE AMENDMENT CONSIDERATIONS

4. Building Separation

- a. Retain existing 10-foot building separation requirement
- b. No amendments to zone text needed

5. Definitions

- a. No new or revised definitions proposed
- b. Additional consideration will be included as part of future code amendments



ENVIRONMENTAL DETERMINATION

- Categorically Exempt from CEQA
 - 15301 – Existing Facilities
 - 15303 – New Construction or Conversion of Small Structures
 - 15305 – Minor Alterations in Land Use Limitations



PUBLIC OUTREACH

- Public Notice published in The Beach Reporter on October 23, 2025, and the meeting agenda was emailed to all interested parties
- No public comments received



CONCLUSION

Staff recommends that the City Council

- Conduct a public hearing
- Introduce Ordinance No. 25-12, amending MBMC Section 10.52.050(D) to update regulations pertaining to accessory structure rear yard setback requirements



