

**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – TEXT AMENDMENT
CASE PLANNER: JENNIFER L. ALBERS**

Hearing Date August 11, 2025

Case Number: ZONE-44216-2025

Project Description: This is a request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Article 15, Section 15, to update development regulations for Accessory Buildings, Uses and Structures and amend Article 5, Section 4, to clarify inhabitable buildings as an accessory use within the Low Density Residential Districts.

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to update development regulations for Accessory Buildings, Uses and Structures and to clarify inhabitable buildings as an accessory use within the Low Density Residential zoning districts.

Suggested Motion: Move to **APPROVE** the text amendment ZONE-44216-2025 as presented in the staff report.

Effect of the Approval: By approving the text amendment, the Planning and Zoning Commission is recommending approval to City Council for the request to update development regulations for Accessory Buildings, Uses and Structures and to clarify inhabitable buildings as an accessory use within the Low Density Residential District and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis: The purpose of the text amendment is to simplify the code as applied to uninhabitable accessory buildings for height limits and setbacks. Uninhabitable accessory buildings include workshops, detached garages or carports, outdoor kitchens, gazebos and pergolas. This type of building also includes sheds, which can vary in size significantly, and chicken coops, which due to state law changes can be up to 200 square feet in size.

Additionally, City Council has asked staff to bring forward an amendment that addresses allowing shade structures specifically for parking within the front yard setback.

The text amendment does not apply to habitable structures such as a residential dwellings, accessory dwelling units or a guest/pool houses. Those types of structures are addressed in other parts of the Zoning Code.

Currently the code identifies three types of accessory buildings based on square footage or on height.

- Large – More than 8 feet tall or more than 200 square feet
- Medium – 8 feet tall or less and between 121 and 200 square feet
- Small – 8 feet tall or less and less than 121 square feet

Different height limits and setbacks apply to each sized structure.
For large structures

- The maximum height can match the primary residence or 25 feet whichever is less.
- The side and rear yard setbacks can vary from 3 feet from the property line to the specific setback identified for the property's zoning district based on the height.
 - For example, a 10 foot tall structure would have a setback of 5 feet (3 feet plus one foot for each additional foot over 8 feet).
 - For a property in the R-1-6 zoning district the side yard setback could vary between 3 feet and 7 feet depending on the height of the structure.
- The front yard setback for a large structure is the mid-point of the primary residence measured from the front of the home.

For medium structures

- The maximum height is 8 feet.
- The side and rear yard setbacks are 3 feet.
- The front yard setback is by zoning district.

For small structures

- The maximum height is 8 feet.
- The side and rear yard setbacks are zero feet.
- The front yard setback is by zoning district.

On many occasions, residents are not able to meet these current requirements. For example, to install a large accessory structure for parking an RV, the front yard setback is the midpoint of the structure. On some properties this would result in the structure encroaching into the rear yard setback. A second issue is that many shades and sheds purchased at retail businesses are taller than 8 feet. The sliding setback based on height has become a difficulty to meet.

The proposed text amendment would identify only two types of structures: Large and Small. This is intended to simplify how the code is applied and address the difficulties in meeting the current code. The code amendment would also address structures for shade that are fully open on all sides.

Large structures – more than 9 feet high or more than 200 square feet

- The maximum height can match the primary residence or 25 feet whichever is less. This is no change to the current height limit.
- The side and rear yard setbacks are 5 feet from the property line. This removes the sliding setback based on height.
 - If the structure is open on all sides, the side yard setback can be reduced to 3 feet.
- The front yard setback is dependent on the type of construction.
 - For construction similar to the home, such as a detached garage than the front setback is in line with the home.
 - For construction that is dissimilar, such as a metal and fabric RV shade, the front setback is 10 feet behind the nearest front facing corner.

Small structures – 9 feet high or less and 200 square feet or less

- The maximum height is 9 feet.
- The side and rear yard setbacks are one foot. If stormwater drainage will be onsite, the setback may be reduced to zero feet.

- But if the structure is to be used for parking, the side and rear yard setbacks are three feet for fire safety purposes.
- The front yard setback is by zoning district.

A new type of structure is included for addition to the Zoning Code - Unenclosed shade structures for parking located within the front yard setback. This type of structure and the development requirements associated with it are intended to address City Council direction to provide additional shade options for residential properties. This addition takes advantage of the parking available within the front yard setback. And hopefully will benefit those properties currently without a garage or carport or unable to use the existing garage.

The concern with allowing structures within the front yard setback is the impact on the property and neighboring properties. The purpose of the Front Yard Setback is to provide the following:

- A buffer between the home and the street that limits noise, impacts from traffic and promotes privacy
- Improve visibility and safety for drivers and pedestrians
- Accommodate underground utilities
- Contribute to neighborhood character with building placement and landscaping, and
- On larger lots provide stormwater retention.

The proposed development requirements associated with these structures are intended to maintain the benefits of the front yard and minimize the potential impacts of a new structure. The recommendations include:

- The structure must be fully open on all sides so that visibility is not blocked,
- That the front yard setback is 10 feet from the right-of-way thereby keeping the structure out of any utility easements along the front of the property,
- The structure is permanently secured to the ground to minimize any safety issues in high windstorm events, and
- That the area under the structure will be paved to minimize any windblown dust.

The primary requirement is that the structure can be no larger than 200 square feet. For a typical single-family home property the street frontage is 50 feet - the 200 square foot structure would occupy 20% of the front yard area. By setting a maximum area, the intent is to still be able to maintain the benefits of the front yard.

1. Does the proposed amendment implement the goals, objectives and policies of the General Plan?

Yes The City of Yuma 2022 General Plan chapter on Housing contains Goals and Policies with regard to development standards and code updates.

Goal 1.0: Encourage the provision of safe, decent, sanitary, and affordable housing for all residents.

Objective 1.1: Maintain strict development and subdivision standards for quality residential development and balance these standards with aesthetic and cost concerns.

Policy 1.1.1: The City shall continue to review and update building standards and codes.

2. Does the proposed amendment fit the overall purpose and intent of the zoning ordinance?

Yes The text amendment fits the overall purpose and intent of the Zoning Ordinance to protect the public health, safety and general welfare of the community.

3. Will the proposed amendment change the range of uses identified in the zoning code? If so, how?

No The range of uses will not change.

4. Will the proposed text amendment change the development standards of the zoning or subdivision ordinances? If so, how?

Yes The text amendment will change the height and setback requirements for accessory structures. The amendment will provide a set 5 foot side and rear yard setback for large accessory structures that are enclosed. The amendment reflects additional flexibility to place shade structures on residential properties and notes a set 3 foot setback for those that are used for parking.

5. What are the potential impacts of the proposed amendment?

The amendment reflects the changing needs of the community to allow additional shade structures on residential properties and the installation of accessory buildings. No negative impacts are anticipated.

6. Does the proposed amendment fit the overall purpose and intent of the subdivision ordinance?

N/A

7. Does the proposed amendment conform to prior City Council actions regarding this issue?

Yes In November 2024, City Council was briefed on carports as accessory structures and directed staff to bring forward a text amendment for consideration that addresses shade structures within the front yard setback specifically for parking.

Public Comments Received: None Received

External Agency Comments: See Attachment C

Neighborhood Meeting Comments: No Meeting Required.

Attachments:

A	B	C
Draft Text	Agency Notification	Agency Comments

Prepared By: *Jennifer L. Albers*

Jennifer L. Albers
Assistant Director of Planning
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Date: 7/23/25

(928) 373-5180

Approved By: *Alyssa Linville*

Alyssa Linville
Director, Planning and Neighborhood Services

Date: 07/30/2025

ATTACHMENT A
DRAFT TEXT

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Article 15, Subsection 15 Accessory Buildings, Uses and Structures in Certain Residential Districts be amended to insert the bolded text and delete the strike through text:

(A) Applicability. Accessory buildings or structures and uses shall be incidental to the principal residential use. They must be detached from the principal building, occupy less floor area, cover less lot area, and have a use that is secondary to the primary structure(s) and use(s) on the property. Accessory buildings or structures **are non-inhabitable structures that include garages, storage sheds, workshops, outdoor barbeques, outdoor fireplaces, unenclosed (fully open on all sides) shade structures for parking or yard shade,** background composting site subject to the performance standards noted in § 154-15.18(A) and any other structures as determined by the Zoning Administrator. Buildings, structures, and uses may all function as "accessory," subject to the provisions below.

(B) Accessory uses. Accessory buildings or structures may be used for home occupations in compliance with § 154-15.08.

(C) **Accessory buildings or structures shall comply with all applicable building and fire codes. Utility connections may be permitted.**

(D) **A three (3) foot clearance on two adjacent sides of the structure shall be provided in order to maintain fire and emergency access through the property. The three (3) foot separation does not apply to unenclosed (fully open on all sides) shade structures.**

(E) **Accessory buildings or structures may not be located within an established easement without written permission from the authorizing agencies.**

(F) Accessory buildings or structures: **Large, Small and Unenclosed shade structures for parking.**

(1) **Large** Accessory buildings or structures that exceed 200 square feet in area or **exceed eight nine (9) feet in height** are ~~permitted in residential districts,~~ subject to the following standards:

(a) Use. Accessory buildings or structures shall not be used as a dwelling, except where permitted by Zoning District. ~~Plumbing is permitted in accessory buildings for a washing machine only.~~

(b) Setback.

1. Accessory buildings or structures shall be located **at least ten (10) feet** behind the ~~midpoint of the principal building~~ **as measured from the nearest front facing corner.** The leading edge of such buildings, including overhangs, shall be setback at least ~~three~~ **five (5) feet** from side and rear property lines. **If the structure is unenclosed (fully open on all sides) the side and rear property line setback may be reduced to three (3) feet.** ~~An additional one-foot setback is required for every additional foot in height above eight feet.~~ This provision is applicable within certain identified zoning districts regardless of setback illustrations on plats if the setbacks illustrated on the plat are the same as the standard setbacks for that zoning district. If the setbacks illustrated on the plat are larger than the standard setbacks for that zoning district, then the platted setbacks take precedence.

2. Accessory buildings or structures constructed using similar construction materials to the principal residence may be constructed in line with the principal residence.

32. Accessory buildings **or structures** in the Agriculture (AG) district shall comply with the setback standards required in the district.

43. Accessory buildings or structures shall comply with the street setback standards required in the applicable zoning district.

~~4. On a through lot, accessory buildings or structures shall not be located closer to the rear property line than the distance required for the front yard building setback.~~

~~5. Accessory buildings or structures shall comply with all applicable building and fire codes.~~

(c) Height. The maximum allowable building height shall be 25 feet or the height of the principal building, whichever is less. On lots with elevation changes, accessory structures shall not be permitted on lot areas where the accessory structure will be higher than the principal structure roofline. ~~See Illustration 45-1.~~

(d) Area. Accessory buildings or structures shall comply with lot coverage regulations for the applicable zoning district.

(e) Compatibility. Accessory buildings or structures shall be designed with a logical hierarchy of masses with regard to height, size, and volume; and use construction materials and colors that are contextually appropriate and compatible with the principal building and surrounding neighborhood. An accessory building or structure shall not exceed 50% of the total square footage of the primary residence.

(2) **Small** Accessory buildings or structures that are ~~between 121 square feet and~~ up to 200 square feet in area, and **up to less than eight-nine (9)** feet in height are ~~permitted in residential districts,~~ subject to the following standards:

(a) Use. Accessory buildings or structures shall not be used as a dwelling, except where permitted by Zoning District. ~~Plumbing is permitted for a washing machine only.~~

(b) Setback.

1. Accessory buildings or structures shall not be located in the required front yard building setback. The leading edge of such buildings, including overhangs, shall be setback at least ~~three feet~~ **one (1) foot** from side and rear property lines. **The one (1) foot setback to the side and rear property lines may be reduced to zero feet if all drainage from the building or structure is directed to the subject property.** This provision is applicable within certain identified zoning districts regardless of setback illustrations on plats.
2. An accessory structure used as a carport shall be setback three (3) feet from the side and rear property lines.
3. Accessory buildings or structures shall comply with the street setback standards required in the applicable zoning district.
4. **Accessory buildings or structures that are no taller than the adjacent fence line may have the street setback standard reduced to one (1) foot.** ~~On a through lot, accessory buildings or structures shall not be located closer to the rear property line than the distance required for the front yard building setback.~~

(c) Height. The maximum allowable building height shall be less than ~~eight (8)~~ **nine (9)** feet or the height of the principal building, whichever is less. On lots with elevation changes, accessory structures shall not be permitted on lot areas where the structure will be higher than the principal structure roofline.

(d) Area. Accessory buildings or structures shall comply with lot coverage regulations for the applicable zoning district.

~~—(3) Accessory buildings or structures that are 120 square feet or less in area and less than eight feet in height are permitted in residential districts, subject to the following standards:~~

~~—(a) Use. Accessory buildings or structures shall not be used as a dwelling, except where permitted by Zoning District. Plumbing is permitted for a washing machine only.~~

~~—(b) Setback.~~

~~—1. Accessory buildings or structures shall not be located in the required front yard building setback. The leading edge of such buildings, including overhangs, can be set along the side and rear property lines. This provision is applicable within certain identified zoning districts regardless of setback illustrations on~~

~~plats. A four foot separation between the accessory structure and any other structures shall be provided in order to maintain fire and emergency access.~~

~~2. Accessory buildings or structures shall comply with the street setback standards required in the applicable zoning district.~~

~~3. On a through lot, accessory buildings or structures shall not be located closer to the rear property line than the distance required for the front yard building setback.~~

~~(c) Height. The maximum allowable building height shall be less than eight feet or the height of the principal building, whichever is less. On lots with elevation changes, accessory structures shall not be permitted on lot areas where the structure will be higher than the principal structure roofline.~~

~~(d) Area. Accessory buildings or structures shall comply with lot coverage regulations for the applicable zoning district.~~

(3) Unenclosed shade structures for parking located within the front yard setback are subject to the following development standards:

(a) The structure shall be permanently affixed to the ground by anchoring or slab attachment and supported by piers, columns or support elements and shall not be attached to the principal residence;

(b) The structure shall not be enclosed and no wall taller than three (3) feet may be constructed between piers, columns or support elements of the structure;

(c) The structure shall maintain a minimum setback of ten (10) feet from any right-of-way line and a minimum setback of three (3) feet from any side or rear property line;

(d) The structure shall not exceed twelve (12) feet in height, or the maximum height of the primary residential building, whichever is less;

(e) The maximum area for all shade structures within the front yard setback shall not exceed 200 square feet;

(f) A paved surface shall be provided under the structure;

(g) The structure may not be used for a home occupation;

(h) The structure may not be used for outdoor storage. All outdoor storage shall be located outside the front yard area and screened from the view of public rights-of-way by a solid wall or fence; and,

(i) The structure shall remain open on all four sides and never be enclosed as a garage or as living space.

(D) Appeals. An applicant may appeal a decision of the Zoning Administrator regarding the compatibility requirement to the Hearing Officer in accordance with § 154-03.02(C).

<i>Table 15-1 Basic Guidelines for Accessory Buildings and Structures</i>			
<i>Height</i>		<i>Area</i>	<i>Accessory Structure Setback</i>
More than 8 feet	OR	More than 200 square feet	3 feet + 1 foot for each foot over 8 feet in height
8 feet or less	AND	121 – 200 square feet	3 feet
8 feet or less	AND	0 – 120 square feet	0 feet
Structures larger than 200 square feet or 10 feet in wall height require a building permit.			
Electrical requires separate permits.			

Additional building requirements may apply.

SECTION 2: That the Yuma City Code, Title 15, Chapter 154, Article 5, Subsection 4 Low Density Residential Districts, Paragraph (D) (1) be amended to insert the bolded text and delete the strike through text:

(D) *Permitted accessory uses.*

(1) Accessory uses of buildings or structures customarily incident to any use permitted by this subchapter such as swimming pools, **inhabitable buildings such as** servant and guest quarters without kitchen facilities, **and pool houses**, ~~private garages, as hereinafter provided, or private work shops,~~ provided that none shall be conducted for gain or that no accessory buildings shall be inhabited by anyone other than those employed by the owner or tenant of the premises, and further provided, that in the event such accessory structure or building is used in whole or in part for living quarters, same shall be set back at least ten feet from the rear lot line of any lot;

**ATTACHMENT B
AGENCY NOTIFICATION**

- Legal Ad Published: The Sun 07/18/25
- 34 Commenting/Reviewing Agencies noticed: 06/26/25
- Neighborhood Meeting: N/A
- Hearing Date: 08/11/25
- Comments due: 07/07/25

External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	6/27/25	X		
Yuma County Engineering	NR				
Yuma County Public Works	Yes	6/25/25	X		
Yuma County Water Users' Assoc.	Yes	6/27/25	X		
Yuma County Planning & Zoning	Yes	6/26/25			X
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
Ft. Yuma Quechan Indian Tribe	Yes	6/25/25	X		
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	Yes	6/25/25	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	“No Conditions”	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	NR				
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

Neighborhood Meeting	Comments Available
None Required	N/A

PUBLIC COMMENTS RECEIVED: NONE

**ATTACHMENT C
AGENCY COMMENTS**

COMMENT NO COMMENT

Enter comments below:

Appreciate the opportunity.

Our comments are included in the attached document.

DATE: 6/26/25 NAME: Javier Barraza TITLE: S. P.
AGENCY: Development Services; Planning and Zoning Divison
PHONE: 928 817 5150

DRAFT TEXT

§ 154-15.15 Accessory Buildings, Uses and Structures in Certain Residential Districts.

(A) Applicability. Accessory buildings or structures and uses shall be incidental to the principal residential use. They must be detached from the principal building, occupy less floor area, cover less lot area, and have a use that is secondary to the primary structure(s) and use(s) on the property. Accessory buildings or structures are **non-inhabitable structures that include garages, storage sheds, workshops, outdoor barbeques, outdoor fireplaces, unenclosed (fully open on all sides) shade structures for parking or yard shade, background composting site** subject to the performance standards noted in § 154-15.18(A) and any other structures as determined by the Zoning Administrator. Buildings, structures, and uses may all function as "accessory," subject to the provisions below.

(B) Accessory uses. Accessory buildings or structures may be used for home occupations in compliance with § 154-15.08.

(C) Accessory buildings or structures shall comply with all applicable building and fire codes. Utility connections may be permitted.

(D) A three (3) foot clearance on two adjacent sides of the structure shall be provided in order to maintain fire and emergency access. The three (3) foot separation does not apply to unenclosed (fully open on all sides) shade structures.

(E) Accessory buildings or structures may not be located within an established easement without written permission from the authorizing agencies.

(F) Accessory buildings or structures: **Large, Small and Unenclosed shade structures for parking.**

(1) **Large** Accessory buildings or structures that exceed 200 square feet in area or exceed ~~eight~~ **nine (9)** feet in height are ~~permitted in residential districts,~~ subject to the following standards:

(a) Use. Accessory buildings or structures shall not be used as a dwelling, except where permitted by Zoning District. ~~Plumbing is permitted in accessory buildings for a washing machine only.~~

(b) Setback.

1. Accessory buildings or structures shall be located **at least ten (10) feet** behind the ~~midpoint of the~~ principal building as **measured from the nearest front facing corner.** ~~The leading edge of such~~ buildings, including overhangs, shall be setback at least ~~three~~ **five (5)** feet from side and rear property lines. **If the structure is unenclosed (fully open on all sides) the side and rear property line setback may be reduced to three (3) feet.** ~~An additional one foot setback is required for every additional foot in height above eight feet.~~ This provision is applicable within certain identified zoning districts regardless of setback illustrations on plats if the setbacks illustrated on the plat are the same as the standard setbacks for that zoning district. If the setbacks illustrated on the plat are larger than the standard setbacks for that zoning district, then the platted setbacks take precedence.

2. Accessory buildings or structures constructed using similar construction materials to the principal residence may be constructed in line with the principal residence.

~~32.~~ Accessory buildings or structures in the Agriculture (AG) district shall comply with the setback standards required in the district.

~~43.~~ Accessory buildings or structures shall comply with the street setback standards required in the applicable zoning district.

~~4.~~ On a through lot, accessory buildings or structures shall not be located closer to the rear property line than the distance required for the front yard building setback.

~~5.~~ Accessory buildings or structures shall comply with all applicable building and fire codes.

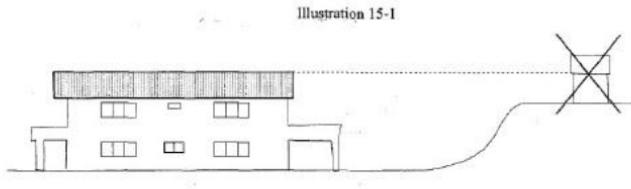
Commented [JB1]: The owners are made aware of the existence of easements.

Commented [JB2]: In the County accessory structures must be 3 feet or more to be considered detached and can be place anywhere on the parcel, but must meet front principal use setback

Commented [JB3]: In the County, the 2003 Fire Code generally requires a 5-foot separation between structures. However, a reduced separation of 3 feet from the side and rear property lines is permitted if the adjacent parcels are residential and the structure is properly fire-rated.

Commented [JB4]: Similar in the County.

(c) Height. The maximum allowable building height shall be 25 feet or the height of the principal building, whichever is less. On lots with elevation changes, accessory structures shall not be permitted on lot areas where the accessory structure will be higher than the principal structure roofline. See Illustration 15-1.



(d) Area. Accessory buildings or structures shall comply with lot coverage regulations for the applicable zoning district.

(e) Compatibility. Accessory buildings or structures shall be designed with a logical hierarchy of masses with regard to height, size, and volume; and use construction materials and colors that are contextually appropriate and compatible with the principal building and surrounding neighborhood. An accessory building or structure shall not exceed 50% of the total square footage of the primary residence.

(2) ~~Small~~ Accessory buildings or structures that are ~~between 121 square feet and up to 200 square feet in area, and up to less than eight nine (9) feet in height are permitted in residential districts, subject to the following standards:~~

(a) ~~Use. Accessory buildings or structures shall not be used as a dwelling, except where permitted by Zoning District. Plumbing is permitted for a washing machine only.~~

(b) ~~Setback.~~

- ~~1. Accessory buildings or structures shall not be located in the required front yard building setback. The leading edge of such buildings, including overhangs, shall be setback at least three feet one (1) foot from side and rear property lines. The one (1) foot setback to the side and rear property lines may be reduced to zero feet if all drainage from the building or structure is directed to the subject property. This provision is applicable within certain identified zoning districts regardless of setback illustrations on plats.~~
- ~~2. Accessory buildings or structures shall comply with the street setback standards required in the applicable zoning district.~~
- ~~3. Accessory buildings or structures that are no taller than the adjacent fence line may have the street setback standard reduced to one (1) foot. On a through lot, accessory buildings or structures shall not be located closer to the rear property line than the distance required for the front yard building setback.~~

(c) Height. The maximum allowable building height shall be less than ~~eight (8)~~ nine (9) feet or the height of the principal building, whichever is less. On lots with elevation changes, accessory structures shall not be permitted on lot areas where the structure will be higher than the principal structure roofline.

(d) Area. Accessory buildings or structures shall comply with lot coverage regulations for the applicable zoning district.

~~(3) Accessory buildings or structures that are 120 square feet or less in area and less than eight feet in height are permitted in residential districts, subject to the following standards:~~

Commented [JB5]: There are provisions in the building code for exempt accessory structures (no permit required), however they shall meet zoning requirements, such as setbacks, rear yard coverage and lot coverage.

- ~~— (a) Use. Accessory buildings or structures shall not be used as a dwelling, except where permitted by Zoning District. Plumbing is permitted for a washing machine only.~~
- ~~— (b) Setback.~~
 - ~~1. Accessory buildings or structures shall not be located in the required front yard building setback. The leading edge of such buildings, including overhangs, can be set along the side and rear property lines. This provision is applicable within certain identified zoning districts regardless of setback illustrations on plats. A four foot separation between the accessory structure and any other structures shall be provided in order to maintain fire and emergency access.~~
 - ~~2. Accessory buildings or structures shall comply with the street setback standards required in the applicable zoning district.~~
 - ~~3. On a through lot, accessory buildings or structures shall not be located closer to the rear property line than the distance required for the front yard building setback.~~
- ~~— (c) Height. The maximum allowable building height shall be less than eight feet or the height of the principal building, whichever is less. On lots with elevation changes, accessory structures shall not be permitted on lot areas where the structure will be higher than the principal structure roofline.~~
- ~~— (d) Area. Accessory buildings or structures shall comply with lot coverage regulations for the applicable zoning district.~~

(3) Unenclosed shade structures for parking located within the front yard setback are subject to the following development standards:

- (a) The structure shall be permanently affixed to the ground by anchoring or slab attachment and supported by piers, columns or support elements and shall not be attached to the principal residence;**
- (b) The structure shall not be enclosed and no wall taller than three (3) feet may be constructed between piers, columns or support elements of the structure;**
- (c) The structure shall maintain a minimum setback of ten (10) feet from any right-of-way line and a minimum setback of three (3) feet from any side or rear property line;**
- (d) The structure shall not exceed twelve (12) feet in height, or the maximum height of the primary residential building, whichever is less;**
- (e) The maximum area for all shade structures within the front yard setback shall not exceed 200 square feet;**
- (f) A paved surface shall be provided under the structure;**
- (g) The shade structure may not be used for a home occupation;**
- (h) Outdoor storage in the front yard and visible from the public rights-of-way is prohibited. Outdoor storage shall be located outside the front yard area and screened from view from public rights-of-way by a solid wall or fence; and,**
- (i) The structure shall remain open on all four sides and never be enclosed as a garage or as living space.**

(D) Appeals. An applicant may appeal a decision of the Zoning Administrator regarding the compatibility requirement to the Hearing Officer in accordance with § 154-03.02(C).

Commented [JB6]: In the County this is allowed as long as it meets front setbacks. If not, an approved variance will be needed to allow a reduction of the front setback.

<i>Height</i>		<i>Area</i>	<i>Accessory Structure Setback</i>
More than 8 feet	OR	More than 200 square feet	3 feet + 1 foot for each foot over 8 feet in height
8 feet or less	AND	121 – 200 square feet	3 feet

8 feet or less	AND	0 – 120 square feet	0 feet
Structures larger than 200 square feet or 10 feet in wall height require a building permit. Electrical requires separate permits. Additional building requirements may apply.			

§ 154-05.04 Low Density Residential Districts (R-1-6, R-1-8, R-1-12, R-1-20 and R-1-40).

- (D) *Permitted accessory uses.*
- (1) Accessory uses of buildings or structures customarily incident to any use permitted by this subchapter such as swimming pools, **inhabitable buildings such as** servant and guest quarters without kitchen facilities, **and pool houses, private garages, as hereinafter provided, or private work shops,** provided that none shall be conducted for gain or that no accessory buildings shall be inhabited by anyone other than those employed by the owner or tenant of the premises, and further provided, that in the event such accessory structure or building is used in whole or in part for living quarters, same shall be set back at least ten feet from the rear lot line of any lot;

Commented [JB7]: Accessory structures are allowed in all residential zoning districts.